

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING COMMITTEE

Date of Meeting: 20 JULY 2009
Report of: MR M JANES
Subject/Title: POLICY IN RELATION TO 'EXEMPT PLATING' OF
PRIVATE HIIRE VEHICLES AND DRIVERS

1.0 Report Summary

- 1.1 The Licensing Committee is requested to consider the draft policy in relation to the exemption from the requirement to display licence plates on Private Hire Vehicles and the requirement for licensed drivers to display their Private Hire Driver Badge.

2.0 Recommendations

- 2.1 The Committee is requested to consider the draft policy on 'exempt plating' and to approve the draft policy, subject to any amendments the Committee feel to be appropriate, so that it may be subject to consultation with the trade.

3.0 Reasons for Recommendations

- 3.1 The Licensing Committee has the power to licence private hire vehicles and drivers and to determine the policy which will apply to such licences.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 Not applicable

6.0 Policy Implications including - Climate change - Health

- 6.1 Harmonisation of similar policies of the previous authorities of Macclesfield, Congleton, Crewe and Nantwich Borough Council's.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 None

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides the Council with the authority to attach to the grant of a Private Hire Vehicle Licence such conditions as it considers reasonably necessary.

Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 authorises the Council to grant to a licensed private hire proprietor an exemption from the requirement to display upon the licensed vehicle the private hire vehicle licence identification plate.

Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 authorises the Council to grant to a licensed private hire driver an exemption from the requirement to display his/her licensed badge.

10.0 Risk Management

10.1 The Licensing Committee is being requested to consider a draft policy so that it may go forward for consultation with the trade. Any responses received during the relevant consultation period will be reported to the Committee and taken into account in making the final decision on the policy. By consulting on the policy and taking responses into account the risk of legal challenge to the policy is minimised.

11.0 Background and Options

11.1 The Councils vehicle conditions in relation to private hire vehicles require that the private hire plates issued by the Council are at all times to be "clearly displayed on the exterior surface of the vehicle." Similarly the conditions relating to private hire drivers require drivers to wear the drivers identification badge at all times when in or with the relevant private hire vehicle.

11.2 As is set out within legal implications at paragraph 9 above, section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 provides the authority with the ability to issue exemptions in relation to the display of plates and badges.

11.3 The Council has recently received requests from operators of 'executive' vehicles for exemption from the normal requirements in relation to display of plates resulting from the requirements of their businesses. Currently Cheshire East Borough Council does not have a policy in relation to 'exempt plating'. The draft policy, a copy of which is attached as Appendix 1, brings together

the policies that were previously in force in the predecessor districts of Congleton, Crewe and Nantwich and Macclesfield. The Licensing Committee is requested to approve the draft policy so that it may be circulated for consultation with the relevant members of the trade. At the conclusion of the consultation exercise a further report will be brought before the Licensing Committee.

- 11.4 The alternative option would be not to approve the draft policy for consultation. This would mean that the Council would remain in a position where there is no policy in place and it would have to make decisions on a case by case basis without reference to an approved policy. It is suggested that the approval of a policy will assist in ensuring both consistency of decision-making and in providing clarity to operators who may wish to consider applying for an exemption.

12.0 Overview of Year One and Term One Issues

- 12.1 It is suggested that it would be advantageous to have a policy in place as soon as possible within Year One to ensure consistency of decision-making and to provide clarity for prospective applicants.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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