

**BRISTOL CITY COUNCIL**

**PUBLIC SAFETY AND PROTECTION COMMITTEE**

**15 AUGUST 2017**

**Report of:** Strategic Director, Neighbourhoods

**Title:** Private Hire Vehicles - Exemption from requirement to display vehicle identification plate policy

**Ward:** Citywide

**Officer Presenting Report:** Nick Carter, Regulatory Services Manager

**Contact Telephone Number:** 0117 357 4900

**RECOMMENDATION**

The committee are recommended to:

1. Note the responses received as part of the external consultation
2. Adopt the Private Hire Vehicles - Exemption from requirement to display vehicle identification plate policy with effect from 1 September 2017.

**Summary**

Members are asked to consider adopting a formal policy with regard to determining applications for exemption from the requirement to display private hire licence plates. Applications for exemption from the requirement to display identification plates may only be considered where a set of specific requirements are met.

**The significant issues in the report are:**

The policy outlines the type of operational business need and describes the minimum standard of vehicle comfort and condition appropriate before we will consider an application for plate exemption. The policy should be read in conjunction with our existing policy relating to private hire vehicles and establishes additional criteria that officers and members will take into account when determining an application for a private hire vehicle to be exempt from displaying external identification plates.

**Policy**

1. The practice of displaying a vehicle plate is to ensure clear identification of licensed vehicles by licensing officers, police officers and the hiring public. A strict policy in displaying plates can help prevent the highly illegal practice of unlicensed vehicles operating for hire and reward and can also prevent confusion with hackney carriage vehicles.

2. The aim of the draft policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates.

## **Consultation**

### **3. Internal**

N/a

### **4. External**

A consultation ran for 6 weeks from Monday 19<sup>th</sup> October 2015 to Sunday 29<sup>th</sup> November 2015. A survey link was sent to all PHV operators and proprietors and was available on the Bristol City Council Consultation Hub. The link was also provided as part of the Council's Taxi Newsletter on Monday 26<sup>th</sup> October 2015, which was sent to over 400 known members of the taxi trade.

In total 41 responses were received. Of the respondents who were not in favour, the general consensus was that all private hire drivers should have to display an identification plate. Bristol City Council recognises however that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.

Three additional responses were received, whereby two members of the taxi trade and one councillor sent comments directly to the Licensing Team.

A summary of the responses is included at Appendix 2.

Due to the length of time that has passed since the 2015 consultation members of the Taxi Forum were consulted with in April 2017. No additional responses were received.

## **Context**

5. The Local Government (Miscellaneous Provisions) Act 1976 requires that PHVs display an identification plate and drivers of those vehicles wear a driver's badge. The same legislation also allows Bristol City Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a Private Hire Driver badge.
6. Bristol City Council has seen an increase in the number of applications for Private Hire Vehicles (PHV) to be exempt from the requirement to display PHV Licence identity plates. A policy is needed to ensure a consistent approach is taken to such applications, that there is a transparent decision making process and to ensure that public safety is not compromised.
7. For vehicles used by the general public, the display of identification plates on a licensed vehicle and of the driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public and to enforcement authorities that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.

8. There are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also deter some corporate customers from using the service; and in some circumstances the identification of the vehicle as a licensed vehicle may allow “high risk” passengers to be more readily targeted putting both them and the driver at risk. For example, vehicles used by Government Ministers or celebrities.
9. According to some members of the trade the display of the vehicle plate externally may deter some corporate customers from using a private hire service.

## **Proposal**

10. Exemptions from displaying identification plates may be in respect of individual vehicles only based upon demonstrable evidenced based need. Applications for exemptions relating to a fleet of vehicles will not be allowed. Each application will be assessed on its own merit.
11. Applications for exemption from the requirement to display identification plates may be considered where the following requirements are met;
  - a) Vehicles must be of a standard of comfort and equipped to a level higher than that of a ‘standard’ Private Hire Vehicle.
  - b) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.
  - c) The type of work undertaken is ‘executive’ in nature. The type of work that may be considered ‘executive’ may include:
    - i) Corporate bookings to transport employees and clients on business related journeys
    - ii) Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking
    - iii) Bookings for clients (for example politicians and celebrities) who for security or personal safety reasons would not want the vehicle to be identifiable as a private hire vehicle
  - d) The percentage of ‘executive’ work undertaken by the vehicle must constitute at least 75% of the total work carried out by the vehicle.
  - e) In certain circumstances passengers or businesses may request vehicles with tinted windows. Applicants must provide evidence of such a demand in order for the Council’s to depart from its standard requirements prohibiting tinted windows. The proprietor must at all times ensure that all windows of the vehicle comply with current Road Traffic or Construction and Use Regulations.
  - f) A dress code commensurate with executive work is required.
12. The full policy is attached at appendix 1.
13. Application and renewal fee to be set at the next fees review.

## Other Options Considered

### 14. Option 1

Do nothing. Applications for plate exemptions shall be considered on an individual basis but members and officers will not rely on any policy. There would be a risk of a lack of a consistent approach.

