

Licensing Sub-Committee

Date: Thursday, 6th June, 2019

Time: 10.00 am

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Manda Rigby, Sue Craig and Michael Evans

Chief Executive and other appropriate officers
Press and Public

A briefing session for Members will be held at 9.30am in the room where the meeting is to take place.



Sean O'Neill

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 395090

Web-site - <http://www.bathnes.gov.uk>

E-mail: Democratic_Services@bathnes.gov.uk

NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. Public Speaking at Meetings

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

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

6. Supplementary information for meetings

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Licensing Sub-Committee - Thursday, 6th June, 2019

at 10.00 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES OF PREVIOUS MEETING: 25 APRIL 2019 (Pages 5 - 8)

6. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

"the Committee having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, **RESOLVES** that the public shall be excluded from the meeting for agenda items 8, 9 and 10 and that the reporting of the meeting be prevented under Section 100A(5A), 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.

7. TAXI DRIVER'S PROCEDURE (Pages 9 - 12)

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

8. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - 18/02743/TAXI (Pages 13 - 24)

9. APPLICATION TO RENEW COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - CONSIDERATION OF CONVICTION - 19/00916/TAXI (Pages 25 - 38)

10. APPLICATION TO RENEW COMBINED PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE - CONSIDERATION OF CAUTION - 19/02507/TAXI (Pages 39 - 52)

11. RETURN TO OPEN SESSION

The next two items of business will be considered in open session.

12. TAXI VEHICLE PROCEDURE (Pages 53 - 56)

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

13. CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A HACKNEY CARRIAGE VEHICLE - 19/01557/HCVL (Pages 57 - 84)

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on 01225 395090.

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 25th April, 2019, 10.00 am

Councillors: Les Kew (Chair), Rob Appleyard and Anthony Clarke (in place of Deirdre Horstmann)

Officers in attendance: Carrie-Ann Evans (Deputy Team Leader (Barrister)) and Terrill Wolyn (Senior Public Protection Officer)

84 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

85 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Cllr Deirdre Horstmann, for whom Cllr Anthony Clarke substituted.

86 DECLARATIONS OF INTEREST

Cllr Appleyard declared a non-pecuniary interest as a former member of Westfield Parish Council until four years ago. He said this would not influence his determination of the Parish Council's licensing application.

87 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

88 MINUTES OF THE MEETING OF 28 MARCH 2019

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

89 MINUTES OF THE MEETING OF 4 APRIL 2019

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

90 LICENSING PROCEDURE

The Chair explained the procedure to be followed for the next item of business.

91 APPLICATION FOR A PREMISES LICENCE FOR WESTHILL RECREATION GROUND, WESTHILL ROAD, WESTFIELD, RADSTOCK BA3 3TE

Applicant: Westfield Parish Council, represented by Lesley Close (Parish Clerk)

Responsible Authority: Avon and Somerset Police, represented by Geoff Cannon (Police Licensing Officer)

The parties confirmed that they understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report.

Ms Close stated the case for the applicant and was questioned by Members. She confirmed that the applicant accepted the additional conditions proposed by the Police.

Mr Cannon stated the case for the Police and was questioned by Members. He confirmed that the applicant had accepted the additional conditions proposed by the Police.

Decision and reasons

Members have determined an application for a new Premises Licence for the Westhill Recreation Ground, West Hill Road, Westfield, BA3 3TE. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy, Human Rights Act 1998 and case law.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on information put before them. Members noted that an application must be considered on its own merits.

The Applicant

Lesley Close as Parish Clerk on behalf of the applicant indicated that the premises licence is sought in relation to a Fun Day which is due to take place on one Sunday in the year from 1200 to 1600 hours. The licensable activities sought related to regulated entertainment in the form of live music, recorded music, performance of dance and anything of a similar description to those, to take place outdoors only. Ms Close confirmed verbally before members that the applicant was in agreement with the conditions proposed by the Police which they had found helpful and in relation to which, arrangements had already been made.

Interested Parties/Other Persons

There were no representations received from interested parties.

Responsible Authorities

The Police Licensing Officer Geoff Cannon, had made a representation that the applicant's proposals were likely to undermine all four licensing objectives and proposed conditions to mitigate those concerns which were at Annex C to the report to the Committee. Mr Cannon confirmed those representations orally before the committee.

