

**Democratic Services**

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Date: 9 October 2013

E-mail: [Democratic\\_Services@bathnes.gov.uk](mailto:Democratic_Services@bathnes.gov.uk)

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

Councillor Manda Rigby

Councillor Anthony Clarke (In place of Councillor Gabriel Batt)

Councillor Roger Symonds

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Licensing Sub-Committee: Tuesday, 15th October, 2013**

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 15th October, 2013** at **10.00 am** in the **Council Chamber - 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

Enfys Hughes, 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 Enfys Hughes, Sean O'Neill who is available by telephoning Bath democratic\_services@bathnes.gov.uk or by calling at the Riverside Offices Keynsham (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 Enfys Hughes, Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Riverside - 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. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 4. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 5. 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.

**Licensing Sub-Committee - Tuesday, 15th October, 2013**

**at 10.00 am in the Council Chamber - 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

There were no minutes to be considered at the meeting.

6. LICENSING PROCEDURE -HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE PROPRIETORS' HEARING (Pages 7 - 12)

7. APPROVAL OF VEHICLE FOR PRIVATE HIRE - MR MATTHEW BANNISTER (Pages 13 - 22)

8. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

“that, 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 the following item(s) 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”.

9. LICENSING PROCEDURE HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE VEHICLE DRIVERS (Pages 23 - 26)
10. CONSIDERATION OF CAUTION OBTAINED:- MR P D (Pages 27 - 36)
11. CONSIDERATION OF CAUTION OBTAINED:- MR A M (Pages 37 - 56)
12. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR MA W (Pages 57 - 76)

The Committee Administrator for this meeting is Enfys Hughes, Sean O'Neill who can be contacted on  
democratic\_services@bathnes.gov.uk.

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

1. The Chair will introduce Members of the Sub-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 Sub-Committee.
3. The 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 present their case, may call witnesses and may be asked questions by the Sub-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 Sub-Committee to move into private session to enable the Members to deliberate in private. The Sub-Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Sub-Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
10. Whilst in deliberation the Sub-Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.
11. The Sub-Committee will reconvene the meeting and the Chair will announce the Sub-Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

### **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.**

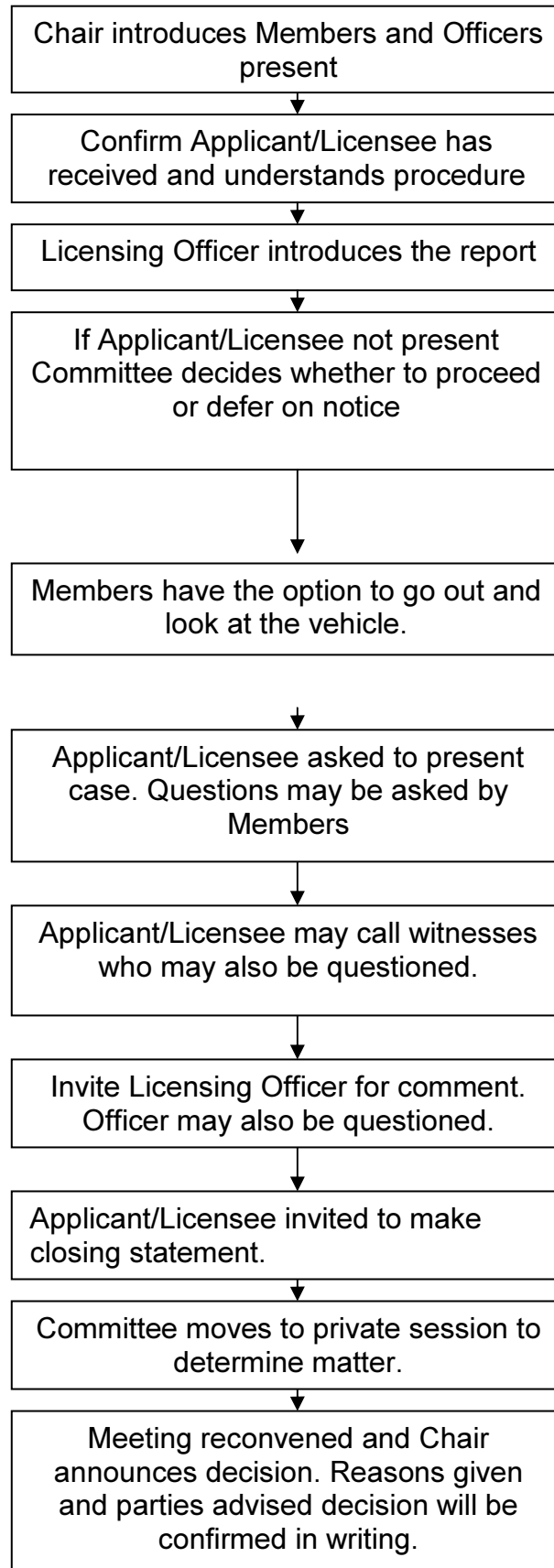
1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
  2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient 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.