### 15. Option 2

No plate exemptions shall be granted for any licensed private hire vehicles. Current practise has however already involved the agreement of some exemptions.

### 16. Option 3

Plate exemptions for private hire vehicles that are specifically vintage or classic vehicles. In view of the vast numbers of makes and models of vehicles available, it is best practice not to produce a policy listing specific vehicles that would be approved, as this list will require constant updating.

## Risk Assessment

17. The report outlines the main options that may be considered by members and the possible implications of policy changes.

## Public Sector Equality Duties

16a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to -
  - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
  - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
  - tackle prejudice; and
  - promote understanding.

- 16b)** An equality impact relevance check has been undertaken and it has been agreed that a full assessment is not necessary. The executive vehicles will be used by a very limited group of staff, elected members or visitors. All of whom will be booking the vehicle through an account where appropriate checks are made. This policy does not affect the general public or the vast majority of staff who will continue to use taxis with the relevant identification plate.

## **Legal and Resource Implications**

### **Legal**

Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 provides that no person shall use or permit to be used a private hire vehicle unless the private hire plate issued by the Council is exhibited on the vehicle.

Section 75(3) of the same Act gives the Council a discretionary power to grant a dispensation to a proprietor of a private hire vehicle from displaying the licence plates.

There is no statutory duty to consult upon the proposed policy and nor is there a general common law duty to do so. A duty of consultation will however exist in circumstances where there is a legitimate expectation of such consultation, usually arising from an interest which is held to be sufficient to found such an expectation, or from some promise or practice of consultation. In this case the Council has consulted with representatives from the taxi trade in line with previous practice.

Where a consultation process is undertaken, case law guides on what constitutes lawful consultation and from this some key guiding principles have been established, in summary that those being consulted must:

- a. be provided with material upon which a decision is likely to be made;
- b. be given enough time for intelligent consideration of that material and to respond to it;
- c. be given the opportunity to make considered representations;
- d. have their representations conscientiously considered.

It is therefore important that members are satisfied that that any consultation process allows sufficient time to enable any person or body wishing to make representations to obtain relevant material, to consider it and to put their representations to the Council.

**Legal advice given by:** Lynne Harvey, Solicitor, Legal Services

### **Financial**

This report proposes the policy that Private Hire vehicles be treated as exempt from the requirement to display external identification plates. No financial impact is planned at this time.

**Financial advice provided by** Jemma Prince (Finance Business Partner) 27/7/17

**Land**

Not applicable

**Personnel**

There are no HR implications arising from the content of this report.

**Personnel advice given by:** Alex Holly, HR Business Partner, Talent and Resourcing

**Appendices:**

Appendix 1 – Draft Private Hire Vehicles - Exemption from requirement to display vehicle identification plate policy

Appendix 2 – Equality Impact Assessment Relevance Check

Appendix 3 – Responses to consultation

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:** None



## Private Hire Vehicles

### EXEMPTION FROM REQUIREMENT TO DISPLAY VEHICLE IDENTIFICATION PLATE POLICY

#### 1. Statement of intent

1.1 The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates.

#### 2. Introduction.

2.1 The displaying of the external identification plate on a licensed vehicle and a driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety. The visible licence number of the vehicle and driver affords members of the public and other persons such as the Police traceability via the local licensing authority.

2.2 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate and drivers of those vehicles wear a driver's badge. The same legislation also allows Bristol City Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a Private Hire Driver badge.

#### 3. The policy

3.1 Exemptions from displaying identification plates may be in respect of individual vehicles only based upon demonstrable evidenced based need. Applications for exemptions relating to a fleet of vehicles will not be allowed.

3.2 Each application will be assessed on its own merit.

3.3 Applications for exemption from the requirement to display identification plates may be considered where the following requirements are met;

- a) Vehicles must be of a standard of comfort and equipped to a level higher than that of a 'standard' Private Hire Vehicle. It is not intended to form a prescriptive list of acceptable vehicles because this may be subjective and require frequent update. However as a guide vehicles equal to or above luxury brands of vehicles such as 'S' and 'E' Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8

series, Jaguar, Tesla, Rolls Royce and Bentley saloons may be acceptable (The highest specification executive type cars from other manufacturers may also be considered). Equally large high specification MPVs such as the Volkswagen Caravelle or Mercedes Vito which enable meetings on the move may be considered. Relevant considerations as to whether a vehicle meets this standard include but are not limited to cost, reputation, specification, appearance, perception, superior comfort levels and seating specification i.e. whether the vehicle offers additional space per passenger opposed to standard vehicles.

b) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating. Interior seating will usually be leather and the cabin air conditioned to maintain passenger comfort.

c) The type of work undertaken is 'executive' in nature. There must be a demonstrable need for an exemption to apply rather than a one off contract. The type of work that may be considered 'executive' may include:

- i) Corporate bookings to transport employees and clients on business related journeys
- ii) Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking
- iii) Bookings for clients (for example politicians and celebrities) who for security or personal safety reasons would not want the vehicle to be identifiable as a private hire vehicle

