

Bath & North East Somerset Council

MEETING: **Licensing (Taxi, Street Trading & Miscellaneous)
Sub-Committee**

AGENDA
ITEM
NUMBER

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MEETING DATE: **Tuesday 7th February 2012**

TITLE: **Approval of Vehicle for Private Hire – Mr Anthony D Hudd**

WARD: **All**

LIKELY TO BE TAKEN IN PUBLIC SESSION

List of attachments to this report:

Annex A – Application Form.

Annex B – Vehicle Registration Document.

Annex C – Extract From Current Conditions

Annex D – Email From Applicant.

1 THE ISSUE

1.1 This report invites the Sub Committee to consider whether or not to approve a Mercedes Viano vehicle for use as a Private Hire Vehicle. The vehicle falls outside of the age requirements as stipulated in the current Private Hire vehicle licence conditions.

2 RECOMMENDATION

2.1 That the Committee determine the issue.

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report

4 THE REPORT

Relevant Legislation

- 4.1 Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as 'a motor vehicle constructed or adapted to seat [fewer than nine passengers], other than a hackney carriage or public service vehicle [or a London cab] [or tramcar], which is provided for hire with the services of a driver for the purpose of carrying passengers.
- 4.2 Section 48 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a Private Hire Vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied –

(a) that the vehicle is-

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable

- 4.3 Section 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including without prejudice the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.
- 4.4 Section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976 provides that any person aggrieved by the refusal of a district council to grant a vehicle licence under this section or by any conditions specified in such a licence, may appeal to a magistrates court.

Application Details

- 4.5 In July 2000 Bath and North East Somerset Council's Housing and Public Protection Committee adopted the current Private Hire General Conditions which are applicable to all Private Hire Vehicle licences issued by Bath and North East Somerset Council.
- 4.6 Mr Hudd has submitted an application for a Private Hire Vehicle licence in respect of an Mercedes Viano. (A copy of the application form is produced at Annex A).
- 4.7 The vehicle was first registered on the 30th January 2006 and at the time of application had registered 177,980 miles. (A copy of the vehicle registration document is produced at Annex B).

- 4.8 The current Private Hire licence conditions state that *“The vehicle must normally be less than two years old when licensed by the Council”* and further states *“A licence might not be renewed for a vehicle over 7 years old”*.
- 4.9 Officers have been given permission by the Council’s Executive Member to exercise discretion when approving vehicles that are over two years old but not more than five years old at the time of application.
- 4.10 Mr Hudd’s vehicle has never previously been licensed and at the time of this application was five years and six months old.
- 4.11 The vehicle has been visually inspected by an officer of the Licensing Section who has concluded that the interior and exterior is in very good overall condition.
- 4.12 The relevant extract from the current standard Private Hire Vehicle licence conditions is produced at Annex C.
- 4.13 The vehicle will be available for members to inspect on the day of the meeting should they so wish to do so.
- 4.14 Mr Hudd has provided an email in support of his application. (A copy of the email is produced at Annex D).

Contact person	John Dowding Senior Licensing Officer ☎ 01225 477689.
Background papers	Application Form.

ANNEX A

352648
241
28.7.11

**Bath & North East
Somerset Council**

Local Government (Miscellaneous Provisions) Act 1976

APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE

(1) Full name ANTHONY DOUGLAS HURD
Address PERCINKLE COTTAGE
TARDICK BATH Post Code BA1 8AH
Telephone No. 01225 851085

Hereby make application to the Bath and North East Somerset Council for a Private Hire Vehicle Licence in respect of:-

Make MERCEDES Model VIANO Colour SILVER Reg.No ND56DZP

Passengers 6 Doors 5 CC 2.2

Year of Manufacture 30 01 2006 Plate No. (if applicable) _____

Of which I am the *(Sole Proprietor) *(~~Part Proprietor with~~)

Name ANTHONY

Address _____

Post Code _____ Telephone No _____

(2) Is the vehicle fitted with a taximeter YES NO

(3) Is the vehicle wheelchair accessible YES NO

I/WE undertake, if granted a Private Hire Vehicle Licence, to ensure that this vehicle when used for private hire purpose, is adequately insured at all times and complies with the Local Government (Miscellaneous Provisions) Act 1976 and the conditions laid down by Bath and North East Somerset Council.

