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# Bath & North East Somerset Council

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## Democratic Services

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Date: 28 September 2015

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**To: All Members of the Licensing Sub-Committee**

**Councillors:-** Paul Myers, Mark Shelford and Caroline Roberts

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Licensing Sub-Committee: Tuesday, 6th October, 2015**

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 6th October, 2015** at **10.00 am** in the **Kaposvar Room - Guildhall, Bath**.

### **Briefing**

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at 9.30am.

The agenda is set out overleaf.

Yours sincerely

Sean O'Neill  
for Chief Executive

**If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*



## NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Sean O'Neill who is available by telephoning Bath democratic\_services@bathnes.gov.uk or by calling at the Guildhall Bath (during normal office hours).
- 2. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Reception: Civic Centre - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

### 3. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast) An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

## **Protocol for Decision-making**

### **Guidance for Members when making decisions**

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

**Licensing Sub-Committee - Tuesday, 6th October, 2015**

**at 10.00 am in the Kaposvar Room - Guildhall, Bath**

**A G E N D A**

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5 on the previous page.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES: 15TH SEPTEMBER 2015 (Pages 7 - 12)

6. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S APPLICATION (Verbal Report)

The Chair will draw attention to the procedure to be followed for the next item of business.

7. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

“that the Committee, having been satisfied that the public interest would be better

served by not disclosing relevant information in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public shall be excluded from the meeting for the following item of business because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.”

8. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR A R P (Pages 13 - 26)
9. HC/PH PROPRIETOR'S PROCEDURE (Pages 27 - 30)  
The Chair will draw attention to the procedure to be followed for the next three items of business.
10. APPLICATION FOR A HACKNEY CARRIAGE PROPRIETOR'S LICENCE - MR D SCARAMANGA (Pages 31 - 42)
11. APPLICATION FOR HACKNEY CARRIAGE PROPRIETOR'S LICENCE - MR N WYATT (Pages 43 - 54)
12. APPLICATION FOR HACKNEY CARRIAGE PROPRIETOR'S LICENCE - MR T SKACZKOWSKI (Pages 55 - 66)

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on [democratic\\_services@bathnes.gov.uk](mailto:democratic_services@bathnes.gov.uk).

**BATH AND NORTH EAST SOMERSET COUNCIL**

**LICENSING SUB-COMMITTEE**

Tuesday, 15th September, 2015, 10.00 am

**Councillors:** Paul Myers (Chair), Caroline Roberts and Mark Shelford

**Officers in attendance:** Carrie-Ann Evans (Senior Legal Adviser) and John Dowding (Senior Public Protection Officer)

**42 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

**43 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**44 DECLARATIONS OF INTEREST**

There were none.

**45 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

**46 MINUTES: 18TH AUGUST 2015**

These were approved as a correct record and signed by the Chair.

**47 EXCLUSION OF THE PUBLIC**

**RESOLVED** that, the Committee having been satisfied that the public interest would be better served by not disclosing relevant information in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for agenda items 49-52 because of the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act, as amended.

**48 TAXI PROCEDURE**

The Chair explained the procedure to be followed for agenda items 49-52.

**49 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:  
A T**

Mr A T confirmed that he had received and understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report. He circulated copies of a DBS certificate relating to Mr A T, a statement submitted by him and references. The hearing was adjourned to allow Members time to study these documents.

Mr AT stated his case and was questioned by Members.

Mr AT made a closing statement.

Following an adjournment the Sub-Committee **RESOLVED** to refuse the application.

### Reasons

Members have had to determine an application for a combined Hackney Carriage/Private Hire Driver's Licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

In making a determination Members took account of the applicant's oral representations, his statement, references and balanced these against the information provided by the Disclosure and Barring Service.

The applicant accepted that he had made some mistakes but had grown and was willing to move on and be a better person. He explained that he felt working would make him a better person. When questioned regarding his personal development the applicant indicated that he had been working with the Probation service for a year and felt he had been taught a lot and had learned to walk away. When asked how he would react if his friend was involved in a confrontational situation now, he explained that he would pull his friend away; would not become involved physically and would talk the situation through. Mr T indicated in closing that he had a young son and wants to be a taxi driver in order to support him more.

Members noted that the Council's Policy stated that where an applicant has a conviction for an offence such as an assault or common assault they should have remained free from conviction for a period of 3 years. Members were mindful that each case will be decided on its own merits and that they may depart from the policy where there are reasons for doing so. In this case however, Mr T's last conviction for battery was in 2014 and Members were not satisfied that Mr T had developed the maturity and skills at this time, to be a fit and proper person.

Members took the view that the applicant was not a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence and accordingly, his application was refused.

## **50 CONSIDERATION OF CONVICTION OBTAINED: L D**

The licence holder confirmed that she had received and understood the procedure to be followed for the hearing. She was represented at the hearing by a solicitor.

The Senior Public Protection Officer presented the report.

Ms D's solicitor made a statement on her behalf. Ms D was questioned by Members. Ms D's solicitor made a closing statement.

Following an adjournment the Sub-Committee **RESOLVED** to issue Ms D with a clear warning about her future conduct.



## Reasons

Members have had to determine what action to take against the holder of a combined Hackney Carriage/Private Hire Driver's Licence having obtained convictions during the course of her licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

In making a determination Members took account of the oral representations made on behalf of the licensee by her solicitor.

Members took into account the mitigation presented on behalf of the licensee in respect of the circumstances of the offences in question and took into account the licensee's background as a BANES licensed taxi driver. Members noted that Ms D expressed emphatically that she was now aware of her insurance responsibilities as a licensed taxi driver and there would not be a repeat of this kind of incident.

Members took a dim view of the offences committed by Ms D and viewed them seriously but felt that at this time, on balance, Ms D remained a fit and proper person. Ms D was however, given a clear warning as to her future conduct and warned that if she appears before the Licensing Sub-Committee again she is at risk of suspension or revocation.

## **51 CONSIDERATION OF CONVICTION OBTAINED: S E**

Mr E confirmed that he had received and understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report and provided Members with a copy of a DBS certificate relating to Mr E and a statement submitted by him. The hearing was adjourned to allow Members time to study these documents.

Mr E stated his case and was questioned by Members. He made a closing statement.

Following an adjournment the Sub-Committee **RESOLVED** to issue Mr E with a warning to be diligent in relation to the conditions of his licence and his conduct.

## Reasons

Members have had to determine what action to take against the holder of a combined Hackney Carriage/Private Hire Driver's Licence having obtained a conviction during the course of his licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

In making a determination Members took account of the licensee's oral representations and his statement and balanced these against the information provided by the Disclosure and Barring Service.

Members noted that Mr S E had indicated on his renewal application form in 2013 that he had been convicted of an offence since the grant of his last licence and that he had not previously declared this to the Council. Members noted that there was an element of human error, which they make no criticism of, which had resulted in this not being followed up at the time.

Members took the view that the offence in 2012 was an isolated domestic incident arising out of a particularly stressful personal situation. Members were impressed by Mr E's presentation and commitment to being an ambassador for BANES in his role as a licensed taxi driver. Members issued Mr E with a warning to be diligent in relation to the conditions of his licence and his conduct however, Members were satisfied that Mr E is able to conduct himself in a calm, rational and professional manner and accordingly took the view he is a fit and proper person to continue to hold a combined Hackney Carriage/Private Hire drivers licence.

## **52 CONSIDERATION OF CONVICTION OBTAINED: G Z**

Mr Z confirmed that he had received and understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report.

Mr Z made a statement and was questioned by Members. He made a closing statement.

Following an adjournment the Sub-Committee **RESOLVED** to issue Mr Z with a clear warning as to his future conduct.

### Reasons

Members have had to determine what action to take against the holder of a combined Hackney Carriage/Private Hire Driver's Licence having obtained convictions during the course of his licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

In making a determination Members took account of the licensee's oral representations and balanced these against the information in relation to his recent convictions.