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



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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Licensing Sub-Committee</b>
<b>MEETING DATE:</b>	<b>Tuesday 15<sup>th</sup> October 2013</b>
<b>TITLE:</b>	<b>Approval of Vehicle for Private Hire – Mr Matthew Bannister</b>
<b>WARD:</b>	<b>ALL</b>
<b>LIKELY TO BE TAKEN IN OPEN SESSION</b>	
<p><b>List of attachments to this report:</b></p> <p><b>ANNEX A – Application Form</b></p> <p><b>ANNEX B – Vehicle Registration Document (V5)</b></p> <p><b>ANNEX C – Business Outline Proposal.</b></p>	

## **1 THE ISSUE**

- 1.1 This report invites the Sub Committee to consider whether or not to approve a Mini Cooper 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 (Taxis, Street Trading & Miscellaneous) Sub-Committee for determination.

## **2 RECOMMENDATION:**

- 2.1 That the Licensing (Taxis, Street Trading and Miscellaneous) Sub Committee determine the application.

### **3 FINANCIAL IMPLICATIONS**

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

### **4 THE REPORT**

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 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 Bannister submitted an application for a Private Hire Vehicle licence in respect of a Rover Mini Cooper on 28<sup>th</sup> August 2013. (A copy of the application form is produced at Annex A).

- 4.7 The vehicle was first registered on the 23<sup>rd</sup> March 2000 and at the time of application had registered 51, 500 miles. (A copy of the vehicle registration document is produced at Annex B).
- 4.8 The vehicle cannot comply with a number of the licence conditions for licensed Private Hire vehicles currently stipulated by Bath & North East Somerset Council.
- 4.9 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”*.
- 4.10 Officers have been given permission by a 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.
- 4.11 Mr Bannister’s vehicle has never previously been licensed and at the time of this application is 13 years and 7 months old and therefore falls outside of the current requirements. The age of the vehicle means that it cannot comply with the current emissions standards for Private Hire vehicles less than five years old which is the Euro 4 standard.
- 4.12 The current Private Hire licence conditions state that *“The engine size of the vehicle must be at least 1600c.c”*. Mr Bannister’s vehicle’s engine size is 1275cc and therefore falls outside of the current requirements.
- 4.13 The current Private Hire licence conditions state that *“The vehicle must be fitted with a right-hand drive and shall have a minimum of four doors”*. Mr Bannister’s vehicle is right hand drive but is a two door saloon vehicle. This would mean that any passengers carried in the rear of the vehicle would have no direct exit from the vehicle in the case of an accident or emergency.
- 4.14 The current Private Hire licence conditions state that *“The width of the back seat must allow not less than 406mm (16in) per passenger along the narrowest part of the rear seat. In addition, the leg room between the front of the back seat and the back of the front seat, when the front seat is in the normal driving position, must be at least 255mm (10in)”*. Mr Bannister’s vehicle does not comply with the requirements for leg room as it only allows 250mm with the driver’s seat in the most forward position.
- 4.15 Should this application be successful it is Mr Bannister’s intention to offer specific “Mini Tours”. Whilst not directly relevant to the matters before the Members today Mr Bannister has provided a Business Outline for Members. (A copy of Mr Bannister’s proposal is produced at Annex C).
- 4.16 The vehicle will be available for members to inspect on the day of the meeting should they so wish to do so.