I understand that in order to operate my own vehicle I will require an Operator's Licence unless I work for or with a Licensed Operator. (Operator means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle.)

LICENSED PRIVATE HIRE OPERATOR

Licensed Operator AJS CONNECTIONS

ANNEX A

I/We declare that to the best of my knowledge and belief, the answers given overleaf are true. If a licence is granted I/We undertake to comply with conditions attached to the grant of the licence.

(6) I understand that any Licence obtained by false declaration may be suspended Or revoked by the Council.

Usual signature of applicant *A. D. [Signature]* Date *28.07.2011*
 Applicants are advised that to make a false statement or omit any information from this application is a criminal offence.

(7) Please produce:-	(1) Current insurance certificate which must cover the vehicle for hire and reward.
	(2) Vehicle Registration document.
	(3) MOT Certificate for all vehicles over one year old when licensed.
	(4) Vehicle Inspection Sheet (Issued By Authorised Garage)
	(5) Certificate Of Meter Compliance (If Taximeter Fitted)
	(6) 2009/ 2010 Total Fees Payable including roof sign on new application: £425 (New Application.) £156 (Vehicle Substitution) £283 (Annual Licence Renewal)
Please present all documents in person to:-	Bath and North East Somerset Council Licensing Section 9/10 Bath Street Bath BA1 1SN Tel 01225 477689

POSTAL APPLICATIONS WILL NOT BE ACCEPTED.

APPEALS PROCEDURE

- (1) Any person aggrieved by:-
 - (a) the refusal of the District Council to grant a licence under Local Government (Miscellaneous Provisions) Act 1976 or
 - (b) any conditions attached to the grant of a vehicle licence -

may appeal to the Magistrate's Court
- (2) Appeals must be brought within 21 days.
- (3) A further right of appeal lies to the Crown Court from the Magistrate's 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

ANNEX B

UK Registration Certificate

4 Vehicle Details

A Registration Mark **MD55 DZP** 2 [A.1] Validation character **Z** 3

B Date of first registration **30 01 2006**
 [B.1] Date of first registration in the UK **30 01 2006**

D.1 Make **MERCEDES**
 D.2 Model/Type **VIANO CDI2.2 AMB LONG A**

Variant **ZL3HM**
 Version **3E1C2B1**

D.3 Body type **MPV**
 [X] Taxation class **DIESEL CAR**
 [Y] Revenue weight **2940 KG GROSS**
 P.1 Cylinder capacity (cc) **2148 CC**
 V.7 CO₂ (g/km) **232 G/KM**
 P.3 Type of fuel **HEAVY OIL**
 S.1 Number of seats, including driver **8**
 S.2 Number of standing places (where appropriate)

[D.4] Wheelplan **2-AXLE-RIGID BODY**
 J Vehicle Category **M1**
 K Type approval number **e9*2001/116*0048*0 ***
 P.2 Max. net power (kW) **110**
 E VIN/Chassis/Frame No. **WDF63981323207463**
 P.5 Engine Number **64698250198421**
 F.1 Max. permissible mass (exc. m/c) **2940**
 G Mass in service **1815**
 Q Power/Weight ratio (kW/kg) (only for motorcycles)

R Colour **SILVER**
O Technical permissible maximum towable mass of the trailer

O.1 braked (kg) **2000**
 O.2 unbraked (kg) **750**

U Sound level:
 U.1 stationary (dB(A)) **81**
 U.2 engine speed (min-1) **2850**
 U.3 drive-by (dB(A)) **73**

V Exhaust Emissions:
 V.1 CO (g/km or g/kWh) **0.014**
 V.2 HC (g/km or g/kWh)
 V.3 NOx (g/km or g/kWh) **0.532**
 V.4 HC+NOx (g/km) **0.540**
 V.5 particulates (g/km or g/kWh) **0.057**

5 Registered Keeper If any details are wrong enter correction in Section 6, sign Declaration at Section 8, and return Certificate to DVLA
 C.4.c - The Registered Keeper is not necessarily the legal owner.

