

## Bath & North East Somerset Council

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

### 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 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.

### 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  
£190  
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)

## ANNEX C

### **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.



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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 lesser 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.

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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

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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