Members

Members noted that the Licensing Act 2003 is a permissive regime that is intended to minimise the regulatory burden.

Members noted that there had been no representations from Other Persons but that there had been a representation from the Police as a Responsible Authority.

Members carefully considered the representations made by the Police that all four licensing objectives may be undermined by the proposed application and had regard to the proposed conditions to mitigate any potential impacts. Whilst the applicant had agreed to the conditions proposed by the police, Members were mindful that it was for them to decide ultimately, if a condition was appropriate and proportionate in the promotion of the licensing objectives.

In all the circumstances Members found the application to be reasonable however, they were satisfied that the licensing objectives would be promoted by conditions offered by the applicant and recommended by the police, subject to amendments described below. Members therefore resolve to approve the application with the imposition of conditions consistent with the operating schedule (as amended below), the Mandatory Conditions and the additional conditions recommended by the Police Licensing Officer (as amended below) which they considered to be appropriate and proportionate in the promotion of all four of the licensing objectives:

Conditions amended on operating schedule as follows:

‘The Parish Council tent shall clearly advertise a Lost Children Point’ shall be amended in accordance with the Police Licensing Officer’s recommendation to ‘The premises will operate a lost child and vulnerable adult procedure. All staff working at the event will be made aware of this procedure.’

Additional conditions recommended by the Police, agreed to by the applicant and approved by Members:

The organisers of the event to which this licence relates, will give the Police at least 2 months notification of the event taking place.

The organisers will also provide the police with a copy of the Event Management Plan at least 2 months in advance of the event taking place.

Identifiable trained First Aid staff will be on duty at all times when the event is open to the public.

There will be a minimum of 10 clearly identifiable stewards on duty at the premises during the time the event is open to the public.

Additional condition proposed by the Police but amended by Members on the grounds of appropriateness and proportionality:

There will be a minimum of 1 SIA trained security on duty at the premises during the times the event is open to the public.

Note

As the supply of alcohol is not sought as a licensable activity from the premises and the activities related to sale of alcohol from the Westhill Social Club relate to a

separate premises licence, Members do not impose any condition related to alcohol being taken onto the field as offered in the Operating Schedule.

Authority is delegated to the Licensing Officer to issue the licence accordingly.

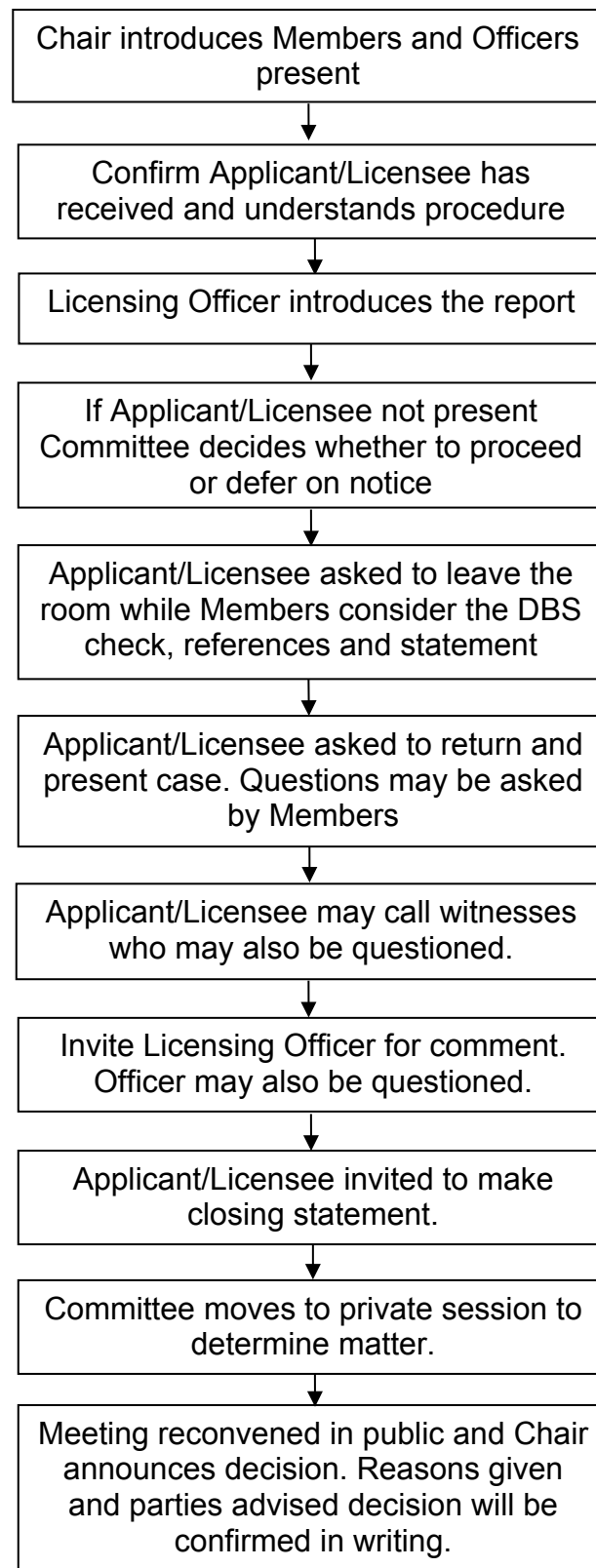
The meeting ended at 11.09 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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