Members had to decide whether the licensee continued to be a fit and proper person to hold a licence taking into account all the circumstances including his driving history, record as a licenced driver and his character.

Members noted Mr Z's early admission of guilt, his candour and the fact that he did not seek to minimise his wrongdoing.

Members took a dim view of the offences committed by Mr Z and viewed them seriously but felt that at this time, on balance, he remained a fit and proper person. Mr Z was however, given a clear warning as to his future conduct and warned that if he appears before the LSC again he is at risk of suspension or revocation.

The meeting ended at 1.30 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**Access to Information Arrangements**

**Exclusion of access by the public to Council meetings**

Information Compliance Ref: LGA-1278/15

Meeting / Decision: Licensing Sub-Committee

Date: 6 October 2015

Author: John Dowding

Exempt Report Title: Application For Hackney Carriage/Private Hire Driver's Licence

Exempt Appendix Title:

Annex A – Application Form

Annex B – Policy on Convictions, Cautions and Fixed Penalty Notices

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

**PUBLIC INTEREST TEST**

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Criminal Records Bureau check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

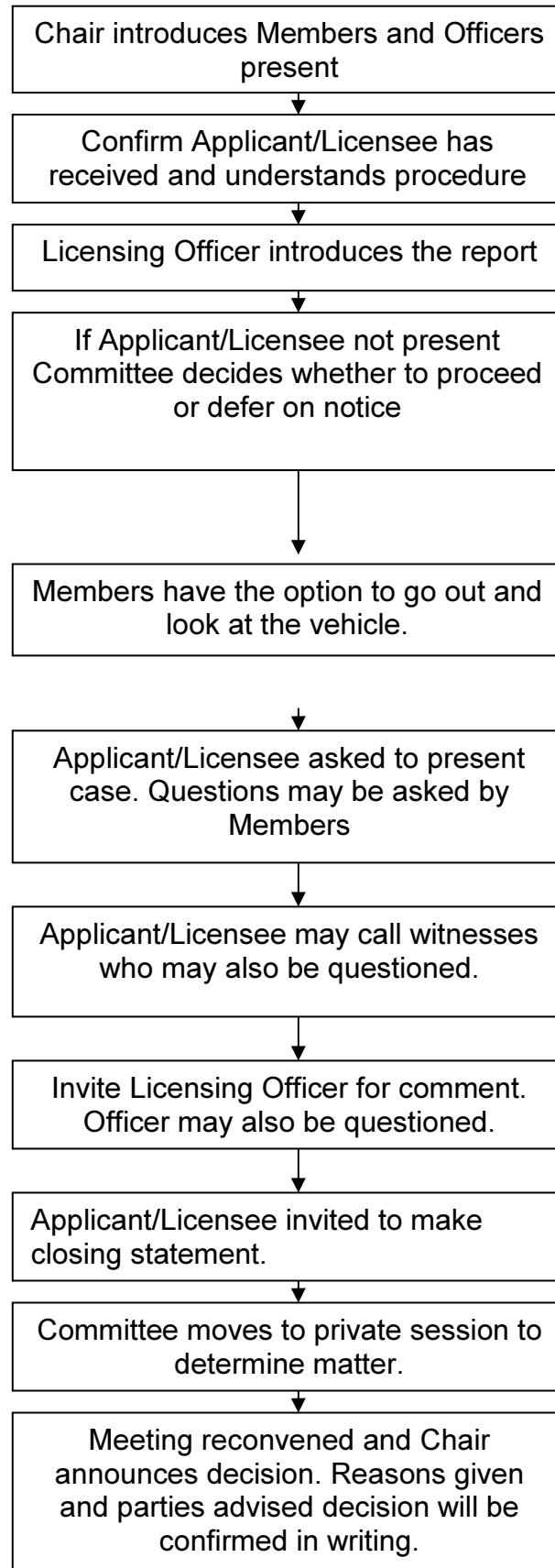
By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**LICENSING SUB-COMMITTEE  
HACKNEY CARRIAGE (TAXI) AND  
PRIVATE HIRE PROPRIETORS LICENCE PROCEDURE**



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**Licensing Sub-Committee  
Hackney Carriage and Private Hire  
Proprietors' Hearing Procedure**

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. Members inspect the vehicle.
4. The Applicant (or his/her representative) present their case, may call witnesses and may be questioned by the Committee and other parties.
5. Interested parties present their case, may call witnesses and may be questioned by the Committee and other parties.
6. The Chair will invite the Licensing Officer to comment. If an Officer makes comment they may be questioned.
7. Interested parties will be invited to make a closing statement.
8. The Applicant will be invited to make a closing statement.
9. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
10. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Services Officers for the purpose of assisting them in drafting their reasoning for the decision.
11. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

Updated November 2013

### **PLEASE NOTE:**

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should it be necessary, supplementary questions limited to clarification purposes.
- Parties will be allowed an equal amount of time to present their cases. Whilst time limits are at the discretion of the Chair, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits will not include the time taken for questions.

#### **N.B.**

1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
  2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
  3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may request that any person behaving in a disruptive manner leave the hearing and refuse that person to return, or only to return subject to conditions. An excluded person however is entitled to submit the information they would have been entitled to present had they not been required to leave.
  - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public on the grounds set out in the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
  - If any person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing in order that reasonable adjustments can be made.

<b>Bath &amp; North East Somerset Council</b>		
<b>MEETING/ DECISION MAKER:</b>	<b>Licensing Sub-Committee</b>	
<b>MEETING DATE:</b>	<b>Tuesday 6<sup>th</sup> October 2015</b>	<small>EXECUTIVE FORWARD PLAN REFERENCE:</small>
<b>TITLE:</b>	<b>Application For Hackney Carriage Proprietors Licence – Mr D Scaramanga</b>	
<b>WARD:</b>	ALL	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p><b>Annex A – Independent Consultants Summary of Unmet Demand (2015)</b></p> <p><b>Annex B – Application Form.</b></p> <p><b>Annex C – Policy on Hackney Carriage and Private Hire Licensing Standards.</b></p>		

**1 THE ISSUE**

- 1.1 This report invites the Licensing Sub-Committee to consider Mr Scaramanga’s application for the grant of a Hackney Carriage Proprietors Licence.
- 1.2 The policy adopted by the Council requires that each application be dealt with on its own merits. Furthermore, Bath & North East Somerset Council regulate the number of Hackney carriage Proprietor Licenses it issues in Bath (zone 1). When the Council determines any application for new hackney Carriage Proprietors Licence it will do so having regard to the recommendations of an independent Unmet Demand Survey. All such applications shall be determined by the relevant Licensing Sub-Committee.

**2 RECOMMENDATION**

- 2.1 That the Sub-Committee determine the issue.

**3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 There are no resource implications arising from this report. The fee for this application is £190 and the licence fee will be £114 if the application is successful.

## 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 Hackney Carriage vehicles are licensed under section 37 of the Town Police Clauses Act 1847, as amended.

4.2 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 states;

- (1) A district council may attach to the grant of a licence of a Hackney Carriage under the Act of 1847 such conditions as the district council consider reasonably necessary.
- (2) Without prejudice to the generality of the foregoing subsection, a district council may require any Hackney Carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage.
- (3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

4.3 An applicant aggrieved by the refusal of a district council to grant a Hackney Carriage proprietors licence may, by virtue of the Public Health Acts appeal to a Crown Court to review the decision of the Council.

4.4 The Transport Act 1985 allows a district council to limit the number of Hackney Carriage proprietorship licences issued, provided that the Council is satisfied that there is no significant demand for the services of Hackney Carriages, which is unmet.

4.5 An unmet demand survey was carried out in Bath by an independent consultant during March and December 2014. The final report determined that there is evidence of significant unmet demand and recommended increasing the overall number of licenses in Zone 1 by 3, from 122 to 125. (A copy of the relevant section of the conclusion and recommendation of the survey is produced at Annex A).

