

**REPORT:** Regulatory Committee  
**DATE:** 11 March 2015  
**REPORTING OFFICER:** Chief Executive  
**PORTFOLIO** Resources  
**SUBJECT:** Taxi licensing matter  
**WARDS:** Borough-wide

## **1. PURPOSE OF REPORT**

PCS (Events) Limited (referred to as “PCS”) of 1 Fair Oak Lane Whitehouse Industrial Estate Runcorn operate solely as a “Chauffeur Service basis” and are required to licence their vehicles as Private Hire Vehicles and their drivers as Single Status Drivers. Although they have not yet made any application for a vehicle or drivers licence to the Council, PCS has requested that they be permitted to:-

- (1) Use black cars as Private Hire Vehicles.
- (2) Have a Plate Exemption / Gold plates.
- (3) Have vehicles which have manufacturers tinted glass.
- (4) Have restricted private hire vehicle driver’s licence for chauffeur drivers (with modified knowledge test and exemption from the DSA driving assessment).

## **2. RECOMMENDED: That the Committee considers the company’s requests.**

### **3. SUPPORTING INFORMATION**

- 3.1** PCS were granted a Private Hire Operators Licence with Halton Borough Council on 31 July 2014
- 3.2** The Company has provided details of the variation and or derogation from Halton Council’s Policies and conditions in relation to Chauffeur Cars and Drivers. This information is available at Appendix A
- 3.3** A summary of the requests together with comments is set out at Appendix B

**3.4** Extracts from the Council's Private Hire Vehicles conditions are attached at Appendix C

**3.6** The applicant has been invited to the meeting and will attend with their Legal representative.

#### **4 ISSUES FOR THE COMMITTEE TO CONSIDER**

**4.1** The requests are clearly set out. The Committee should consider the merits of each request as well as any implications of the requests. Appendix B sets out a number of points to take into consideration.

#### **5 OPTIONS**

**5.1** The options available to the Committee are to grant or refuse the requests taking each one separately.

**5.2** Note that relevant applications for licences to which exemptions have been granted or refused have not yet been made. This report is about the approach which would be taken following receipt of relevant applications.

#### **6 POLICY IMPLICATIONS**

The application is not to change existing policies. It is to request exemptions from policy on specified reasons.

#### **7 OTHER IMPLICATIONS**

N/A

#### **8 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

**8.1 Children and Young People in Halton**

None

**8.2 Employment Learning and Skills in Halton**

N/A

**8.3 A healthy Halton**

N/A

**8.4 A Safer Halton**

None

**8.4 Halton's Urban Renewal**

N/A

#### **9 RISK ANALYSIS**

N/A

#### **10 EQUALITY AND DIVERSITY ISSUES**

N/A

**11 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Application Documents	Legal Services	John Tully/Kay Cleary

HALTON BOROUGH COUNCIL  
LICENSING COMMITTEE

---

---

REQUEST BY PCS (EVENTS) LTD FOR VARIATION AND / OR DEROGATION  
FROM THE COUNCIL'S POLICIES AND / OR CONDITIONS OF LICENCE IN  
RELATION TO CHAUFFEUR CARS AND DRIVERS

---

---

**1.0 Background**

- 1.1 PCS (Events) Ltd of 1 Fair Oak Lane, Whitehouse Industrial Estate, Runcorn WA7 3DU (hereinafter referred to as "PCS") and its predecessors are one of the longest established chauffeur companies and the largest in the UK, based outside of London.
- 1.2 By virtue of contracting with its customers through its Edinburgh office, PCS is currently exempt from licensing under the Civic Government (Scotland) Act 1982, section 22(c). [note: should be section 22(a)]
- 1.3 In addition to its office in Edinburgh, PCS has depots in Birmingham, Runcorn and Newcastle.
- 1.4 The Runcorn depot also consists of offices accommodating the management team, accounts department, the customer service team and a large garage where the Mercedes-Benz trained technicians maintain the fleet as an authorised Mercedes-Benz service agent.
- about 140 cars, consisting mainly of Mercedes-Benz E and S class saloon and