The fact that the hirer pays a higher fee for hiring what may be referred to as an Executive Hire Car (compared to what the hirer may pay for a non-exempt Private Hire Vehicle displaying private hire plates and signage) may be indicative (but not conclusive) that the nature of the business is Executive Hire and that the exemption may be appropriate.

d) The percentage of 'executive' work undertaken by the vehicle must constitute at least 75% of the total work carried out by the vehicle. An application to renew an exemption from the display of identity plates must be accompanied by a copy (preferable electronic) of the relevant Private Hire Operator records to evidence the nature of the work carried out over the previous licence period. Operator records must also detail evidence of contracts with clients which require vehicles supplied to be exempt from the display of identity plates.

e) In certain circumstances passengers or businesses may request vehicles with tinted windows. Applicants must provide evidence of such a demand in order for the Council's to depart from its standard requirements prohibiting tinted windows. The proprietor must at all times ensure that all windows of the vehicle comply with current Road Traffic or Construction and Use Regulations

f) A dress code commensurate with executive work is required. Applicants to provide details of the dress code (suit/jacket or equivalent) which the operator(s) for whom they work require them to adhere to. Dress code must be followed at all times the vehicle is being used to undertake a booking relating to executive work.

3.4 Where a proprietor wishes to make an application for a vehicle to be exempt from displaying identification plates they will be required to complete the appropriate application form. The application form will be accompanied by documentation that supports the application and the application fee; which will be non-refundable.

3.5 A notice of exemption from displaying identification plates will be granted at the

Council's discretion. The applicant must provide sufficient documentary evidence to support their application. Such evidence may include:

- a) A letter from each customer indicating:
  - i) Why they require a vehicle which does not display an identity plate,
  - ii) Whether they require privacy glass, and why privacy glass is required.
  - iii) The type of vehicle they require.
- b) A letter from the Private Hire Operator for who work is undertaken stating the vehicle registration number of the vehicle to which this application relates and detailing the work that will be carried out and the percentage of the work to be carried out.
- c) Copies of written contracts with customers.
- d) Copies of invoices

3.6 The Council may require applicants to provide any additional documentation as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.

3.7 Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will issued as soon as practical after the decision is made.

3.8 Where a vehicle is exempted from the requirement to display an external identification plate the vehicle will also be exempted from the need to display the two internal plates.

3.9 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicles current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.

3.10 Exemption notices may be renewed annually. An application to renew the exemption must be accompanied by the renewal fee which is non-refundable.

3.11 The authority to determine any application for an exemption notice is by virtue of this policy delegated to the Licensing & Trading Standards Manager and Licensing Team Leader.

3.12 Other than where to do so would conflict with the requirements of this policy, all vehicles granted an exemption notice must, in addition to the requirements of this policy, comply with the requirements for private hire vehicles contained within the Private Hire Vehicle licence conditions.

3.13 The below conditions apply to all Private Hire Vehicles granted an exemption from displaying identification plates and are in addition to the criteria and general conditions applicable to all Private Hire Vehicles

- a. The valid Private Hire Vehicle plates issued to the licence holder shall be kept within the vehicle at all times and shall be produced for inspection by an authorised officer of Bristol City Council or a Police Officer upon request.

- b. The exemption notice shall be retained within the vehicle at all material times and shall be produced for inspection by an authorised officer of Bristol City Council or a Police Officer upon request.
- c. In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.
- d. The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
- e. During the period of the exemption notice, the driver shall not be required to wear a Private Hire Driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
- f. The second Private Hire Driver's identification badge must at all times be displayed in a prominent position in the vehicle.
- g. Failure to comply with the above terms will invalidate the exemption granted with immediate effect.
- h. These terms shall remain valid for the term of the notification unless replaced by a different scheme or system of identification.
- i. All licence plates shall be displayed at all times unless the vehicle is being used for executive type work including weddings.
- j. The exemption will cease to have effect on selling or transferring the vehicle to another party. The exemption notice must be returned to the Council along with the private hire vehicle identification plates unless being sold to for use as a Private Hire Vehicle in Bristol; in which case, only the exemption notice has to be returned.
- k. A taximeter will not be installed in the vehicle.
- l. During the period of exemption the driver is required to comply with the dress code previously supplied to the Council.
- m. The proprietor shall notify the Council of any change in the use of the vehicle by the end of the following working day.

3.14 The below conditions apply to all Private Hire Operators who operate vehicles to which an exemption from display of plates has been granted. These conditions are in addition to the general conditions applicable to all Private Hire Operators.

- a. Bookings taken in respect of clients who require vehicles exempt from the display of plates must be paid for on account. No payment can be made to the driver of the vehicle at time of hiring.
- b. Bookings in respect of clients who on occasion require vehicles exempt from the display of plates must be subdivided into to those which
  - i) Require vehicle to be exempt from display of plates
  - ii) Do not require vehicles exempt from the display of plates

Copies of records detailing the division of work to be kept for 12 months from period of hire and must be provided to the Council on request.