4.6 A report was taken to the Licensing Committee on 19 June 2015 and the provision of 3 extra licences was ratified by a Single Member Decision which was taken by the Cabinet Member for Community Services in September 2015.

4.7 The current Policy on Hackney Carriage and Private Hire licensing standards for drivers, vehicles and operators states *"That any new Hackney Carriage Proprietors licenses issued in Bath (zone 1) in light of the results of a survey will be issued on the condition that the vehicle is fully accessible and has a side loading capability. To be deemed fully accessible a vehicle shall cater for a range of disabilities for example visual, aural and ambulant disabilities. Any replacement vehicle shall be to the same or higher specification"*. And further states *"That all vehicles will normally be less than five years old when first licensed"*. (The full policy is produced at Annex C).

## **5 THE REPORT**

- 5.1 Mr Scaramanga applied for the grant of a Hackney Carriage Proprietors licence on the 19<sup>th</sup> June 2015 (A copy of the application form is produced at Annex B).
- 5.2 The application is for a Peugeot E7 fully accessible side loading vehicle manufactured in 2015.
- 5.3 The vehicle is equipped with high visibility grab handles, high visibility edges to entrance/exit steps, high visibility seat trims and high visibility wheelchair ramp edges to aid visually impaired passengers.
- 5.4 The vehicle is fitted with a hearing aid loop system for ease of communication with the driver.
- 5.5 The vehicle is factory equipped with a slide out ramp with high visibility edging to facilitate wheelchair access. This ramp is integral to the vehicle and does not have to be carried separately. This is an important feature for accessible vehicles as it ensures that the ramp is easily deployed by the driver and cannot be separated from the vehicle or forgotten.
- 5.6 On the 15<sup>th</sup> September 2015 the Cabinet Member for Community Services accepted the findings of the Unmet Demand Survey and agreed to increase the limit of Hackney Carriage proprietors' licences in Bath (zone 1) to 125.

## **6 RATIONALE**

- 6.1 Each application for a licence will be treated on its own merits and in line with the current Policy on Hackney Carriage and Private Hire Licensing Standards

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None

## **8 CONSULTATION**

- 8.1 The Council's Monitoring Officer (Head of Legal and Democratic Services and Council Solicitor) and Section 151 Officer (Divisional Director - Finance) and Information Governance Officer have had the opportunity to input to this report and have cleared it for publication.

## 9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>John Dowding 01225 477689</i>
<b>Background papers</b>	<i>Bath &amp; North East Somerset Council Taxi Unmet Demand Study Final Report April 2015. Policy on Hackney Carriage and Private Hire Licensing Standards –Drivers, Vehicles and Operators. Application Form.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	



## 10. Recommendations

### ***Limits on the number of hackney carriage vehicles***

With there being evidence for there being unmet demand which is significant at this point in time, we would recommend a further three Bath City licences be issued. This would allow the Council to retain the limit on vehicle numbers and withstand any challenge forthcoming, although with the extra licences needing time to be issued and take effect, it would not be clear for around a year if the additional licences had provided the desired effect or not. There will also be a spin off that the extra licences will increase the Bath city zone level of WAV to 17% and allow more to be available for contracts.

At the present time, it would not be tenable to retain the current limit without issuing further licences as the maximum ISUD calculation is beyond the accepted cut-off limit, and even the sensitivity test is not too far below that limit.

The Council also has the option of removing the limit on numbers of licences in the Bath city zone. However, we would advise that this would not be a choice in the current public interest since:

- With the current suggestion of some level of recovery in Bath, any more than the limited issue of licences would encourage a high take-up of new licences on the speculation that there was demand to be met
- The public would be strongly inconvenienced by the impact of additional vehicles on congestion around all ranks in the city which could be severe and could not be controlled easily
- There is benefit to the public from the current stability provided by the presence of a long term limit on vehicle numbers
- The issue of more licences would reduce the current trade focus on customers as they sought to maintain their earning levels by focussing on taking as much custom as possible
- Removal of the limit would mean many of those with significant levels of passenger expertise and knowledge could leave the trade – which may even reduce the level of wheel chair accessible vehicles if an owner of one of these chose to leave.

### ***Rank provision***

There is no need for any further rank provision in the Bath city zone at this time. However, there is need to consider if the appropriate sections of the Council could improve signing and advertising of the lesser used ranks. This may need discussion between the licensing section and the council department responsible for both highways and for information both on the ground and on the internet.

ANNEX B

**Bath & North East  
Somerset Council**

142079  
6190  
16.6.15

Local Government (Miscellaneous Provisions) Act 1976  
Town Police Clauses Act 1847

**APPLICATION FOR HACKNEY CARRIAGE VEHICLE LICENCE**

1. I, [Full name in BLOCK CAPITALS] DAVID SCARAMANGA  
of [Address in BLOCK CAPITALS] 11 CHELTENHAM STREET  
BATH Post Code BA2 3EX  
Date of Birth 14-11-1978 Tel No 07885 837004

hereby make application to the Bath & North East Somerset Council for a Hackney Carriage Vehicle licence in respect of:

Make PEUGEOT Model E7 Colour GREY Vehicle Reg.No SF15 EYW  
\*Petrol/Diesel Seating Capacity (excluding driver) 7 No of Doors 5  
cc 1999 Year of Manufacture 2015 \*Plate No (if applicable) TBA

Wheel Chair Accessible?  YES  NO

of which I am the \*[sole proprietor] \*~~[part proprietor with]~~  
Name.....  
Address..... N/A  
Post Code..... Telephone No.....

2. Is the vehicle fitted with a two-way radio, radio telephone, bleeper or radio paging system?  
YES  NO
3. If 'YES', is this covered by the insurance policy? N/A YES  NO

I/WE undertake, if granted a Hackney Carriage Vehicle Licence, to ensure that this vehicle, when used for Public Hire purposes, is adequately insured at all times and complies with the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 and the conditions laid down by Bath & North East Somerset Council.

4. Applicants for a Hackney Carriage Licence are required to give an assurance that their vehicle, if licensed, will be used on a full-time basis for a reasonable working week within the controlled district of the Council, at least 25 hours of which shall be during the period Monday to Thursday inclusive during the currency of the Licence (one year) in affording a Hackney Carriage Service.

Are you prepared to give such an assurance? YES YES/NO

\* DELETE AS NECESSARY

## ANNEX B

Applicants for a Licence are reminded that Hackney Carriage Licences are issued only for the period specified (one year) and that if the proprietorship changes during the currency of the Licence that fact will be taken into consideration when the question of renewal of the Licence come up for consideration.

5. I declare that the above statements are true, and I understand that any Licence obtained by false declaration may be suspended or revoked by the Council.

Signed..........Date 19-06-2015.....

6. Please enclose:
- (i) Current Insurance certificate which must cover the vehicle for public hire and reward
  - (ii) Registration document
  - (iii) MOT Certificate (if applicable)
  - (iv) Application Fee for a new licence (£190 Non Refundable)
  - (v) Vehicle inspection sheet
  - (vi) Meter test certificate

Please note if a new licence is granted then a further £114 new licence fee and a £50 plate deposit will be payable on issued of the licence. Total payable for grant of new Hackney Carriage licence £354 (£190 + £114 +£50). There will be an additional charge for an authorised roof sign which is currently £80 if the vehicle is not a purpose built Hackney Carriage.

### Annual renewal fee - £246

and return to:-  
Bath & North East Somerset Council  
Taxi Licensing, Passenger Transport Depot  
Locksbrook Road  
Bath  
BA1 3EL

### APPEALS PROCEDURE

- (1) Any person aggrieved by:-
- [a] The refusal of the District Council to grant a Licence under the Local Government (Miscellaneous Provisions) Act 1976; May appeal to the Crown Court.
  - [b] Any conditions attached to the grant of a Vehicle Licence, may appeal to the Magistrates' Court.
- (2) Appeals must be brought within 21 days.
- (3) A further right of appeal lies to the Crown Court from the Magistrates' Court.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with other bodies administering or in receipt of public funds solely for these purposes.