- 1.5 As at the date of this application (11 December 2014), PCS operates a fleet of estate cars. The majority of those vehicles are silver in colour, but up to 10 of them are black. PCS employs in the region of 200 full and part-time drivers.
- 1.6 The London office is not a depot, but a booking office (without public access, garage or off-street parking). PCS has recently opened this office in order to tender for work that is London centric.
- 1.7 PCS holds operator licences with Halton Borough Council and TFL (Transport for London) for its Runcorn and London offices respectively. Both premises have appropriate planning permission for their respective uses.

## **2.0 The law relating to sub-contracting**

- 2.1 Currently, outside of London, a private hire operator cannot sub-contract a booking for a private hire vehicle to a private hire operator in another district.
- 2.2 A TFL licensed private hire operator in London may, however, sub-contract a booking for a private hire vehicle to an operator anywhere in England, Wales and Scotland.
- 2.3 Outside of London, private hire operators are likely to be able to sub-contract work elsewhere in England, Wales and Scotland by virtue of a proposed change to the law in the Deregulation Bill that is currently progressing through Parliament.
- 2.4 Now that it is licensed by TFL and because of the likely forthcoming change to the law outside of London, PCS has to decide how to structure its multi-site business for the future.
- 2.5 For the purposes of maximising efficiencies and simplifying the administrative operation of its licensing processes, PCS would wish to license its vehicles and drivers with one licensing authority.

- 2.6 As PCS's largest premises are situated in Runcorn it would like to license with Halton Borough Council, if its operational and the Council's regulatory requirements can be aligned in a way that would allow the Council to adopt these refinements to its existing policies for chauffeur businesses generally.
- 2.7 The policy areas in which PCS requests variation and / or derogation from the Council's current policies are: (i) plate exemption / golden plates; (ii) black coloured cars; (iii) manufacturer's tinted glass; and (iv) issue of a private hire vehicle driver's licence for chauffeur drivers (instead of the standard Single Status Driver's licence) with a modified knowledge test and an exemption from taking the DSA driving assessment for taxi drivers.
- 2.8 The full particulars of each of the aforementioned requests together with details of the reasons for each request are set out below under individual section headings.

### **3.0 Plate exemption / golden plates**

- 3.1 Whilst it is appreciated that the granting of an exemption to display a standard private hire plate and to carry a golden plate is something that would ordinarily be considered by officers, the issue is raised here, because without the agreement of Licensing Committee to grant golden plates to PCS's fleet of vehicles this whole application need not be considered further.
- 3.2 At the Meeting of Licensing Committee, PCS will produce commercially sensitive (confidential) documentary evidence of its client base to Members in order to satisfy Licensing Committee that its business does meet the Council's requirements for the grant of golden plates.
- 3.3 For the avoidance of doubt, PCS does not engage directly in the provision of standard private hire services.

#### **4.0 Black coloured cars**

- 4.1 A proportion of the work undertaken by PCS requires the use of black cars. This can be a non-negotiable requirement when providing chauffeur services to the Government Car Service or for some 'red carpet' events when a black coloured chauffeur driven car is required, especially when such events are televised.
- 4.2 PCS could not operate with cars that were dark blue or dark grey in colour, because of these contractual requirements.
- 4.3 It is appreciated that the Council does not license private hire vehicles that are black in colour, because it requires hackney carriages to be black and that a council cannot legally license a vehicle as a private hire vehicle if it resembles a hackney carriage by virtue of the Local Government (Miscellaneous Provisions) Act 1976, section 48(1)(a)(ii).
- 4.4 It is respectfully submitted that a licensed private hire vehicle that does not display the standard licence plate, but carries a golden plate, resembles a private motor car and not a hackney carriage. In the circumstances, the Council would not be acting unlawfully if it were to agree to license black coloured vehicles in these specific circumstances.
- 4.5 As will be appreciated from paragraph 1.5 above, PCS currently operates only up to about 10 black coloured cars. Unless there is an unforeseen increase in the volume of work PCS receives requiring the services of black coloured cars, PCS would ask that they be permitted to license up to 10 per cent of their fleet as black coloured cars.