**5 RISK MANAGEMENT**

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

**6 EQUALITIES**

6.1 An EqIA has been completed and no risks identified.

**7 CONSULTATION**

7.1 No consultation has been undertaken in respect of this report due to the personal nature of the contents.

**8 ISSUES TO CONSIDER IN REACHING THE DECISION**

8.1 Human Rights

**9 ADVICE SOUGHT**

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services), Section 151 Officer (Divisional Director - Finance) and the Information Compliance Manager have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	John Dowding 01225 477689
<b>Background papers</b>	Application Form, V5 Document & Business Outline
<b>Please contact the report author if you need to access this report in an alternative format</b>	

**Bath & North East  
Somerset Council**

**Local Government (Miscellaneous Provisions) Act 1976**

**APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE**

(1) Full name MR MATTHEW GRAHAM BANNISTER  
 Address 14 ROSSITER ROAD, BATH  
 Post Code BA2 4 JP  
 Telephone No. 07792 200 005

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

Make ROVER Model MINI JOHN COOPER LE Colour GREEN Reg.No. R4CYL  
 Passengers \_\_\_\_\_ Doors 2 CC 1275

Year of Manufacture 2000 Plate No. (if applicable) \_\_\_\_\_

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

Name \_\_\_\_\_

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.)**

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 ..... 29 - August - 2013 .....

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) 2012/ 2013 Total Fees Payable including roof sign on new application: £394 (New Application.) £127 (Vehicle Substitution) £256 (Annual Licence Renewal)
Please present all documents in person to:-	Bath and North East Somerset Council Licensing Taxi Licensing Office Locksbrook Road Bath BA1 3EL 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](mailto:information_governance@bathnes.gov.uk)



# ANNEX B

## UK Registration Certificate

Official use only

1

### 4. Vehicle details

A Registration number **R4 CYL** 2 [A.1] Validation character **1** 3

B Date of first registration **23 03 2000**  
 [B.1] Date of first registration in the UK **23 03 2000**

D.1 Make **ROVER**

D.2 Type

Variant

Version

D.3 Model **MINI JOHN COOPER**

D.5 Body type **2 DOOR SALOON**

[X] Taxation class **PRIVATE/LIGHT GOODS (PLG)**

[D.6] Suspension Type

[Y] Revenue weight

P.1 Cylinder capacity (cc) **1275 CC**

V.7 CO<sub>2</sub> (g/km)

P.3 Type of fuel **PETROL**

S.1 Number of seats, including driver

S.2 Number of standing places (where appropriate)

[D.4] Wheelplan **2-AXLE-RIGID BODY**

J Vehicle category

K Type approval number

P.2 Max. net power (kW)

E VIN/Chassis/Frame No. **SAXXNNAZEYD179430**

P.5 Engine number **12A2LK70390761**

F.1 Max. permissible mass (exc. m/c)

G Mass in service

Q Power/Weight ratio (kW/kg) (only for motorcycles)

R Colour **MULTI-COLOURED**

**O Technical permissible maximum towable mass of the trailer:**

O.1 braked (kg)

O.2 unbraked (kg)

**U Sound level:**

U.1 stationary (dB(A))

U.2 engine speed (min-1)

U.3 drive-by (dB(A))

**V Exhaust Emissions:**

V.1 CO (g/km or g/kWh)

V.2 HC (g/km or g/kWh)

V.3 NOx (g/km or g/kWh)

V.4 HC+NOx (g/km)

V.5 particulates (g/km or g/kWh)

### 5. Registered keeper

If any details are wrong enter the correct details in section 6, sign section 8, and return to DVLA

C.4.c - This document is not proof of ownership.