For further information see;  
<http://www.bathnes.gov.uk/BathNES/councilanddemocracy/dataprotectionandfreedomofinformation/nfi.htm>  
or contact the Information and Governance Team, Guildhall, High St, Bath BA1 5AW. Email [information\\_governance@bathnes.gov.uk](mailto:information_governance@bathnes.gov.uk)

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**POLICY ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING  
STANDARDS - DRIVERS, VEHICLES AND OPERATORS**

The following policy sets out the context within which Hackney Carriage and Private Hire vehicles operate and outlines the standards required by the Council for Hackney Carriage and Private Hire vehicles, driver and operators:

1. Each application for a licence will be treated on its own merits. Where however, applications fall outside this Policy they will be referred to the relevant Licensing Sub-Committee for consideration.
2. The district of Bath and North East Somerset is zoned, for the purpose of Hackney Carriage licensing, into the two areas: Bath (zone 1) and North East Somerset (zone 2).
3. Bath & North East Somerset Council regulate the number of Hackney Carriage Proprietors Licences it issues in Bath (zone 1). When the Council determines any application for new hackney Carriage Proprietors Licence it will do so having regard to the recommendations of an independent Unmet Demand Survey. All such applications shall be determined by the relevant Licensing Sub-Committee.
4. An Unmet Demand Survey (for zone 1) will be carried out at regular intervals and no more than three years will elapse between each survey.
5. That any new Hackney Carriage Proprietors licenses issued in zone 1 in light of the results of a survey will be issued on condition that the vehicle is fully accessible and has side loading capability. To be deemed fully accessible a vehicle shall cater for a range of disabilities for example visual, aural and ambulant disabilities. Any replacement vehicle shall be to the same or higher specification.
6. That all vehicles, including new ones, shall be visually and mechanically inspected prior to being licensed and thereafter mechanically inspected on an annual basis at garages approved by the Licensing Officer.
7. That all vehicles will normally be less than five years old when first licensed.
8. That the engine size of vehicles to be licensed shall be at least 1400cc
9. That only roof signs approved by the Licensing Officer are permitted on the vehicle. Hackney Carriage signs shall be fitted across the width of the vehicle and Private Hire signs shall be fitted along the length of the vehicle.
10. That the vehicle licence plates are issued annually and display the registration number of the vehicle, licence number, number of seats, colour of vehicle, date of expiry of licence and make of vehicle.
11. That the vehicle licence plates remain the property of the Council and shall be returned to the Council in the event that the vehicle is no longer used for Hackney Carriage or Private Hire work or the licence expires.
12. That Hackney Carriage vehicle licenses are renewed annually and expire on the 31<sup>st</sup> May.

## ANNEX C

13. That Private Hire vehicle licenses are renewed annually and expire on the 31<sup>st</sup> October.
14. That Hackney Carriage and Private Hire Driver's licenses are renewed annually and expire on the 28<sup>th</sup> February.
15. That an Operator's licence is issued for a maximum five year period, and shall expire on the 30<sup>th</sup> September.
16. The Council reserves the right to issue licenses for a lessor period should it see fit.
17. That all Drivers' licenses are issued as joint Hackney Carriage/Private Hire licences.
18. That the following checks are carried out on all new applications and that a licence will not be issued until all the relevant documents are presented and are correct:

Operators Licences; receipt of a satisfactory application form, 3 references, Disclosure & Barring Services check and the appropriate fee.

Vehicle Licenses; receipt of satisfactory application form, vehicle registration document, insurance for hire and reward (public for Hackney Carriages and private for Private Hire), MOT certificate for all vehicles over 1 year old, Inspection Certificate, Meter Test Certificate, (where applicable) and the appropriate fee.

Driver's Licences; receipt of a satisfactory application form, birth certificate, Group 2 Vocational Driver Medical Certificate, check with the DVLA as to motoring offences, check with the Disclosure & Barring Services, 3 references, and the appropriate fee.

All non UK applicants will be required to produce original and certified translations of birth certificate, driving history, and certificate of good conduct or similar check of criminal convictions. All documents must have been obtained in the month prior to the application being submitted. Photocopies or scans of documents will not be accepted.

In order to be licensed as a Hackney Carriage or Private Hire driver, an applicant must hold a full driving licence issued in the United Kingdom,(UK) the European Community (EC), one of the other countries listed in the European Economic Area (EEA) or an exchangeable licence as defined in s108 of the Road Traffic Act 1988 and provide a certified and translated driving history from the country of issue.

From 1<sup>st</sup> January 2014 the Council will require all current Hackney Carriage and Private Hire drivers who currently hold an EC/EEA or exchangeable driving licence to have a UK DVLA issued Driving Licence.

An individual with an EC/EEA or exchangeable driving licence making an application for a Hackney Carriage or Private Hire drivers licence on or after the 1<sup>st</sup> January 2014 shall obtain a UK DVLA Driving Licence prior to the Hackney Carriage/Private Hire Drivers Licence being issued.

If a licensed driver cannot obtain a UK Driving Licence before their existing Hackney Carriage or Private Hire drivers licence expires the new licence will be issued on the condition that a UK Driving Licence is obtained and produced to the Council within three months.

## ANNEX C

All non UK, EC/EEA; exchangeable licence holders will be required to submit their original EC/EEA driving licence on application for a Hackney Carriage/Private Hire driver's licence.

19. That all applicants for combined Hackney Carriage/Private Hire driver's licence have held a UK full driving licence (or an EU equivalent or exchangeable driver's licence) for a minimum of three years, and must normally have attained the age of 21.
20. All new applicants for a combined Hackney Carriage/Private Hire Drivers Licence must have completed a Bath & North East Somerset Council Drivers Assessment Course training prior to submitting an application for a combined Hackney Carriage/Private Hire Drivers Licence. This course will be completed at the expense of the applicant and a certificate of completion must be produced at the time of application.
21. That all driver's submit a Group 2 Vocational Driver Medical Certificate, on the prescribed form, on first application and on the first application after the 45<sup>th</sup> birthday and every 5 years thereafter until the age of 65 and every year thereafter. If so required the applicant shall, whether or not medical evidence is presented by the applicant, submit to an examination by a Council appointed Medical/Occupational Health professional to assess the applicant's fitness to drive a licensed vehicle.
22. That all new applicants for a combined Hackney Carriage/Private Hire drivers licence produce to the Council the original Enhanced Disclosure & Barring Services Certificate obtained as part of the application process. This Certificate must be produced to the Council no later than 30 days from the date of the certificate. Applicants who are unable or unwilling to produce the certificate within 30 day of issue will have their applications referred to the relevant Council Sub-Committee for determination.
23. That all holders of a combined Hackney Carriage/Private Hire drivers licenses will be subject to an Enhanced Disclosure & Barring Service check every three years from the date of the first licence issued. It shall be the responsibility of the Licensee to ensure that they are registered with the Disclosure & Barring Service's online checking service and to keep the registration current as long as they continue to hold a combined Hackney Carriage/Private Hire drivers licence issued by the Council.
24. Renewal applications will be delayed for existing Licensees if at the time of a renewal application for a combined Hackney Carriage/Private Hire drivers licence the Council is unable to check the status of the last Disclosure & Barring Service Certificate issued in respect of the applicant using the online checking facility, due to the applicant not being registered with the Disclosure and Barring Service. If an online check is not available due to the applicant not being registered a new Enhanced Disclosure & Barring Service Certificate will need to be obtained by the applicant prior to a licence being issued. No licence will be issued until the applicant produces the valid Enhanced Certificate to the Licensing Office.
25. That all new applicants for combined Hackney Carriage/Private Hire driver's licences undergo a local area knowledge test which will include questions on the law pertaining to licensed vehicles and drivers, local licensing conditions and the highway code and will include a practical route test taken in a vehicle supplied by the applicant. Applicants who fail any part of the knowledge test may retake the knowledge test, however, should the applicant fail a second test a minimum period of three months shall elapse before a third test can be

## ANNEX C

taken. Applicants who fail the knowledge test three times will have their application terminated and any refundable portion of the fee refunded. Any applicant who has failed the test for a third time may not reapply for a driver's licence until a period of not less than 12 months has elapsed, whereupon they may submit a new application.