#### **5.0 Manufacturer's tinted glass**

- 5.1 Whilst PCS's vehicles are not fitted with privacy glass, PCS asks for confirmation from Licensing Committee that the Council will license any

suitable prestigious marque of car that is presented with the manufacturer's standard level of tinted glass for that particular model of vehicle.

## **6.0 Private hire vehicle driver's licence for chauffeur drivers**

- 6.1 PCS appreciates that the Council routinely issues, what it calls, a Single Status Driver's (SSD) licence. In law there is no such licence, but in reality the SSD licence is a hackney carriage driver's licence (to which licence conditions cannot be attached, although the conduct of a driver can be regulated by byelaws) and a private hire vehicle driver's licence (to which conditions can be attached).
- 6.2 For the avoidance of doubt, a chauffeur driver's licence does not exist in law. However, there is no reason why the Council could not, by attaching conditions to a private hire vehicle driver's licence, create what would amount to a chauffeur driver's licence in the same way the Council has created the SSD licence.
- 6.3 In this regard, PCS would suggest that a chauffeur driver's licence should consist of the private hire vehicle driver conditions of licence attached to the SSD licence, subject to a single fundamental condition that prohibits the driver from driving anything other than a private hire vehicle that has been issued with a golden plate.
- 6.4 By attaching the suggested condition the driver would be unable to drive a standard private hire vehicle and would, of course, be unable to drive a hackney carriage, because the licence would only be a conditionally restricted private hire vehicle driver's licence.
- 6.5 Having created a chauffeur driver restricted private hire vehicle driver's licence the Council could justifiably and reasonably modify the pre-licensing requirements to tailor them to the role of a chauffeur driver.



- 6.6 In this regard, PCS would ask that the Council exempt chauffeur drivers from the SSD's knowledge test, because they neither engage in hackney carriage driving or standard private hire vehicle driving.
- 6.7 PCS respectfully suggests that it would be more appropriate for chauffeur drivers to undertake an assessment of their topographical skills, i.e. their ability to plan routes using street maps and road atlases. Such an assessment is the only one that has to be taken by a person applying to TFL for a London private hire vehicle driver's licence.
- 6.8 Whilst PCS is not opposed to the principle of testing a person's driving competence, as a company it is far better equipped to assess a driver's competence than a DVSA driving examiner in a test that takes only approximately 40 minutes during which the candidate will endeavour to do their best driving.
- 6.9 All of PCS's vehicles have been fitted with telematics tracking equipment (otherwise known as "black boxes") that enables PCS's managers and the company's insurers to monitor the driving of every vehicle individually.
- 6.10 The system can notify managers if a vehicle is exceeding a speed limit, has braked or cornered harshly or involved in a collision and provides a weekly score out of 100 of the driver's performance.
- 6.11 If notifications were received about aspects of a driver's driving or their overall weekly score were lower than the standard set by PCS, which is set at a higher level than that set by their insurers, PCS would investigate and, if appropriate, require the driver to undertake driver improvement training.
- 6.12 Unfortunately the telematics system can generate false notifications and assess a lower score than ought to have been the case, which is why investigation would be necessary by a PCS manager.
- 6.13 For example, if one imagines a PCS driver travelling along a dual carriageway with a 70mph speed limit at 65mph and parallel to that there is a minor road

with a 30mph speed limit, it is possible that the system might wrongly plot the vehicle as being on the minor road, travelling at more than twice the 30mph speed limit, which would both activate a notification and adversely affect the driver's score.