C.1.2 **ANTHONY DOUGLAS**
 C.1.1 **HUDD**
 C.1.3 **PERWINKLE COTTAGE**
TADWICK
BATH
BA1 8AH

I ACQUIRED VEHICLE ON 27 02 2008
 Please write in **BLACK INK** and **CAPITAL LETTERS**.

6 New Keeper or New Name/New Address Details

Mr 1 Mrs 2 Miss 3 Please tick the appropriate box **W** 4

Title (e.g. Ms/Rev, etc) or business name
 Forename(s) in full
 Surname

For Company use only DVLA/DVLENI Fleet number 7 Please help us to help you by using your postcode
 * Date of Birth 8 Postcode 9

Address
 Post town

New keeper? If so, tick here: **K** 12 Date of sale or transfer 13 14

* Driver Number
 * Present mileage (to last complete mile) 15 * You are not required by law to provide your Date of Birth, Driver Number or present mileage
ONLY tick if you personally break up the vehicle Date of scrapping
R 16 Scrapped **S** 17 See notes on scrapping in Guidance Notes 18

7 Changes to Current Vehicle **H** 19

Wheelplan / Body type
 VIN / Chassis / Frame No.
 New revenue weight Date of change Cylinder capacity
 22 23 24
 No. of seats, inc. driver No. of standing places Type of fuel
 25 26 27
 Engine number
 New colour Date of change CLR
 28 29 30
 Taxation class* **Y** 31 32

*The taxation class can only be changed on relicensing. Please apply at your nearest DVLA Local Office.

8 Declaration - You MUST sign and date this section when notifying any changes. Please see note opposite

Registered Keeper: (to sign when notifying any change). I declare that the new details I have given are true to the best of my knowledge.
 Registered Keeper (Seller) Date
New Keeper: I declare that this vehicle was sold or transferred to me on the date shown in Section 6 and my name and address are correctly shown.
 New Keeper (Buyer) Date

The Law: If the vehicle is sold or transferred, both the Registered Keeper and the New Keeper must sign this Certificate.

Official use only - Please do not write below this line

Doc. Ref. N° **8080 846 6802 26 03 08**
 Des. Codes **1073426870/0913 39**

MD55 DZP Z

& 33 ISC **34** PR **35** CM **36**  MK **37**
 8269 3328 0864 8683 9211 7381 MD **38**

Official Use Only

ANNEX C

VEHICLE SPECIFICATIONS.

The vehicle may not be of a design or appearance so as to lead any person to believe that the vehicle is a Hackney Carriage and therefore plying for hire.

The engine size of the vehicle must be at least 1600c.c

The vehicle must be fitted with a right-hand drive and shall have a minimum of four doors.

The vehicle must normally be less than 2 years old when first licensed by the Council.

A licence might not be renewed for a vehicle over 7 years old.

A current M.O.T. certificate is required on all vehicles over 1 year old. This is in addition to the Council vehicle inspection test carried out annually. The proprietor shall produce a new M.O.T certificate within seven working days of the expiry of the current certificate.

ANNEX D

John Dowding

From: Enquiries [enquiries@ajschauffeuring.com]
Sent: 01 August 2011 12:46
To: John Dowding
Subject: Vehicle change

Dear Mr Dowding

I write regarding the changing of my licence plate from my Chrysler Grand Voyager Y800 AJS to Mercedes Viano MD55 DZP.

This is a newer vehicle and of the highest specification in its range and it will be of greater use to us in our particular line of work. As you know we do not do any local round the city work but rather long distance transfers such as major airports, seaports, business meetings and site seeing excursions and being a one vehicle operator this large vehicle with its extra space is very advantageous to us, also it is more economical which again is very important to us in these difficult times.

These particular vehicles are very hard to find due to their popularity with the chauffeuring trade and the high cost of purchase.

Should you require any further information please contact me at your convenience.

Kind regards

Tony

AJS-ConnexionS
Chauffeuring of Bath
Periwinkle Cottage
Tadwick
Bath. BA1 8AH
Tel: 01225 851085/851361
Fax: 01225 852537
WWW.ajschauffeuring.com