26. That all Operators, Private Hire Driver and Vehicle licenses issued by Council are subject to a penalty point scheme as detailed in the section below.
27. That all Hackney Carriage Driver licenses issued by the Council are subject to byelaws made by the Council.

That any application which falls outside of this Policy, which includes applications for driver's licences from applicants where criminal convictions, formal cautions or fixed penalty notices are disclosed, or have been "objected to," is referred to the relevant Licensing Sub Committee for determination.

November 2013

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<b>Bath &amp; North East Somerset Council</b>		
<b>MEETING/ DECISION MAKER:</b>	<b>Licensing Sub-Committee</b>	
<b>MEETING DATE:</b>	<b>Tuesday 6<sup>th</sup> October 2015</b>	<b>EXECUTIVE FORWARD PLAN REFERENCE:</b>
<b>TITLE:</b>	<b>Application For Hackney Carriage Proprietors Licence – Mr N Wyatt</b>	
<b>WARD:</b>	ALL	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p><b>Annex A – Independent Consultants Summary of Unmet Demand (2015)</b></p> <p><b>Annex B – Application Form.</b></p> <p><b>Annex C – Policy on Hackney Carriage and Private Hire Licensing Standards.</b></p>		

**1 THE ISSUE**

- 1.1 This report invites the Licensing (Taxi & Private Hire) Sub-Committee to consider Mr Wyatt’s application for the grant of a Hackney Carriage Proprietors Licence.
- 1.2 The policy adopted by the Council requires that each application be dealt with on its own merits. Furthermore, Bath & North East Somerset Council regulate the number of Hackney carriage Proprietor Licenses it issues in Bath (zone 1). When the Council determines any application for new hackney Carriage Proprietors Licence it will do so having regard to the recommendations of an independent Unmet Demand Survey. All such applications shall be determined by the relevant Licensing Sub-Committee.

**2 RECOMMENDATION**

- 2.1 That the Sub-Committee determine the issue.

**3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 There are no resource implications arising from this report. The fee for this application is £190 and the licence fee will be £114 should the application be successful.

## 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 Hackney Carriage vehicles are licensed under section 37 of the Town Police Clauses Act 1847, as amended.

4.2 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 states;

- (1) A district council may attach to the grant of a licence of a Hackney Carriage under the Act of 1847 such conditions as the district council consider reasonably necessary.
- (2) Without prejudice to the generality of the foregoing subsection, a district council may require any Hackney Carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage.
- (3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

4.3 . An applicant aggrieved by the refusal of a district council to grant a Hackney Carriage proprietors licence may, by virtue of the Public Health Acts appeal to a Crown Court to review the decision of the Council.

4.4 The Transport Act 1985 allows a district council to limit the number of Hackney Carriage proprietorship licences issued, provided that the Council is satisfied that there is no significant demand for the services of Hackney Carriages, which is unmet.

4.5 An unmet demand survey was carried out in Bath by an independent consultant during March and December 2014. The final report determined that there is evidence of significant unmet demand and recommended increasing the overall number of licenses in Zone 1 by 3, from 122 to 125. (A copy of the relevant section of the conclusion and recommendation of the survey is produced at Annex A).

4.6 A report was taken to the Licensing Committee on 19 June 2015 and the provision of 3 extra licences was ratified by a Single Member Decision which was taken by the Cabinet Member for Community Services in September 2015.

4.7 The current Policy on Hackney Carriage and Private Hire licensing standards for drivers, vehicles and operators states *“That any new Hackney Carriage Proprietors licenses issued in Bath (zone 1) in light of the results of a survey will be issued on the condition that the vehicle is fully accessible and has a side loading capability. To be deemed fully accessible a vehicle shall cater for a range of disabilities for example visual, aural and ambulant disabilities. Any replacement vehicle shall be to the same or higher specification”*. And further states *“That all vehicles will normally be less than five years old when first licensed”*. (The full policy is produced at Annex C).

## **5 THE REPORT**

- 5.1 Mr Wyatt applied for the grant of a Hackney Carriage Proprietors licence on the 2<sup>nd</sup> July 2015 (A copy of the application form is produced at Annex B).
- 5.2 The application is for a Citroen Dispatch fully accessible side loading vehicle first registered in February 2011. The vehicle is less than five years old at the time of this application and therefore complies with current policy requirements.
- 5.3 The vehicle is equipped with high visibility grab handles, high visibility edges to entrance/exit steps, high visibility seat trims and high visibility wheelchair ramp edges to aid visually impaired passengers.
- 5.4 The vehicle is fitted with a hearing aid loop system for ease of communication with the driver.
- 5.5 The vehicle is equipped with two extendable ramps with high visibility edging which are stowed in the rear compartment of the vehicle and are deployed by the driver when necessary.
- 5.6 On the 15<sup>th</sup> September 2015 the Cabinet Member for Community Services accepted the findings of the Unmet Demand Survey and agreed to increase the limit of Hackney Carriage proprietors' licences in Bath (zone 1) to 125.

## **6 RATIONALE**

- 6.1 Each application for a licence will be treated on its own merits and in line with the current Policy on Hackney Carriage and Private Hire Licensing Standards

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None

## **8 CONSULTATION**

- 8.1 The Council's Monitoring Officer (Head of Legal and Democratic Services and Council Solicitor) and Section 151 Officer (Divisional Director - Finance) and Information Governance Officer have had the opportunity to input to this report and have cleared it for publication.

## 9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>John Dowding 01225 477689</i>
<b>Background papers</b>	<i>Bath &amp; North East Somerset Council Taxi Unmet Demand Study Final Report April 2015. Policy on Hackney Carriage and Private Hire Licensing Standards –Drivers, Vehicles and Operators. Application Form..</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## 10. Recommendations

### ***Limits on the number of hackney carriage vehicles***

With there being evidence for there being unmet demand which is significant at this point in time, we would recommend a further three Bath City licences be issued. This would allow the Council to retain the limit on vehicle numbers and withstand any challenge forthcoming, although with the extra licences needing time to be issued and take effect, it would not be clear for around a year if the additional licences had provided the desired effect or not. There will also be a spin off that the extra licences will increase the Bath city zone level of WAV to 17% and allow more to be available for contracts.

At the present time, it would not be tenable to retain the current limit without issuing further licences as the maximum ISUD calculation is beyond the accepted cut-off limit, and even the sensitivity test is not too far below that limit.

The Council also has the option of removing the limit on numbers of licences in the Bath city zone. However, we would advise that this would not be a choice in the current public interest since:

- With the current suggestion of some level of recovery in Bath, any more than the limited issue of licences would encourage a high take-up of new licences on the speculation that there was demand to be met
- The public would be strongly inconvenienced by the impact of additional vehicles on congestion around all ranks in the city which could be severe and could not be controlled easily
- There is benefit to the public from the current stability provided by the presence of a long term limit on vehicle numbers
- The issue of more licences would reduce the current trade focus on customers as they sought to maintain their earning levels by focussing on taking as much custom as possible
- Removal of the limit would mean many of those with significant levels of passenger expertise and knowledge could leave the trade – which may even reduce the level of wheel chair accessible vehicles if an owner of one of these chose to leave.