C.1.2 **MATTHEW**

C.1.1 **BANNISTER**

C.1.3 **38 SIX ACRES**  
**UPTON ST. LEONARDS**  
**GLOUCESTER**  
**GL4 8AX**

I **ACQUIRED VEHICLE ON 07 02 2013**  
 Please write in black ink and CAPITAL LETTERS.

### 6. New keeper or new name/new address details

Please see section 12

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

Title (for example, Ms, Rev and so on) or business name:

First names:

Surname:

For company use only DVLA/DVA Fleet number 7

Date of birth (not required by law) 8 Postcode: Please help us to help you by giving your postcode. 9

House No:

Address: 10

Post town: 11

New keeper? If so tick this box:  **K** 12 Date of sale or transfer: 13

Driving licence number of the new keeper (not required by law)

Present mileage (not required by law) 15

**R** 16 **S** 17

### 7. Changes to current vehicle

Only enter corrected or altered details

H 19

Wheelplan / Body type 20

VIN / Chassis / Frame Number 21

New revenue weight 22 Date of change 23 Cylinder capacity (cc) 24

No. of seats inc. driver 25 No. of standing places 26 Type of fuel 27

Engine number 28

New colour 29 Date of change 30 CLR

Tax class\* 31 **Y** 32

\*The tax class shown in section 4 can only be changed when taxing. Please apply at your nearest DVLA local office.

### 8 Declaration - You MUST sign, date and return this page to DVLA, Swansea, SA99 1BA when you notify any changes.

**Registered keeper:** I declare that the new details I have given are correct to the best of my knowledge.

**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.

Signature: Date:

Signature: Date:

Official use only - Please do not write below this line.

V5C-0311

Doc. Ref. N° 3045 331 0101 14 02 13  
 Des. Codes 1071758630 / 01162 45

R4 CYL 1



ISC 34

Official Use Only

## ANNEX C

### Business Outline

#### **Tours**

Tours and routes will be predetermined and sold by the hour as opposed to taking telephone bookings to taxi people from A to B. Tours might include:

- City/ Skyline tour
- Parks and Crescents
- Evening photography
- Local infusion (dinner at local restaurant and tour)
- Land and river (city tour then boating)

#### **Vehicle(s)**

We are currently looking to use a 2000 Rover Mini Cooper (see attached specification sheet) and hope to build this into a small fleet of, at present, just Mini Coopers. The website, branding and all of the literature will make it very clear that we only use Mini Coopers so that the people booking are under no miss illusions about the size of the car, and how much space to expect.

The Mini is instantly recognisable as a British icon, many British people have a memory linking them to the cars and for most overseas tourists a ride in a Mini would be nostalgically equivalent to a ride on an old red London bus. This could generate demand for visiting Bath as following the Diamond Jubilee and the Olympic Games there is a renewed love of all things British. The Mini tours could harness this to also tie together other established tourist attractions within the city by helping tourists to quickly see everything that is on offer for their stay here.

#### **Operation**

*Initially, the business will operate mainly through a website and selling the tour packages through existing outlets such as the Bath tourist shop. We aim to apply for an operator's licence before trade were to commence which we appreciate means that we must take on premises with permission for a licenced taxi office and submit the relevant application for such a licence too. As the tours are fixed routes and sold by the hour (and subsequent half hour periods), the products lend themselves to being sold online and through other outlets rather than taking quite so many telephone bookings as is necessary with a standard taxi firm. This model has been used with other similar companies as mentioned in the 'Case Study' section. There will be a company insurance policy to cover the vehicles for this use and also public liability insurance against any injury or damage to possessions.*

#### **Opportunities**

The business will be looking to employ a driver from the outset. It is likely that the driver will not already hold a taxi licence and we aim to offer sponsored training to our driver in return for a minimum period of commitment from them through which the upfront licence fees will be recovered by the business. This is a route which we would like to take for each new driver as it will provide additional skills and training to local jobseekers.

