

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Licensing Sub-Committee	
MEETING DATE:	Tuesday 13 th May 2014	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Approval of Vehicle for Private Hire – Mr D Scaramanga	
WARD:	ALL	
LIKELY TO BE TAKEN IN OPEN SESSION		
List of attachments to this report: ANNEX A – Application Form		

1 THE ISSUE

- 1.1 This report invites the Sub Committee to consider whether or not to approve a Mercedes Vito vehicle for use as a Private Hire Vehicle. The vehicle does not comply with the current requirements as stipulated in the current Private Hire vehicle licence conditions.
- 1.2 The policy adopted by the Council requires each application be dealt with on its own merits and where applications fall outside the general policy they should be referred to the Licensing Sub-Committee for determination.

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 costs of processing licences are covered by the fees charged. The fee for this application is £184.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

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.

4.5 In January 2014 Bath and North East Somerset Council’s Licensing 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.

5 THE REPORT

5.1 Mr Scaramanga submitted an application for a Private Hire Vehicle licence in respect of a Mercedes Vito on 18th March 2014. (A copy of the application form is produced at Annex A).

5.2 The vehicle was first registered on the 2nd June 2006 and at the time of application had registered 204, 721 miles. At the date of the meeting the vehicle will be 7years and 11months old.

5.3 The current Private Hire licence conditions state that *“The vehicle shall normally be less than 5 years old when first licensed by the Council. Any vehicle presented for licensing which is older than 5 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination”*.

5.4 The vehicle will be available for members to inspect on the day of the meeting should they so wish to do so.

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 applications which fall outside the standard conditions and policy will be referred to the Licensing Sub- Committee for consideration.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) 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.

Contact person	<i>John Dowding 01225 477689</i>
Background papers	<i>Licensing File</i>
Please contact the report author if you need to access this report in an alternative format	

ANNEX A

**Bath & North East
Somerset Council**

Local Government (Miscellaneous Provisions) Act 1976

APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE

(1) Full name **DAVE SCARAMANGA, (BATH TAXIS LTD)**

Address **11 CHELTENHAM STREET, BATH,**

Post Code **BA2 3EX**

Telephone No. **07885 837004**

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

Make MERCEDES Model VITO Colour SILVER Reg.No. K2JTS
Passengers 7 Doors 5 CC 2148 02-06-2006

Year of Manufacture 2006 Plate No. (if applicable) TBA

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 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
V CARS, CHELTENHAM STREET, BATH**

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  Date 18-03-2014

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) 2013/ 2014 Total Fees Payable including roof sign on new application: £371 (New Application.) £130 (Vehicle Substitution) £236 (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

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