### ***Rank provision***

There is no need for any further rank provision in the Bath city zone at this time. However, there is need to consider if the appropriate sections of the Council could improve signing and advertising of the lesser used ranks. This may need discussion between the licensing section and the council department responsible for both highways and for information both on the ground and on the internet.

ANNEX B

**Bath & North East  
Somerset Council**

144425  
£190  
02.07.11

Local Government (Miscellaneous Provisions) Act 1976  
Town Police Clauses Act 1847

**APPLICATION FOR HACKNEY CARRIAGE VEHICLE LICENCE**

1. I, [Full name in BLOCK CAPITALS]..... NIGEL GORDON WYATT  
of [Address in BLOCK CAPITALS]..... 29 ROUNDHILL GROVE,  
SOUTHDOWN, BATH..... Post Code..... BA2 1JT  
Date of Birth..... 02/11/1957..... Tel No..... 07539 539850 or 01225 949444

hereby make application to the Bath & North East Somerset Council for a Hackney Carriage Vehicle licence in respect of:

Make..... CITROEN..... Model..... DISPATCH..... Colour..... GOLD..... Vehicle Reg.No..... SN160 ETK  
\*Petrol/Diesel..... Seating Capacity (excluding driver)..... 7..... No of Doors..... 5  
cc..... 1597..... Year of Manufacture..... 2010..... \*Plate No (if applicable).....

Wheel Chair Accessible?

YES  NO

of which I am the \*[sole proprietor] \*~~[part proprietor with]~~  
Name.....  
Address.....  
Post Code..... Telephone No.....

2. Is the vehicle fitted with a two-way radio, radio telephone, bleeper or radio paging system?  
YES  NO
3. If 'YES', is this covered by the insurance policy? YES  NO

I/~~WE~~ undertake, if granted a Hackney Carriage Vehicle Licence, to ensure that this vehicle, when used for Public Hire purposes, is adequately insured at all times and complies with the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 and the conditions laid down by Bath & North East Somerset Council.

4. Applicants for a Hackney Carriage Licence are required to give an assurance that their vehicle, if licensed, will be used on a full-time basis for a reasonable working week within the controlled district of the Council, at least 25 hours of which shall be during the period Monday to Thursday inclusive during the currency of the Licence (one year) in affording a Hackney Carriage Service.

Are you prepared to give such an assurance?..... YES/~~NO~~

\* DELETE AS NECESSARY

## ANNEX B

Applicants for a Licence are reminded that Hackney Carriage Licences are issued only for the period specified (one year) and that if the proprietorship changes during the currency of the Licence that fact will be taken into consideration when the question of renewal of the Licence come up for consideration.

5. **I declare that the above statements are true, and I understand that any Licence obtained by false declaration may be suspended or revoked by the Council.**

Signed.....*M. J. H.*.....Date.....*21.7.2015*.....

6. Please enclose:
- (i) Current Insurance certificate which must cover the vehicle for public hire and reward
  - (ii) Registration document
  - (iii) MOT Certificate (if applicable)
  - (iv) Application Fee for a new licence (£190 Non Refundable)
  - (v) Vehicle inspection sheet
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Please note if a new licence is granted then a further £114 new licence fee and a £50 plate deposit will be payable on issued of the licence. Total payable for grant of new Hackney Carriage licence £354 (£190 + £114 +£50). There will be an additional charge for an authorised roof sign which is currently £80 if the vehicle is not a purpose built Hackney Carriage.

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and return to:-  
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BA1 3EL

### APPEALS PROCEDURE

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This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with other bodies administering or in receipt of public funds solely for these purposes.

For further information see;

<http://www.bathnes.gov.uk/BathNES/councilanddemocracy/dataprotectionandfreedomofinformation/nfi.htm>  
or contact the Information and Governance Team, Guildhall, High St, Bath BA1 5AW. Email [information\\_governance@bathnes.gov.uk](mailto:information_governance@bathnes.gov.uk)

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11. That the vehicle licence plates remain the property of the Council and shall be returned to the Council in the event that the vehicle is no longer used for Hackney Carriage or Private Hire work or the licence expires.
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21. That all driver's submit a Group 2 Vocational Driver Medical Certificate, on the prescribed form, on first application and on the first application after the 45<sup>th</sup> birthday and every 5 years thereafter until the age of 65 and every year thereafter. If so required the applicant shall, whether or not medical evidence is presented by the applicant, submit to an examination by a Council appointed Medical/Occupational Health professional to assess the applicant's fitness to drive a licensed vehicle.
22. That all new applicants for a combined Hackney Carriage/Private Hire drivers licence produce to the Council the original Enhanced Disclosure & Barring Services Certificate obtained as part of the application process. This Certificate must be produced to the Council no later than 30 days from the date of the certificate. Applicants who are unable or unwilling to produce the certificate within 30 day of issue will have their applications referred to the relevant Council Sub-Committee for determination.
23. That all holders of a combined Hackney Carriage/Private Hire drivers licenses will be subject to an Enhanced Disclosure & Barring Service check every three years from the date of the first licence issued. It shall be the responsibility of the Licensee to ensure that they are registered with the Disclosure & Barring Service's online checking service and to keep the registration current as long as they continue to hold a combined Hackney Carriage/Private Hire drivers licence issued by the Council.
24. Renewal applications will be delayed for existing Licensees if at the time of a renewal application for a combined Hackney Carriage/Private Hire drivers licence the Council is unable to check the status of the last Disclosure & Barring Service Certificate issued in respect of the applicant using the online checking facility, due to the applicant not being registered with the Disclosure and Barring Service. If an online check is not available due to the applicant not being registered a new Enhanced Disclosure & Barring Service Certificate will need to be obtained by the applicant prior to a licence being issued. No licence will be issued until the applicant produces the valid Enhanced Certificate to the Licensing Office.
25. That all new applicants for combined Hackney Carriage/Private Hire driver's licences undergo a local area knowledge test which will include questions on the law pertaining to licensed vehicles and drivers, local licensing conditions and the highway code and will include a practical route test taken in a vehicle supplied by the applicant. Applicants who fail any part of the knowledge test may retake the knowledge test, however, should the applicant fail a second test a minimum period of three months shall elapse before a third test can be

## ANNEX C

taken. Applicants who fail the knowledge test three times will have their application terminated and any refundable portion of the fee refunded. Any applicant who has failed the test for a third time may not reapply for a driver's licence until a period of not less than 12 months has elapsed, whereupon they may submit a new application.

26. That all Operators, Private Hire Driver and Vehicle licenses issued by Council are subject to a penalty point scheme as detailed in the section below.
27. That all Hackney Carriage Driver licenses issued by the Council are subject to byelaws made by the Council.

That any application which falls outside of this Policy, which includes applications for driver's licences from applicants where criminal convictions, formal cautions or fixed penalty notices are disclosed, or have been "objected to," is referred to the relevant Licensing Sub Committee for determination.

November 2013

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<b>Bath &amp; North East Somerset Council</b>		
<b>MEETING/ DECISION MAKER:</b>	<b>Licensing Sub-Committee</b>	
<b>MEETING DATE:</b>	<b>Tuesday 6<sup>th</sup> October 2015</b>	<b>EXECUTIVE FORWARD PLAN REFERENCE:</b>
<b>TITLE:</b>	<b>Application For Hackney Carriage Proprietors Licence – Mr T Skaczkowski</b>	
<b>WARD:</b>	ALL	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p><b>Annex A – Independent Consultants Summary of Unmet Demand (2015)</b></p> <p><b>Annex B – Application Form.</b></p> <p><b>Annex C – Policy on Hackney Carriage and Private Hire Licensing Standards.</b></p>		

**1 THE ISSUE**

- 1.1 This report invites the Licensing (Taxi & Private Hire) Sub-Committee to consider Mr Skaczkowski's application for the grant of a Hackney Carriage Proprietors Licence.
- 1.2 The policy adopted by the Council requires that each application be dealt with on its own merits. Furthermore, Bath & North East Somerset Council regulate the number of Hackney carriage Proprietor Licenses it issues in Bath (zone 1). When the Council determines any application for new hackney Carriage Proprietors Licence it will do so having regard to the recommendations of an independent Unmet Demand Survey. All such applications shall be determined by the relevant Licensing Sub-Committee.

