

Licensing Committee

11 October 2023

Taxi Licensing Policy - Plate Exemptions

For Decision

Portfolio Holder: Cllr L Beddow, Culture and Communities

Local Councillor(s): All Councillors

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Brief Summary: A meeting with the Taxi trade was held in on 24 May 2023 and several of those present requested that the Plate Exemption Policy be reviewed.

Recommendation: To update the Taxi Licensing Policy in order to give more detailed guidance for applicants and decision makers in relation to plate exemptions.

Reason for Recommendation: To give more clarity for both applicants and Officers / Committee Members.

1. Background

- 1.1 At the Taxi Licence Forum held before the last Licensing Committee in May 2023, several private hire vehicle proprietors asked for the Plate Exemption Policy to be reviewed.
- 1.2 The current policy had been adopted in 2022 as part of the creation of one Dorset Council Policy covering all aspects of taxi and private hire licensing. It went out to consultation with all existing licence holders during 2021 and no comments were received relating to the policy on plate exemptions.

2. The Law and Guidance

- 2.1 Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMP76) states that; -

“Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.”

- 2.2 Under Section 75(3) a local authority may waive the requirement to display in specified cases; -

“Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by a notice in writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not so apply while the notice is carried in the vehicle; and on any occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) of this Act shall not apply to the driver of the vehicle.”

An extract of the Act is attached at Appendix 1.

- 2.3 The Department for Transport Statutory Taxi and Private Hire Vehicle Standards July 2020 does not cover plate exemptions.
- 2.4 The Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance March 2010 states that

“The licence plate is a helpful indicator of licence status”.

3. Current Policy

- 3.1 The current plate exemption policy is found at paragraph 4.24 of the Dorset Council Taxi Licensing Policy 2022; -

“Plate exemptions will only be granted by exception and only if there is a need to remove a plate for matters relating to the safety of the occupant. Exemptions will only be granted if there has been

evidence produced that satisfies the Council that there is a real and credible threat to safety of the person(s) travelling.”

4. Previous Council Policies

4.1 It may assist the Committee to review the predecessor Council policies on plate exemptions, prior to the introduction of the Dorset Council Taxi Licensing Policy.

4.2 East Dorset District Council’s policy stated, -

Applications may be made for an exemption from the requirement to display a licence plate on a private hire vehicle. Such a request is only likely to be granted if the vehicle is of an executive nature, and the Community Protection Team Leader is satisfied that the vehicle will, for the vast majority of work, be mainly used for contracts with companies lasting more than 7 days as opposed to being hired by members of the public.

4.3 North Dorset District Council’s policy stated,

The Council may require an applicant to provide such additional documentation as it considers appropriate to allow an informed decision to be made. This will normally be one or a combination of the following but not limited to:

- i. a business proposal for the type of work and amount of work they are expecting to undertake if an exemption certificate is granted
- ii. the past 12 months financial records showing the amount of work they have undertaken which they believe fits into the executive bracket, and reasons why they now require an exemption certificate
- iii. if they are a current exemption certificate holder the financial accounts showing the percentage of executive work undertaken.
- iv. Reasons of i.e. Transporting high ranking officers on and off Blandford Camp. Any request under this section should be accompanied by written confirmation from the client of need for security or privacy.

In assessing any application, the Licensing and Orders Committee will have particular regard towards the following information:

- i. vehicles should be of a standard or comfort equal to or above luxury brands of vehicles such as S & E Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Jaguar, Rolls Royce and Bentley saloons. This list is not meant to be exhaustive, and it is recommended that applicants check with the Licensing Office regarding the suitability of a vehicle before making an application.
- ii. Applications for people carrier style vehicles will not normally be accepted.
- ii. The vehicle is in pristine condition with no visible defects, dents or blemishes to the external body work or internal trim and is under 5 years old.
- iii. The vehicle is used ONLY for work that is applied on the exemption certificate.

4.4 Purbeck District Council's policy stated,

An application for an exemption from the requirement to display an external vehicle licence plate may be made in respect of vehicles that are:

- i. of a standard of comfort and equipped to a level equal to or above luxury brands of vehicle
- ii. in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating
- iii. used specifically to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.

4.5 Neither West Dorset District Council or Weymouth and Portland Borough Council Policies contained reference to Plate Exemptions.

5. Neighbouring Council Policies

- 5.1 It may further assist the Committee to have regard to the various policies relating to Plate Exemptions of our neighbouring Authorities.
- 5.2 Attached at Appendix 2 are the Plate Exemption Policies from several neighbouring Councils, Southampton, and Transport for London (TFL). Each policy is different and the majority also have age Limit policies and/or emission policies that would also need to be taken into consideration.
- 5.3 BCP Council allow exemptions for top of the range vehicles under five years of age although an internal front plate is still required. BCP also have a strict emissions policy for all vehicles.
- 5.4 East Devon has no Plate Exemption policy.
- 5.5 South Somerset allow exemptions for journeys exclusively booked up front for a defined period (typically going outside the Council area) and stipulate that the vehicle is not available for immediate hire. Also, these services usually offer a degree of prestige, anonymity and/or have a legitimate business requirement to be more discretely marked.
- 5.6 Wiltshire have no specific guidelines relating to Plate Exemptions.
- 5.7 New Forest District Council require an internal plate to be displayed and also apply extra conditions.

6. Other Council Policies

- 6.1 Southampton City Council's policy is that the service manager has the discretion to exempt stretch limousines, classic cars or other unusual vehicles. Only the rear plate is subject to this exemption.
- 6.2 Transport for London (TFL) have different legislation to areas outside of London and they will exempt a vehicle from the requirement to display the front plate "Where there is a genuine operational or safety reason, and where we are certain that the safety of the public will not be compromised as a result."
- 6.3 Other Authorities utilise different coloured, often Silver or Gold, or smaller plates for executive vehicles.

6.4 A more detailed breakdown of each policy covered above, as well as links, is included at Appendix 2.

7. Recommendation

7.1 The Members consider adopting the Former North Dorset District Council Policy as guidance to support the plate exemption contained in the current Dorset Council Taxi Licensing Policy. The North Dorset District Council Policy is attached in full at Appendix 3.

8. Financial Implications

None

9. Natural Environment, Climate & Ecology Implications

None

10. Well-being and Health Implications

None

11. Other Implications

None

12. Risk Assessment

12.1 HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Medium

13. Equalities Impact Assessment

Not Applicable

14. Appendices

Appendix 1 – Extract from primary legislation

Appendix 2 – Other Council Policies

Appendix 3 – NDDC Exemption Policy

15. Background Papers

Local Government (Miscellaneous Provisions) Act 1976
Statutory Guidance
Current Best Practice
Dorset Council Taxi Licensing Policy