- c. Copies of contracts with clients who require vehicles exempt from the display of plates must be kept for 12 months from date of commencement and provided to the Council on request.
- d. Dress code commensurate with executive work (suit/jacket or equivalent) to be in place in relation to bookings taken for vehicles exempt from the display of plates. Drivers of such vehicles to be required by the operator to comply with the dress code during the hire period.

### **PHV Plate exemption policy consultation responses**

The consultation ran for 6 weeks from Monday 19<sup>th</sup> October 2015 to Sunday 29<sup>th</sup> November 2015. A survey link was sent to all PHV operators and proprietors. The link was also provided on the Council's Taxi Newsletter on Monday 26<sup>th</sup> October 2015.

In total 41 responses were received to the survey (all were online responses).

Of the positive comments that were received:

1. Privacy was cited as a key issue for the introduction of a plate exemption.
2. Executive work and weddings were specifically cited as reasons for the introduction of a plate exemption.

Of the negative comments that were received:

1. All private hire vehicles should be recognisable by the public.
2. All private hire drivers should have to display their badge.
3. The exemptions are exclusive and elitist.
4. The exemptions make it harder to protect public safety.

### **Question 1: Please indicate whether you are**

Of the 41 responses to the survey, 18 were members of public, 16 were an existing PHV operator or proprietor, 4 were a Bristol City Council employee, 2 were either an MP or councillor and 1 respondent identified themselves as 'other'. No responses were received from a residents' group.

### **Question 2: What is the first part of your postcode?**

Responses from members of the public were received from across the city and outside the local authority boundaries including BS7 (3 respondents), BS6 (3 respondents), BS13 (4 respondents), BS5 (6 respondents) and BS16 (6 respondents).

### **Question 3: Have you read the draft policy?**

Of the respondents that completed the survey 36 replied that they had read the proposed policy and 4 responded that they had not read it (one respondent skipped this question).

**Question 4: Do you agree that in certain circumstances Private Hire Vehicles should not be allowed to apply for an exemption from the requirement to display identification plates?**

16 respondents agreed that in certain circumstances Private Hire Vehicles should be allowed to apply for an exemption from the requirement to display identification plates. 7 respondents were opposed to the exemption. 7 respondents skipped this question. 11 respondents provided comments as part of this question.

The following additional positive comments were received:

- 1. I think if a Private Hire Vehicle is doing over 75% Executive work then yes they should be allowed exemption*
- 2. High risk specialist vehicles only should be allowed an exemption*
- 3. Yes. Not only plates but having the tinted windows helped a lot when they were working on there laptops or having a nap on way back from a busy meeting or long flight. Having the privacy helped a lot*
- 4. Reason being privacy of the client is in such cases as when you are always picking up as when performing as a wedding car and any other specialist V I P job where anonymity is required*
- 5. Only when on those specific jobs*

The following additional negative comments were received:

- 1. As what may be described as an 'executive' I fail to see why any car should be exempt from displaying the same signage as every other PHV. This is about public awareness of the fact that a vehicle is a PHV. I am not sure that being an 'executive' is a differentiator between what is publicly displayed or not*
- 2. ALL PHVehicles should be recognisable by the public*
- 3. ALL private hire vehicles should be recognisable by the public.*
- 4. I believe ALL private hire vehicles should be required to display badges and plates at all times.*
- 5. As stated in your opening sentence - it gives public safety reassurance to the customer*
- 6. No. I strongly disagree with the policy and no information has been provided in which exemption could be justified.*

**Question 5: Do you agree with the requirements (section 3.3) set out in the policy?**

21 respondents agreed with the requirements (section 3.3) set out in the policy. 13 respondents did not agree with the requirements. 7 respondents skipped this question. 13 respondents provided comments as part of this question.

The following additional positive comments were received:

1. *As reasons above. Customers like privacy and don't get distracted*

The following additional negative comments were received:

1. *All hire cars should be identifiable in some way. Even executives need to know they are getting in the right car.*
2. *Whether a car is expensive and has a leather interior should not be a differentiator, for the public about whether a car is obviously a PHV or not. From a public safety perspective it would be very simple for a well dressed person in a smart, expensive car to impersonate a PHV driven service, if there are not obvious outward signs/signage.*
3. *No exemptions*
4. *See answer above (I believe ALL private hire vehicles should be required to display badges and plates at all times).*
5. *Because I do not think there should be any exemptions.*
6. *How does the licensing authority think it will enforce such rules as a dress code etc when no enforcement seems to happen with the current rules?*
7. *No official to verify that vehicle is licensed and safe for public use*
8. *Because I don't agree there should be any exemption.*
9. *Some tv/film companies do not want shirt & tie worn. A caveat is needed*
10. *75% of works is far to high*

The following additional neutral comments were received:

1. *Not sure if this refers to registration plates or not - you've really not made this clear, therefore my answers are based on the assumption that it does refer to this.*
2. *i feel i can't answer this question as i read the draft 10 mins ago and can't go back to check what section 3.3 was about*

**Question 6: Do you agree with the amended conditions (section 3.14) that apply to all Private Hire Vehicles granted an exemption from displaying identification plates)?**

21 respondents agreed with the amended conditions. 9 respondents did not agree with the amended conditions. 11 respondents skipped this question. 8 respondents provided comments as part of this question.