**2 RECOMMENDATION**

- 2.1 That the Sub-Committee determine the issue.

**3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 There are no resource implications arising from this report. The fee for this application is £190 and the licence fee will be £114 should the application be successful.

## 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Hackney Carriage vehicles are licensed under section 37 of the Town Police Clauses Act 1847, as amended.
- 4.2 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 states;
- (1) A district council may attach to the grant of a licence of a Hackney Carriage under the Act of 1847 such conditions as the district council consider reasonably necessary.
  - (2) Without prejudice to the generality of the foregoing subsection, a district council may require any Hackney Carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage.
  - (3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.
- 4.3 An applicant aggrieved by the refusal of a district council to grant a Hackney Carriage proprietors licence may, by virtue of the Public Health Acts appeal to a Crown Court to review the decision of the Council.
- 4.4 The Transport Act 1985 allows a district council to limit the number of Hackney Carriage proprietorship licences issued, provided that the Council is satisfied that there is no significant demand for the services of Hackney Carriages, which is unmet.
- 4.5 An unmet demand survey was carried out in Bath by an independent consultant during March and December 2014. The final report determined that there is evidence of significant unmet demand and recommended increasing the overall number of licenses in Zone 1 by 3, from 122 to 125. (A copy of the relevant section of the conclusion and recommendation of the survey is produced at Annex A).
- 4.6 A report was taken to the Licensing Committee on 19 June 2015 and the provision of 3 extra licences was ratified by a Single Member Decision which was taken by the Cabinet Member for Community Services in September 2015.
- 4.7 The current Policy on Hackney Carriage and Private Hire licensing standards for drivers, vehicles and operators states *“That any new Hackney Carriage Proprietors licenses issued in Bath (zone 1) in light of the results of a survey will be issued on the condition that the vehicle is fully accessible and has a side loading capability. To be deemed fully accessible a vehicle shall cater for a range of disabilities for example visual, aural and ambulant disabilities. Any replacement vehicle shall be to the same or higher specification”*. And further states *“That all vehicles will normally be less than five years old when first licensed”*. (The full policy is produced at Annex C).

## **5 THE REPORT**

- 5.1 Mr Skaczkowski applied for the grant of a Hackney Carriage Proprietors licence on the 1<sup>st</sup> July 2015 (A copy of the application form is produced at Annex B).
- 5.2 The application is for a Peugeot Eurotaxi fully accessible side loading vehicle first registered in 2015. The vehicle is less than five years old at the time of this application and therefore complies with current policy requirements.
- 5.3 The vehicle is equipped with high visibility grab handles, high visibility edges to entrance/exit steps, high visibility seat trims and high visibility wheelchair ramp edges to aid visually impaired passengers.
- 5.4 The vehicle is fitted with a hearing aid loop system for ease of communication with the driver.
- 5.5 The vehicle is factory equipped with a slide out ramp with high visibility edging to facilitate wheelchair access. This ramp is integral to the vehicle and does not have to be carried separately. This is an important feature for accessible vehicles as it ensures that the ramp is easily deployed by the driver and cannot be separated from the vehicle or forgotten.
- 5.6 On the 15<sup>th</sup> September 2015 the Cabinet Member for Community Services accepted the findings of the Unmet Demand Survey and agreed to increase the limit of Hackney Carriage proprietors' licences in Bath (zone 1) to 125.

## **6 RATIONALE**

- 6.1 Each application for a licence will be treated on its own merits and in line with the current Policy on Hackney Carriage and Private Hire Licensing Standards

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None

## **8 CONSULTATION**

- 8.1 The Council's Monitoring Officer (Head of Legal and Democratic Services and Council Solicitor) and Section 151 Officer (Divisional Director - Finance) and Information Governance Officer have had the opportunity to input to this report and have cleared it for publication.

## 9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>John Dowding 01225 477689</i>
<b>Background papers</b>	<i>Bath &amp; North East Somerset Council Taxi Unmet Demand Study Final Report April 2015. Policy on Hackney Carriage and Private Hire Licensing Standards –Drivers, Vehicles and Operators. Application Form</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	



## 10. Recommendations

### ***Limits on the number of hackney carriage vehicles***

With there being evidence for there being unmet demand which is significant at this point in time, we would recommend a further three Bath City licences be issued. This would allow the Council to retain the limit on vehicle numbers and withstand any challenge forthcoming, although with the extra licences needing time to be issued and take effect, it would not be clear for around a year if the additional licences had provided the desired effect or not. There will also be a spin off that the extra licences will increase the Bath city zone level of WAV to 17% and allow more to be available for contracts.

At the present time, it would not be tenable to retain the current limit without issuing further licences as the maximum ISUD calculation is beyond the accepted cut-off limit, and even the sensitivity test is not too far below that limit.

The Council also has the option of removing the limit on numbers of licences in the Bath city zone. However, we would advise that this would not be a choice in the current public interest since:

- With the current suggestion of some level of recovery in Bath, any more than the limited issue of licences would encourage a high take-up of new licences on the speculation that there was demand to be met
- The public would be strongly inconvenienced by the impact of additional vehicles on congestion around all ranks in the city which could be severe and could not be controlled easily
- There is benefit to the public from the current stability provided by the presence of a long term limit on vehicle numbers
- The issue of more licences would reduce the current trade focus on customers as they sought to maintain their earning levels by focussing on taking as much custom as possible
- Removal of the limit would mean many of those with significant levels of passenger expertise and knowledge could leave the trade – which may even reduce the level of wheel chair accessible vehicles if an owner of one of these chose to leave.

### ***Rank provision***

There is no need for any further rank provision in the Bath city zone at this time. However, there is need to consider if the appropriate sections of the Council could improve signing and advertising of the lesser used ranks. This may need discussion between the licensing section and the council department responsible for both highways and for information both on the ground and on the internet.

ANNEX B

**Bath & North East  
Somerset Council**

Local Government (Miscellaneous Provisions) Act 1976  
Town Police Clauses Act 1847

**APPLICATION FOR HACKNEY CARRIAGE VEHICLE LICENCE**

1. I, [Full name in BLOCK CAPITALS] TOMASZ MARCIN SKACZKOWSKI  
of [Address in BLOCK CAPITALS] 11 HOLLY DRIVE  
BATH Post Code BA22BT  
Date of Birth 28/11/1977 Tel No 07921213020

hereby make application to the Bath & North East Somerset Council for a Hackney Carriage Vehicle licence in respect of:

Make PEUGEON Model EUROTAXI Colour WHITE Vehicle Reg.No. SF 15 HPP  
\*Petrol/Diesel  Seating Capacity (excluding driver) 7 No of Doors 5  
cc 2000 Year of Manufacture 2015 \*Plate No (if applicable) .....

Wheel Chair Accessible?

YES  NO

of which I am the \*[sole proprietor] \*~~[part proprietor with]~~  
Name .....

Address .....

Post Code ..... Telephone No .....

2. Is the vehicle fitted with a two-way radio, radio telephone, bleeper or radio paging system?

YES  NO

3. If 'YES', is this covered by the insurance policy? YES  NO

I/WE undertake, if granted a Hackney Carriage Vehicle Licence, to ensure that this vehicle, when used for Public Hire purposes, is adequately insured at all times and complies with the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 and the conditions laid down by Bath & North East Somerset Council.

4. Applicants for a Hackney Carriage Licence are required to give an assurance that their vehicle, if licensed, will be used on a full-time basis for a reasonable working week within the controlled district of the Council, at least 25 hours of which shall be during the period Monday to Thursday inclusive during the currency of the Licence (one year) in affording a Hackney Carriage Service.