## ANNEX C

Beyond the standard taxi driver testing and licensing procedure, additional training will be given on using the minis, the tour routes, local attractions and historical knowledge in order to ensure the best possible customer service and experience.

### **Three- Year Development Plan**

The three year development plan for the business aims to create sustainable demand for the tours and other services offered and in so doing, generate local job opportunities.

Subject to suitable demand, the business aims to be running 5 cars by 2016 and training and employing 5-6 people as licenced taxi drivers. In order to provide work for these drivers throughout the year and especially outside of the main tourist season, I aim to open a shop selling local produce, gifts and refreshments. During the peak tourist season, the shop will be staffed by seasonal workers freeing the drivers up to give their tours but when demand falls their role will include shop work to make up their weekly hours and ensure that they stay employed.

In order to keep demand high, we will try to appeal to the local audience as well as tourists with special interest tours to include things such as a tour with photography lessons at the various stops, teaming up with local businesses to offer special discounted rates on packages and we hope to offer additional tour services such as a tour on the way to school proms, weddings and other such events.

We also hope to offer the minis for use in marketing campaigns – both to be filmed for advertisements or for a driver to take them out with representatives of the client's business and generate interest. This might include a stationary marketing point in say Southgate, subject to making the necessary arrangements with the relevant people, where the representatives can talk to clients or hand out leaflets. It may also involve driving the cars around their desired catchment area covered with a branded vinyl wrap of their business' artwork.

### **Case Studies**

*Razorcat Tours – Giving tours in the Bath and Wiltshire on a Motor Trike, the company operates a similar principle in terms of selling tour packages by time rather than by route. Tour routes can be personalised to the customer once booked providing it stays within the time slot booked and paid for. They operate on a private hire taxi licence. Bookings are taken by email or telephone.*

*Small Car Big City – Giving tours in London using a small fleet of classic Minis, this is the most similar example to the business we are hoping to create. Ranked within the top 5 things to do in London through Trip advisor, this type of tour is very popular and although they do not warn of the size of the cars on their website, there is no negative feedback to be found from customers about the size of the vehicles and the level of comfort inside. Tour packages are mainly sold through their website as half-hour slots. A telephone number is available for queries.*

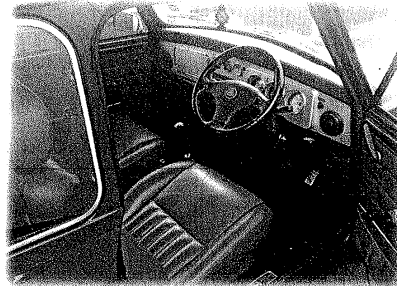
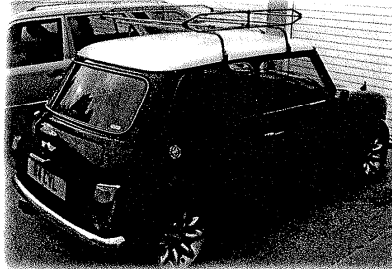
### **What About Competition**

Although there are a number of tours operating in Bath, this new offering would not look to snatch business from other companies but rather provide a complimentary service. The bus tours provide more of a hop-on hop-off service where you can stay at a sight and catch a later bus to explore it more whereas we will look to provide a more personalised tour but with less opportunity to drop off enroute. The trike tours will interest motorcycle enthusiasts more than a tour in a classic mini will and I therefore believe that it will enhance the offering to tourists whilst not taking trade from the existing local businesses.