The following additional negative comments were received:

1. *The only condition I disagree with is e). The driver SHOULD display their badge*

2. *NO exemptions*
3. *See answer above (I believe ALL private hire vehicles should be required to display badges and plates at all times).*
4. *As above (Because I do not think there should be any exemptions).*
5. *The non plated cars will still expect use of bus/taxi lanes yet will look like a private vehicle therefore encouraging more motorists to use them.*
6. *I'm sorry, I've not read draft, I can say, if a driver wants to be a taxi driver - he should display some sort of official badge plate, I don't believe there should be any exemptions.*
7. *This is clearly a somewhat biased questionnaire in its construction as you keep asking about the conditions upon which exemption can be given. Nothing is asking for examples/evidence/views etc as to why exemption shouldn't be given. How can I agree to conditions of an exemption I do not want to exist?!*

The following additional neutral comments were received:

1. *as above (i feel i can't answer this question as i read the draft 10 mins ago and can't go back to check what section 3.3 was about)*

**Question 7: Please outline the reasons you feel are acceptable for applying for a PHV licence plate exemption**

23 respondents answered this question and 18 respondents skipped this question.

The following positive comments were received:

1. *I would put a limit on the number of exemption issued at say 10% of licenses issued. I cannot imagine it necessary to have more than that number in Bristol.*
2. *I support that all private hire to be exemption for displaying identification plate but must be there for inspection and driver badge such driver license when be asked.*
3. *privacy to include additional safety*
4. *Wedding cars only for photographic reasons maybe. In all other cases it is irrelevant and compliance should be observed.*
5. *Plate exemption is normally a requirement set by the customer in relation to the standard of vehicle required , they would normally pay more for this . A driver/operator should have the opportunity to full fill this type of work if he/she has an appropriate vehicle . The standard of vehicle should be of a level deemed acceptable to the customer .*
6. *Important for top Business Users Important for high-end Tourist travellers To guarantee an executive car standard private hire service for those seeking it.*
7. *Its the customer who hires the vehicle and if they choose not to have plates as requested then i feel this is acceptable.*

8. *E class merc Suitably dressed Clients requirement for unmarked vehicle*
9. *As previously stated customers like the privacy to concentrate on either business calls or working on laptops on way to business meetings The other reasons are they can relax on way home from stressful meetings in the comfort of an executive car*
10. *Clients prefer the anonymity of a car that does not have taxi plates displayed as it appears more exclusive to any potential clients that may be meeting for a meeting or providing transportation to. This service also provides a more inline approach with countries such as America which provides a car service which is perceived to be a more exclusive approach to transportation as many clients are flying in from transatlantic flights. Tinted windows allows the client privacy and prevents excessive sunlight coming into the car allowing them to be able to concentrate on any work prior to any work meetings they may be attending. This also allows them to be able to hold meetings be it over the phone, Skype etc without distraction and provides a more luxurious transportation method.*
11. *For executive work ONLY. It's a specialist area. Very specific & very small. Yes they're all generally accounts. They can range from weddings to corporate meetings. They can be for celebrities or tv/film companies wishing to protect story lines & characters. In that instance it can be to protect the person from the public or paparazzi. There are other reasons too. Occasionally company's hold meetings on the run and with today's ever increasing technological advances in long range photography company's do not want commercially sensitive data entering the public domain, this can range from things like new product ranges. It can also affect stock prices if profit/loss data is released early. There are also other privacy issues where people who have been to corporate lunches would not wish themselves to be seen when they are not at their best, everybody is entitled to that privacy and company's pay money to protect their image.*
12. *Where the vehicle is as described in section 3.3(a) and will be used only for executive work. Luxury cars that conduct executive work are also likely to be used for weddings where there is no requirement to display or possess Private Hire Vehicle Identification plates. A vehicle that is required to display Private Hire Vehicle Identification plates cannot pick and choose when it will or will not display said plates, they must be displayed at all times which also then prevents that vehicle from being able to take off the plates whenever it's needed for a wedding, thus rendering it unsuitable for weddings because no-one will be happy for their wedding car to be displaying these plates.*
13. *luxury cars on private jobs*
14. *Only for reasons to support privacy anything else as well as carrying out duties as a wedding car And for VIP work in general where privacy is required .*

The following negative comments were received:

1. *I don't feel there should be exemptions. I think it is basically vanity that people want to have a vehicle that they are seen in, with the potential for others to think it is owned and not hired.*
2. *I think that all private hire vehicles should display a plate because of the possible danger to the passenger if you do not know if the vehicle is licensed to carry passengers. And the driver could be a bit untrustworthy*
3. *NONE*
4. *I do not believe exemptions should be permitted and badges and plates should be clearly displayed at all times. The reason for not displaying effectively equates to a form of elitism where the driver / operator and / or user do not wish it to be known that their vehicle is a 'taxi' or that the person travelling is in a 'taxi' rather than a 'private' vehicle.*
5. *I cannot think of any - unless the car was to be used for a personal wedding or personal funeral (immediate family in both circumstances). But if the car is to be used for commercial reasons - taking passengers - then I do not think ANY exemptions should be given. Not just for the persons in the car used for PHV, but also for other members of the public (on the road) so they can see it is a PHV.*
6. *I have been licensed by Bristol City Council for 16 years in that time I have grown my Executive travel client base to over 600 company's. The rate we provide this service at is a minimum of £50.00 start with all of our customers expecting a top level executive chauffeur service. We also run very expensive fleet with vehicles costing around £80.000 when purchased . With out the support of Bristol City Licensing giving us exemption this wouldn't have been possible. I feel if a private hire driver is applying for exemption of showing private hire plates then they would have to be doing a certain amount and to level that the clients knows the different between Private hire driver and a executive chauffeur service. I think alot of the applications fall short of these requirements. My company dont undertake any private hire work then I can be assured that the vehicle is always at a top standard.*
7. *There needs to be a distinction between 'executive' private hire and ordinary use.*
8. *NONE*

The following neutral comments were received:

1. *I believe that all vehicles whilst being used for the purpose of a PH Taxi should have plates on show and these plates show only be removed / stored in the vehicle during the duration the vehicle is being used as a Private / previously booked for Executive work. I think an exemption to having the plates physically fitted to a specific type of vehicle Executive types where it would be very detrimental to a vehicles value & appearance when the plates are not on*

*show eg holes magnet marks empty plate carriers. However if the plates can be displayed to an agreeable visible standard eg Rear window in FULL view or can be fixed to a grill using cable ties of which will not damage the vehicle and can be removed and replaced very easily I think this should be acceptable but should still be applied for on an individual basis. I have seen lots of cars with plates in the Front Windscreen of which should not be acceptable in any situation.*

**Question 8: Do you consider that these changes may affect any Equalities Communities?**

2 respondents said they felt that the changes would have an effect. 27 said they felt that the changes would not have an effect. 12 respondents skipped this question. 3 respondents provided comments as part of this question:

1. *It is exclusive and elitist as it is to protect 'celebrities, politicians, executives' as quoted in the draft policy. Who think it is detrimental in some way to be seen in vehicle with PHV plate. This policy is not about facilitating business but pandering to operators and monied groups of people concerned with their image and it is totally and utterly wasteful of the City Council's time and money at a time when essential services are being cut.*
2. *it's just their safety, but not affect any equalities.*
3. *There is a real risk that (for example) women will be more vulnerable to sexual harassment, common assault, sexual assault etc in the name of "a bit of executive fun"*

**Question 9: Do you have any other comments in respect of the draft policy?**

Respondents were given the opportunity to make any additional comments. 15 respondents provided additional comments and 26 respondents skipped this question.

The following positive comments were received:

1. *It seems to be fair and sensible*
2. *On the whole I think it is very good, it's almost perfect the only change I would make is have a caveat in place that if the customer/client specifically does not want shirt, tie, jacket on a booking by booking basis, they should be allowed to do so.*
3. *Personally I would suggest that section 3.3 should contain a sub paragraph to say that where any non executive work is conducted that the plates must be displayed as per the regulations for standard private hire vehicles, otherwise*

*the whole point of protecting the public from unlicensed cars is overlooked for that possible 25% of the vehicles work. Alternatively, and perhaps, preferably, any vehicle granted an exemption on the grounds of it conducting 'executive' work, cannot carry out anything other than the 'executive' work that the exemption is for.*

- 4. Discretion and care should be exercised by the authorities in issuing the exemptions certificate And it should not be granted in a carte blanche manner.*

The following negative comments were received:

- 1. I feel that not having to display the private hire license plate could result in some private hire vehicles could be very unsafe and not roadworthy*
- 2. There should not be differentiating policies for "certain" vehicles, ALL must comply to ensure public safety and concerns.*
- 3. It is exclusive and elitist as it is to protect 'celebrities, politicians, executives' as quoted in the draft policy from being who think it is detrimental in some way to be seen in vehicle with a PHV plate. This policy is not about facilitating business but pandering to operators and monied groups of people concerned with their image and it is totally and utterly wasteful of the City Council's time and money at a time when essential services are being cut. To create any exemptions weakens the whole purpose of the PHV licencing policy which is to protect the public. No concessions or exemptions should be made.*
- 4. I feel the 75% proportion of work should not be a condition because there are an increasing number of high quality vehicles licensed by BCC that would not do that much executive work , the 75% would deny those drivers the opportunity to do any executive work . I believe that the opportunity to do occasional executive work should be available and the standard of the work is easily checked from the PH Operators records should any queries / issues arise*
- 5. I can only apologise for not reading the draft policy (I don't know where it is) - but as a female/pensioner - it just seems wrong if PHV do not show their badge/plate in a very visible way/place, for safety and reassurance that the vehicle is official and properly licensed.*
- 6. providing a letter from each client may be difficult to fulfil, especially as it may be a one off booking*
- 7. This sounds like a 'done deal' and made me feel like I've just wasted my time responding to it. The policy gives no justification (that I can see) as to why exemption is actually necessary - rather than just desired - by driver and/or hirer. If passengers are at risk there are far better ways to protect them from this. It smacks of sanctioned snobbery and should not be pandered to. Given the antics many business, 'celebrities' and politicians have been found to get up to, the greater risk is to the treatment of any individual hired to 'entertain' and/or accompany them.*