- 6.14 However, with such real time monitoring of a vehicle's position and the manner of the driving, it is respectfully submitted that to require PCS's chauffeur drivers to undertake a DVSA taxi driving assessment is unnecessary, would cause great delays in the licensing of all 200 of PCS's drivers and unnecessarily incur a total cost of between £18,588 and £22,468.

## **7.0 Conclusion**

- 7.1 The Chairman and Members of Licensing Committee are respectfully invited to make the variations and / or derogations from policy and / or conditions of licence as referred to herein.
- 7.2 The author of this application and representatives of PCS will attend the Meeting of Licensing Committee to make this application in person, present the documentary evidence referred to herein and to answer any questions of Members and officers.

**David B Wilson** Cert HELL,  
MloL, [MBII.tp](mailto:MBII.tp) Licensing  
Consultant, Trainer  
and Mediator Consulting Editor,  
Paterson's Licensing Acts 2015

**11 December 2014**

a2z Licensing, 3 Biddick Hall Cottages, Lambton Park,  
Chester-le-Street DH3 4PH

## APPENDIX B

### Summary of application

<b>The Requests</b>	<b>Officer Comments</b>
(i) plate exemption / golden plates PHV Condition No 6	(i) This complies with existing policy (see vehicles condition 6). Each vehicle would be assessed to verify that it was of a 'chauffeur type'. Consequently, there are no reasons to reject this request.
(ii) black coloured cars PHV condition No 2.1 (10)	(ii) This would be a departure from policy but the Committee would be entitled to grant the request if the reasons given are considered sufficiently cogent. The underlying reason for the condition is to avoid confusion in the mind of the public between hackney carriages and private hire vehicles. The Committee needs to be satisfied that no confusion would arise.
(iii) manufacturer's tinted glass PHV Condition No 2.6	(iii) This condition was originally introduced some years ago following a request from Cheshire Constabulary. The police have been requested to comment on the continued use of this condition and have replied that in the absence of a Constabulary wide policy they will withdraw their request for its imposition. The Committee is entitled to make an exemption from the policy or continue with it.

	<p>More vehicles have manufactures tinted windows as standard.</p>
<p>(iv) issue of a private hire vehicle driver's licence for chauffeur drivers (instead of the standard Single Status Driver's licence) with a modified knowledge test and an exemption from taking the DSA driving assessment for taxi drivers.</p>	<p>(iv) Restricted driver licences were issued by the Council some years ago but were withdrawn following abuses. Where the Committee feels that it would be legitimate to issue such licences it could do so. A modified knowledge test (as to which see below) might then be appropriate but the case for exemption from the DSA driving assessment has not been made out.</p> <p>It should be pointed out that there is some doubt as to whether restricted driver licences can exist under the legislation. However, they are sufficiently common in use to assume that they can be issued.</p> <p>The Committee should assume that this is possible in the absence of case law to the contrary.</p> <p>The Council's Taxi Knowledge Test is in two parts: Part 1 - Local Knowledge and Part 2 - Legislation and Conditions. A modified test would dispense with Part 1 only.</p>

## APPENDIX C

### PRIVATE HIRE VEHICLE CONDITIONS

Condition 2.6 and Condition 6

#### **2.6 Privacy glass**

Privacy glass shall be permitted subject to the following rules:

Blackout glass shall be banned in Halton;

The permitted degree of tinting of glass in front of the vehicles' "B-Pillar" shall be in accordance with national standards;

The permitted degree of tinting of glass behind the vehicles' "B-Pillar" shall be in accordance with rules to be determined from time to time by the Council.

#### **6. Display of items supplied by the Council**

The following items will be supplied by the Council and shall be permanently displayed on the vehicle in an approved manner:

licence plates (front and rear)

an interior licence number plate

a sign on adhesive plastic of a size colour design and wording approved by the Council shall be required to be positioned on both front doors indicating that the vehicle is a licensed Private Hire Vehicle

On 'Chauffeur type' vehicles a 'gold plate' may be fitted following consultation with and permission from the Council. No advertisement whatsoever will be permitted on these vehicles.