## ANNEX C

### Specification Sheet.

Make:	Rover
Model:	Mini John Cooper LE
Engine Size:	1275cc multi-point injection
Number of doors:	2
Number of Seats	4 (all with seat belts)
Width Across back seats:	1.13m (approximate)
Year of Manufacturer:	1999
Registration Number:	R4 CYL
Power:	90 BHP
Mileage:	51,500 miles

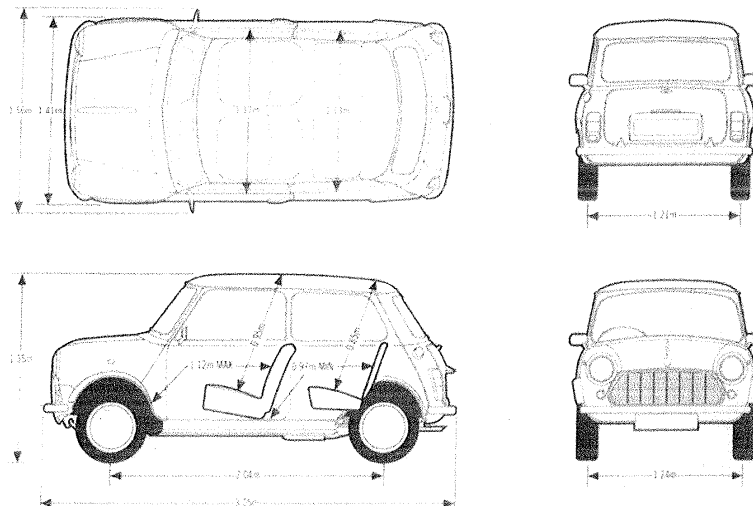


### Details:

The Mini is kept in standard specification other than a retrofitted John Cooper Garages performance pack and a few minor modifications to include replacement CD/Radio player.

The car is serviced regularly and has had any work required on the bodywork done as and when due to keep it looking its best. The relatively low mileage for the age is reflected in the condition.

Being one of the later Minis, the engine is fuel injected and therefore much more reliable and economical.



### **Licensing Sub Committee Hackney Carriage (taxi) and Private Hire Driver Application Procedure**

1. The Chair will introduce Members of the Sub-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 Sub-Committee.
3. The Applicant, representative and/or witness is asked to leave the room while the Committee consider the Disclosure and Barring Service report, references and statement.
4. The Applicant, representative and/or witness returns and presents the case to the Sub-Committee.
5. The Applicant may be questioned about the matter by the Sub-Committee.
6. The Applicant may call witnesses in support of their application and each witness may be asked questions.
7. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be asked questions.
8. The Applicant will be invited to make a closing statement.
9. The Chair will invite the Sub-Committee to move into private session to enable the Members to deliberate in private. The Sub-Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Sub-Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
10. Whilst in deliberation the Sub-Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.
11. The Sub-Committee will reconvene the meeting and the Chair will announce the Sub-Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