The following neutral comments were received:

- 1. I did not agree that all private hire to be luxury, at least must be reasonable new and good standard condition instead of high expensive*
- 2. See previous comments / observations.*
- 3. Yes i read the policy and agree to some of the statements.How ever i can't read it again because the browser will not go back. also i love the fact that the council has a 6 page document on licensed drivers of BRISTOL using exemption plates correctly and yet have a tiny paragraph on "out of town drivers" saying they are doing what they can and saying this is a nation wide problem.Come on Bristol grow some balls and lets start cracking some heads and sorting out certain groups of individuals who constantly find ways around your licensing laws,illegal touting for hire, driving cars that shouldn't be on the road and who are rude to the Bristol public.I would like to see more officers on the road catching these drivers who flout the law.I don't see why i have to do everything by the book telling every customer my name and badge number with every journey if i want to use exemption plates when they always seem to get away with it. This is not a new thing this has been going on for years now and i am getting a bit tired of the council sitting back taking my license fee every year and doing very little to combat this issue. I could go on , but rant over FOR NOW Thanks for reading W Sawyer*
- 4. No*

### **Equalities Monitoring: Age**

No respondents were under 18. 24 respondents were aged 18-65. 3 respondents were aged over 65. 3 respondents preferred not to answer the question. 11 respondents skipped the question.

### **Equalities Monitoring: Gender**

Five respondents were female. 22 respondents were male. 3 respondents preferred not to answer the question. 11 respondents skipped the question.

### **Equalities Monitoring: Transgender**

No respondents said their gender identity was different to the gender they were assigned at birth. 21 respondents said their gender had not changed. 5 respondents preferred not to answer the question. 15 respondents skipped the question.

### **Equalities Monitoring: Ethnicity**

17 respondents were from a white British background. 4 respondents were from a

BAME background. 7 respondents preferred not to answer the question. 13 respondents skipped the question.

### **Equalities Monitoring: Religion/ belief**

14 respondents said they had a religion or belief. 9 respondents said they did not have a religion or belief. 7 respondents preferred not to answer the question. 11 respondents skipped the question.

### **Equalities Monitoring: Disability**

3 respondents said that they have a disability. 23 respondents said they did not have a disability. 4 respondents preferred not to answer the question. 11 respondents skipped the question.

### **Equalities Monitoring: Sexual orientation**

1 respondent responded they identify as lesbian, gay or bisexual. 21 respondents said that they identify as heterosexual. 7 respondents preferred not to answer the question. 12 respondents skipped the question.

### **Comments received that were not submitted as part of the online survey**

Two members of the taxi trade and one councillor sent comments directly to the Licensing Team rather than completing the online survey. The following comments from members of the trade were received:

- 1. I'm writing to say I agree with nearly all of the draft policy document, the only part of it which will cause me some difficulty is the Dress Code Policy because we are expressly asked Not to wear shirt, tie, jacket whilst we are Unit Drivers for TV Production Companies such as Mammoth Productions as this can draw unwanted attention to the driver and their passenger.  
I do not think this particular production company is alone in this, as casual dress was very quickly requested of us when we did Doctor Who for the BBC. So can we have a caveat for a less formal dress code. It might be an option to put something extra in  
3.15  
b iii is casual dress requested?  
By doing this it addresses each customers specific needs on their merits whilst sticking as closely as possible to the policy.  
That aside I think it's fine even if you have managed to introduce a further fee (understandable as it creates more work for your office).*

*I must congratulate the author of this policy document who was faced with a huge balancing act of concern over public safety & allowing operators to move outside the parameters of the normal policy.*

- 2. If the council allowed private hire vehicles NOT TO DISPLAY their plates or the drivers not to wear their badges ..THE COUNCIL IS opening a door to a new flood of drivers that will roam the road roads ...these drivers are anybody and everybody can come out with any car and start picking people up ....the council would be putting public safety at risk ...we allready have 300 drivers from outside bristol licences plying for hire on bristol Streets .. some of them are not displaying plates now they don't want bristol hackney carriage drivers To take thier photos while they are picking up illegally ... PRIVATE DRIVERS MUST DISPLAY ...private hire plates and the drives must wear a badge*

The following comment from a councillor was received:

- 1. Thank you for your email - do you think this is Uber related? I agree that 'executive vehicles' should not have to be covered in badges as long as we can ensure they can only be prebooked from reputable operators.*

## Appendix 3



### Bristol City Council Equality Impact Relevance Check

This tool will identify the equalities relevance of a proposal, and establish whether a full Equality Impact Assessment will be required. Please read the guidance prior to completing this relevance check.