Are you prepared to give such an assurance? .....  YES  NO

\* DELETE AS NECESSARY

## ANNEX B

Applicants for a Licence are reminded that Hackney Carriage Licences are issued only for the period specified (one year) and that if the proprietorship changes during the currency of the Licence that fact will be taken into consideration when the question of renewal of the Licence come up for consideration.

5. **I declare that the above statements are true, and I understand that any Licence obtained by false declaration may be suspended or revoked by the Council.**

Signed..........Date.....01/07/2015.....

6. Please enclose:
- (i) Current Insurance certificate which must cover the vehicle for public hire and reward
  - (ii) Registration document
  - (iii) MOT Certificate (if applicable)
  - (iv) Application Fee for a new licence (£190 Non Refundable)
  - (v) Vehicle inspection sheet
  - (vi) Meter test certificate

Please note if a new licence is granted then a further £114 new licence fee and a £50 plate deposit will be payable on issued of the licence. Total payable for grant of new Hackney Carriage licence £354 (£190 + £114 +£50). There will be an additional charge for an authorised roof sign which is currently £80 if the vehicle is not a purpose built Hackney Carriage.

### Annual renewal fee - £246

and return to:-  
Bath & North East Somerset Council  
Taxi Licensing, Passenger Transport Depot  
Locksbrook Road  
Bath  
BA1 3EL

### APPEALS PROCEDURE

- (1) Any person aggrieved by:-
- [a] The refusal of the District Council to grant a Licence under the Local Government (Miscellaneous Provisions) Act 1976; May appeal to the Crown Court.
  - [b] Any conditions attached to the grant of a Vehicle Licence, may appeal to the Magistrates' Court.
- (2) Appeals must be brought within 21 days.
- (3) A further right of appeal lies to the Crown Court from the Magistrates' Court.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with other bodies administering or in receipt of public funds solely for these purposes.

For further information see;

<http://www.bathnes.gov.uk/BathNES/councilanddemocracy/dataprotectionandfreedomofinformation/nfi.htm>  
or contact the Information and Governance Team, Guildhall, High St, Bath BA1 5AW. Email [information\\_governance@bathnes.gov.uk](mailto:information_governance@bathnes.gov.uk)

S:\Public Protection Service\Licensing\Taxis\JOHND\Taxi Licensing\Checklists and application forms\Hackney Carriage Vehicle Licence Application Form.doc

**POLICY ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING  
STANDARDS - DRIVERS, VEHICLES AND OPERATORS**

The following policy sets out the context within which Hackney Carriage and Private Hire vehicles operate and outlines the standards required by the Council for Hackney Carriage and Private Hire vehicles, driver and operators:

1. Each application for a licence will be treated on its own merits. Where however, applications fall outside this Policy they will be referred to the relevant Licensing Sub-Committee for consideration.
2. The district of Bath and North East Somerset is zoned, for the purpose of Hackney Carriage licensing, into the two areas: Bath (zone 1) and North East Somerset (zone 2).
3. Bath & North East Somerset Council regulate the number of Hackney Carriage Proprietors Licences it issues in Bath (zone 1). When the Council determines any application for new hackney Carriage Proprietors Licence it will do so having regard to the recommendations of an independent Unmet Demand Survey. All such applications shall be determined by the relevant Licensing Sub-Committee.
4. An Unmet Demand Survey (for zone 1) will be carried out at regular intervals and no more than three years will elapse between each survey.
5. That any new Hackney Carriage Proprietors licenses issued in zone 1 in light of the results of a survey will be issued on condition that the vehicle is fully accessible and has side loading capability. To be deemed fully accessible a vehicle shall cater for a range of disabilities for example visual, aural and ambulant disabilities. Any replacement vehicle shall be to the same or higher specification.
6. That all vehicles, including new ones, shall be visually and mechanically inspected prior to being licensed and thereafter mechanically inspected on an annual basis at garages approved by the Licensing Officer.
7. That all vehicles will normally be less than five years old when first licensed.
8. That the engine size of vehicles to be licensed shall be at least 1400cc
9. That only roof signs approved by the Licensing Officer are permitted on the vehicle. Hackney Carriage signs shall be fitted across the width of the vehicle and Private Hire signs shall be fitted along the length of the vehicle.
10. That the vehicle licence plates are issued annually and display the registration number of the vehicle, licence number, number of seats, colour of vehicle, date of expiry of licence and make of vehicle.
11. That the vehicle licence plates remain the property of the Council and shall be returned to the Council in the event that the vehicle is no longer used for Hackney Carriage or Private Hire work or the licence expires.
12. That Hackney Carriage vehicle licenses are renewed annually and expire on the 31<sup>st</sup> May.

## ANNEX C

13. That Private Hire vehicle licenses are renewed annually and expire on the 31<sup>st</sup> October.
14. That Hackney Carriage and Private Hire Driver's licenses are renewed annually and expire on the 28<sup>th</sup> February.
15. That an Operator's licence is issued for a maximum five year period, and shall expire on the 30<sup>th</sup> September.
16. The Council reserves the right to issue licenses for a lessor period should it see fit.
17. That all Drivers' licenses are issued as joint Hackney Carriage/Private Hire licences.
18. That the following checks are carried out on all new applications and that a licence will not be issued until all the relevant documents are presented and are correct:

Operators Licences; receipt of a satisfactory application form, 3 references, Disclosure & Barring Services check and the appropriate fee.

Vehicle Licences; receipt of satisfactory application form, vehicle registration document, insurance for hire and reward (public for Hackney Carriages and private for Private Hire), MOT certificate for all vehicles over 1 year old, Inspection Certificate, Meter Test Certificate, (where applicable) and the appropriate fee.

Driver's Licences; receipt of a satisfactory application form, birth certificate, Group 2 Vocational Driver Medical Certificate, check with the DVLA as to motoring offences, check with the Disclosure & Barring Services, 3 references, and the appropriate fee.

All non UK applicants will be required to produce original and certified translations of birth certificate, driving history, and certificate of good conduct or similar check of criminal convictions. All documents must have been obtained in the month prior to the application being submitted. Photocopies or scans of documents will not be accepted.

In order to be licensed as a Hackney Carriage or Private Hire driver, an applicant must hold a full driving licence issued in the United Kingdom,(UK) the European Community (EC), one of the other countries listed in the European Economic Area (EEA) or an exchangeable licence as defined in s108 of the Road Traffic Act 1988 and provide a certified and translated driving history from the country of issue.

From 1<sup>st</sup> January 2014 the Council will require all current Hackney Carriage and Private Hire drivers who currently hold an EC/EEA or exchangeable driving licence to have a UK DVLA issued Driving Licence.

An individual with an EC/EEA or exchangeable driving licence making an application for a Hackney Carriage or Private Hire drivers licence on or after the 1<sup>st</sup> January 2014 shall obtain a UK DVLA Driving Licence prior to the Hackney Carriage/Private Hire Drivers Licence being issued.

If a licensed driver cannot obtain a UK Driving Licence before their existing Hackney Carriage or Private Hire drivers licence expires the new licence will be issued on the condition that a UK Driving Licence is obtained and produced to the Council within three months.

## ANNEX C

All non UK, EC/EEA; exchangeable licence holders will be required to submit their original EC/EEA driving licence on application for a Hackney Carriage/Private Hire driver's licence.

19. That all applicants for combined Hackney Carriage/Private Hire driver's licence have held a UK full driving licence (or an EU equivalent or exchangeable driver's licence) for a minimum of three years, and must normally have attained the age of 21.
20. All new applicants for a combined Hackney Carriage/Private Hire Drivers Licence must have completed a Bath & North East Somerset Council Drivers Assessment Course training prior to submitting an application for a combined Hackney Carriage/Private Hire Drivers Licence. This course will be completed at the expense of the applicant and a certificate of completion must be produced at the time of application.
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## ANNEX C

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November 2013

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