

## **Section 75(3) Local Government (Miscellaneous Provisions) Act 1976**

### **Guidelines for determining dispensations from the display of a private hire licence plate**

1. The Local Government (Miscellaneous Provisions) Act 1976 requires that a district council must issue a private hire vehicle plate with an identity plate or disc and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a district council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle. Each application for a dispensation will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licensed vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centres of large towns.
2. Dispensations will not be granted as a matter of course. A clear case for the dispensation will have to be made by the proprietor. In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the dispensation should be granted. The high quality of the vehicle being used will be supportive of an application, but will not be the sole determining factor. Dispensations will normally be granted only where the work is carried out mainly or wholly outside of the District. Journeys conducted wholly or mainly within the District will not normally be granted a dispensation unless there are exceptional reasons to do so.
3. If the proprietor of a private hire vehicle, or the driver of his vehicle, have ever been cautioned or convicted by any authority of unlawfully plying for hire, they will not be granted a dispensation unless they can demonstrate exceptional circumstances.
4. The type of work which would be considered for the grant of a dispensation could be termed 'executive style'. Such work could include –  
  
contracts with senior personnel of large companies to carry managing directors or their clients;  
contracts with national or local government, or similar agencies, to carry senior personnel and guests on official business;  
the carriage of well known personalities such as sports or 'pop' stars;  
the carriage of the bride and/or groom to a wedding (but not guests)  
  
This list is indicative, but not exhaustive. It is also expected that the services offered to the passenger will be of a standard and class that go well beyond that which might be expected on a private hire journey normally booked through an operator. Other situations would be considered on their individual merits.
5. Where a dispensation is granted the vehicle must not display any indication that it is a private hire vehicle other than the Council window badge. This will include council window stickers, advertising, company names, telephone numbers and web site addresses or any form of advert or display that indicates that the vehicle is a private hire vehicle or is available for future hire.
6. The type of work that will not be considered for the grant of a dispensation will include:-  
  
Council 'school contract' work;

Journeys to airports, seaports or railway stations, unless part of a journey covered by a dispensation; (It is considered that the proper display of licences plates and Council door stickers is a safety feature when arriving at such venues, particularly in the current climate of a possible terrorist attacks)

Theatre journeys or sporting events unless stipulated on the dispensation;  
'Hen' and 'Stag' nights.

This list is indicative, but not exhaustive. In exceptional circumstances, where it can be shown that a particular journey of this nature warrants a dispensation, due consideration will be given to an application.

7. During the period of exemption two way radios must not be used or on display inside the vehicle.

**For a vehicle to qualify as an Exempt vehicle, the following additional Conditions will also apply:**

1. The decision to grant or refuse an exemption for the display of the current private hire licence plates and window stickers will be that of the Chief Housing and Public Protection Officer.
2. To qualify as Exempt, the vehicle would be luxurious and of a higher specification than standard model vehicles. It would also be relatively new, ideally under 3 years old (though age will not preclude the licensing of a vehicle in exceptionally good condition) and be of suitable size, appearance and design.
3. Any bookings for the undertaking of a journey in an Exempt vehicle must be made by way of a written contract. Such contracts must be in place for no less than 24 hours prior to the commencement of the journey. Written contracts shall be made available for inspection by an Authorised Officer or Constable at any reasonable time and be retained for a period of not less than 12 months.
4. Exempt Vehicles that conduct Private Hire work without a written contract in place as per condition 3 will have their Exempt Vehicle status withdrawn. They will then be required to display Wrexham Council standard Private Hire plates on the front and rear of the vehicle and window stickers.
5. Exempt Vehicles shall not display any external markings eg operator details or advertisements.
6. Exempt Vehicles shall not commence a booked journey from or within the immediate vicinity of any Private Hire Booking Facility, except in such cases where a pre-existing contract, as described in condition 3, is in place.
7. Vehicles qualifying for Exempt status will be required to display one or more Wrexham Council Exempt Vehicle Signs denoting that the vehicle is a licensed private hire vehicle.
8. Vehicles qualifying for Exempt status will be required to carry a copy of their Private Hire Vehicle Licence for inspection (on request) by any interested party.
9. In advance of the journey, the hirer must be advised that the vehicle dispatched to collect them will not be displaying standard Private Hire Vehicle Licence plates and window stickers.

10. Exempt Vehicles can only be driven by a licensed Private Hire Driver who is licensed by the same authority from which the Exempt Vehicle Licence was issued.
11. At all times when the vehicle is being used on work covered by the dispensation from the display of the private hire plate, the letter of authority must be carried on the vehicle and produced for inspection if requested. The driver must also carry his private hire driver's badge and produce it if requested. When not engaged on work covered by the dispensation, the vehicle must display the licence plate in accordance with licensing conditions.
12. Any breach of the Exempt Vehicle conditions could result in the vehicle having its Exempt Vehicle status withdrawn; from which point, assuming it continues to be used as a Private Hire Vehicle, the vehicle will be required to display the current standard Private Hire Licence Plates and Window Stickers.
13. Applicants for Exempt Vehicles status must sign an undertaking that they fully understand and accept these conditions.
14. Appeal to Environmental Licensing Committee regarding type of vehicle and contracts of use if refused or deemed inappropriate by Chief Housing and Public Protection Officer.