<b>What is the proposal?</b>	
Name of proposal	Exemption from requirement to display vehicle identification plate policy
Please outline the proposal.	<p>This policy is to allow that private hire vehicles which are used over 75% of the time for Executive journeys' are exempt from needing to display a vehicle identification plate.</p> <p>The displaying of the external identification plate on a licensed vehicle and a driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety. The visible licence number of the vehicle and driver affords members of the public and other persons such as the Police, traceability via the local licensing authority.</p> <p>The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate and drivers of those vehicles wear a driver's badge. The same legislation also allows Bristol City Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a Private Hire Driver badge.</p> <p>The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates.</p> <p>Exemptions from displaying identification plates may be in respect of individual vehicles only based upon demonstrable evidenced based need.</p>

Applications for exemptions relating to a fleet of vehicles will not be allowed. Each application will be assessed on its own merit.

Applications for exemption from the requirement to display identification plates may be considered where the following requirements are met;

a) Vehicles must be of a standard of comfort and equipped to a level higher than that of a 'standard' Private Hire Vehicle.

b) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.

c) The type of work undertaken is 'executive' in nature. The type of work that may be considered 'executive' may include:

i) Corporate bookings to transport employees and clients on business related journeys

ii) Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking

iii) Bookings for clients (for example politicians and celebrities) who for security or personal safety reasons would not want the vehicle to be identifiable as a private hire vehicle

d) The percentage of 'executive' work undertaken by the vehicle must constitute at least 75% of the total work carried out by the vehicle.

e) Bristol City Council's Private Hire Vehicle Inspection Standards state that vehicles will not be accepted for licensing with blacked out windows (tints). When inspected vehicles are tested to ensure that at least 70% of light can pass through all windows. In certain circumstances some passengers may request vehicles with tinted windows. The Council will consider applications for the exemption of display of licence plates in respect of vehicles with tints. The applicant must provide

	<p>sufficient evidence with such an application to convince the Council that it should depart from its standard policy.</p> <p>f) A dress code commensurate with executive work is required.</p>
What savings will this proposal achieve?	N/a
Name of Lead Officer	Alex Smethurst

<p><b>Could your proposal impact citizens with protected characteristics?</b> (This includes service users and the wider community)</p>	
Please outline where there may be significant opportunities or positive impacts, and for whom.	
Please outline where there may be significant negative impacts, and for whom.	
<p>Travellers using private hire and Hackney Cabs experience great reassurance that the drivers are assessed as being safe. This is particularly important for women who use taxis when travelling alone after dark or at other times when they may feel vulnerable to abuse or assault. It is also important for disabled people who are reliant on taxis for every day journeys and they want the assurance that they will not be exploited. Taxi users are advised to never use a taxi which does not display plates.</p> <p>A very limited number of taxis will be covered by this policy, only those used for executive journeys. Taxis which do not display a vehicle identification plate will not provide a general service and will not therefore confuse women and disabled people who are expecting the additional security of a registered taxi. Therefore there will be no impact on members of the public using taxis for their general convenience</p>	

<p><b>Could your proposal impact staff with protected characteristics?</b> (i.e. reduction in posts, changes to working hours or locations, changes in pay)</p>	
Please outline where there may be significant opportunities or positive impacts, and for whom.	
<p>The vast majority of staff who use taxis will use a usual taxi with a licensed plate. Only a limited cohort of staff will use an executive vehicle without plates. The usage will be related to job role and is unrelated to their gender, ethnicity, disability etc. The taxi will be booked through a specific account and so the user can be confident the executive driver has undertaken the relevant checks. Therefore there will be no impact on staff.</p>	
Please outline where there may be negative impacts, and for whom.	
No negative impact anticipated.	

<b>Is a full Equality Impact Assessment required?</b>	
<p>Does the proposal have the potential to impact on people with protected characteristics in the following ways:</p> <ul style="list-style-type: none"> <li>• access to or participation in a service,</li> <li>• levels of representation in our workforce, or</li> <li>• reducing quality of life (i.e. health, education, standard of living) ?</li> </ul>	
<p>Please indicate yes or no. If the answer is yes then a full impact assessment must be carried out. If the answer is no, please provide a justification.</p>	<p>No. The executive vehicles will be used by a very limited group of staff, elected members or visitors. All of whom will be booking the vehicle through an account where appropriate checks are made. This policy does not affect the general public or the vast majority of staff who will continue to use taxis with the relevant identification plate.</p>
<p>Service Director sign-off and date:</p> <p></p> <p>03/08/2017</p>	<p>Equalities Officer sign-off and date:</p> <p>Anne James            Equality and Community Cohesion Team            Leader            28 September 2015</p>