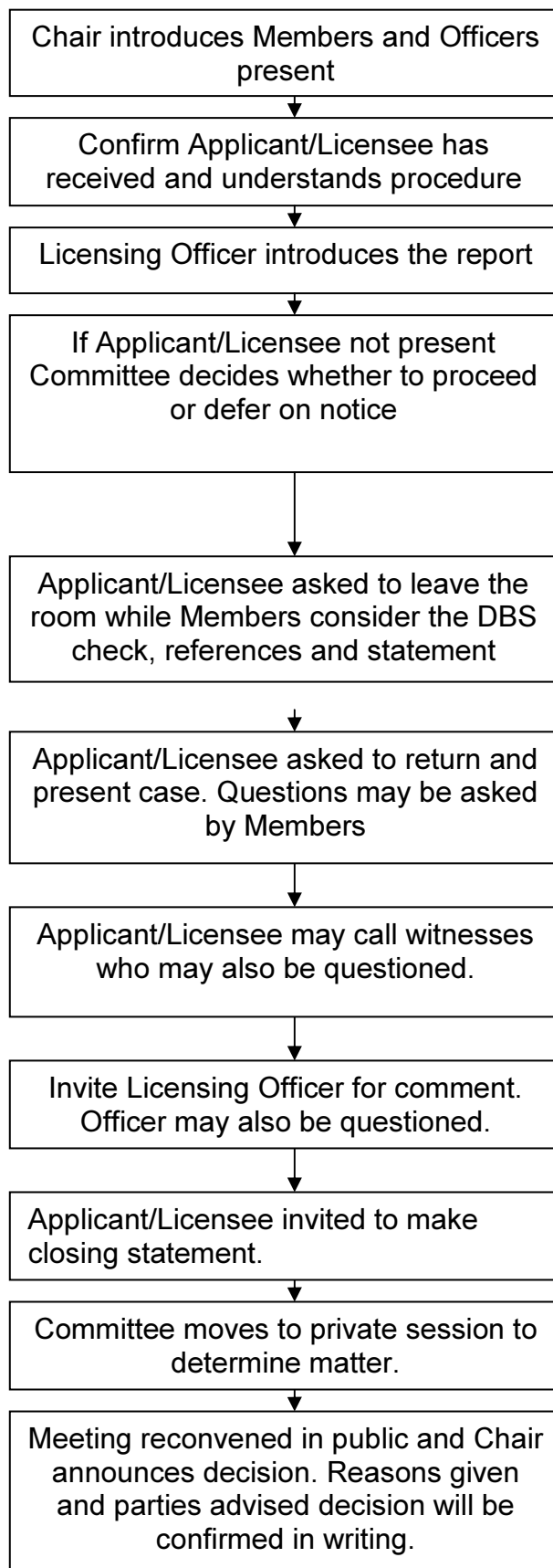
### **PLEASE NOTE:**

- 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 they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, 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 persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
  - 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 pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
  - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

**LICENSING SUB-COMMITTEE  
HACKNEY CARRIAGE (TAXI) AND  
PRIVATE HIRE VEHICLES DRIVERS' LICENCE PROCEDURE**



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### Access to Information Arrangements

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

Information Compliance Ref: LGA-1024-13
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Meeting / Decision: Licensing Sub-Committee
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Date: 15 October 2013
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Author: John Dowding
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Exempt Report Title: Consideration of Caution Obtained
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Exempt Appendix Title:
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ANNEX A – Current Hackney Carriage/Private Hire Drivers Licence.
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ANNEX B – First Application Form Submitted After Caution Obtained (2011)
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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:
------------------------

- |   |
|---|
| <ol style="list-style-type: none"> <li>1. Information relating to any individual</li> <li>2. Information which is likely to reveal the identity of an individual</li> <li>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)</li> </ol> |
|---|

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, and that the report be discussed in exempt session.

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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**Access to Information Arrangements**

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

Information Compliance Ref: LGA-1006-13

Meeting / Decision: Licensing Sub-Committee

Date: 15 October 2013

Author: John Dowding

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

Exempt Appendix Title:

ANNEX A – Current Hackney Carriage/Private Hire Drivers Licence.

ANNEX B – Letter From Metropolitan Police

ANNEX C - Letter to subject 11/06/2013

ANNEX D – Letter from subject

ANNEX E – Letter to subject 02/07/2013

ANNEX F – Copy of Formal Caution

ANNEX G – Letter to subject 04/07/2013

ANNEX H – Witness Statement of subject

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, and that the report be discussed in exempt session.

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

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

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**Access to Information Arrangements**

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

Information Compliance Ref: LGA-1005-13

Meeting / Decision: Licensing Sub-Committee

Date: 15 October 2013

Author: John Dowding

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

Exempt Appendix Title:

ANNEX A – Application Form

ANNEX B – Home Office Guidelines Relating to Relevance of Convictions.

ANNEX C – Regulatory (Licensing) Committee Resolution. 21<sup>st</sup> August 2003

ANNEX D – Licensing (Taxis, Street Trading & Miscellaneous) Sub-Committee Resolution 9<sup>th</sup> January 2007

ANNEX E – Licensing (Taxis, Street Trading & Miscellaneous) Sub-Committee Resolution 9<sup>th</sup> June 2009

ANNEX F – Complaints Received at BANES and referred to Mendip DC.

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:

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

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

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