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

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. 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 Committee.
5. The Applicant may be questioned about the matter by the 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 Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
10. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Services Officers for the purpose of assisting them in drafting their reasoning for the decision.
11. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

Updated November 2013

PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should 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.

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 511/19

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 25th April 2019

Author: John Dowding

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

Exempt Appendices:

Exempt Annex A – Application Form

Exempt Annex B - Policy on Previous Convictions, Cautions and Fixed Penalty Notices.

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

Stating the exemption:

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

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

PUBLIC INTEREST TEST

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

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

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

The following exemptions are engaged in respect to this report:

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

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (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 Disclosure and Barring Service (DBS) check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

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

Other factors in favour of disclosure include:

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

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

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

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

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 557/19

Meeting / Decision: Licensing Sub-Committee

Date: Friday Thursday 25th April 2019

Author: John Dowding

Exempt Report Title: Application To Renew Combined Hackney Carriage/Private Hire Driver's Licence. Consideration Of Conviction

Exempt Appendices:

Exempt Annex A – Application Form

Exempt Annex B – Letter From Applicant

Exempt Annex C - Policy on Previous Convictions, Cautions and Fixed Penalty Notices.

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

Stating the exemption:

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

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

PUBLIC INTEREST TEST

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

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

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

The following exemptions are engaged in respect to this report:

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

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (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 Disclosure and Barring Service (DBS) check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

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

Other factors in favour of disclosure include:

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

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

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

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

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 821/19
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Meeting / Decision: Licensing Sub-Committee

Date: Thursday 6 th June 2019
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Author: John Dowding

Exempt Report Title: Application To Renew Combined Hackney Carriage/Private Hire Driver's Licence. Consideration Of Caution

Exempt Appendices:

Exempt Annex A – Application Form

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

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

Stating the exemption:

- | |
|---|
| <ol style="list-style-type: none"> 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 2018 (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 Disclosure and Barring Service (DBS) check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

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

Other factors in favour of disclosure include:

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

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

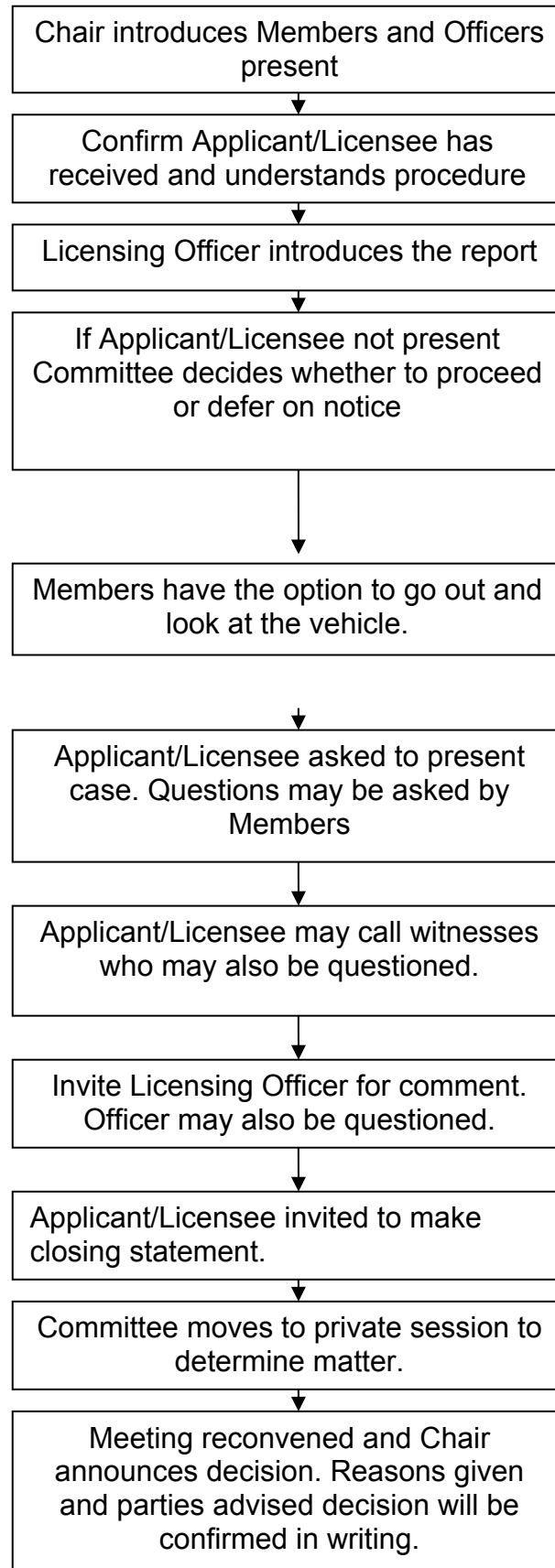
Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

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

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



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

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

Updated November 2013

PLEASE NOTE:

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

N.B.

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

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Licensing Sub-Committee	
MEETING DATE:	Thursday 6 th June 2019	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A HACKNEY CARRIAGE VEHICLE – 19/01557/HCVL	
WARD:	ALL	
OPEN PUBLIC SESSION		
List of attachments to this report: Annex A – Application Form. Annex B – Standard Hackney Carriage Vehicle Licence Conditions. Annex C - Policy on Hackney Carriage and Private Hire Licensing Standards.		

1 THE ISSUE

- 1.1 This report invites the Licensing Sub-Committee to consider whether or not a vehicle that is over 4 years old is suitable to be licensed as a hackney carriage vehicle in Zone 2.
- 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.
- 1.3 The policy adopted by the Council requires that the vehicle shall normally be less than 4 years old when first licensed by the Council. Any vehicle presented for licensing which is older than 4 years at the date of the application will be referred to the relevant Council 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. There is a non-refundable fee of £64 for this application.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 defines a hackney carriage as having the same meaning as in the Act of 1847.
- 4.2 Section 37 of the Town Police Clauses Act 1847 states that “the commissioners may from time to time licence to ply for hire within the prescribed distance, or if no distance is prescribed, within five miles from the General Post Office of the city, town, or place to which the special Act refers, (which in that case shall be deemed to be the prescribed distance,) hackney coaches or carriages of any kind or description adapted to the carriage of persons.”
- 4.3 Section 38 of the Town Police Clauses Act 1847 states “Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plates as aforesaid shall be deemed to be a hackney carriage within the meaning of this Act; and in all proceedings at law or otherwise the term “hackney carriage” shall be sufficient to describe any such carriage: Provided always that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licensed for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.”
- 4.4 Section 47 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that “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 may 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.
- 4.5 In December 2018 the Council’s Licensing Committee adopted the current policy on Hackney Carriage and Private Hire Licensing Standards –Drivers, Vehicles and Operators. (The Policy is produced at Annex C).
- 4.6 In December 2018 the Council’s Licensing Committee adopted a set of standard licence conditions applicable to all Private Hire vehicle licenses issued in Bath & North East Somerset. (The conditions are produced at Annex B)
- 4.7 Any person aggrieved by the refusal to grant a Hackney Carriage proprietors licence may appeal directly to the Crown Court.

5 THE REPORT

- 5.1 The applicant applied for the grant of a hackney carriage vehicle licence on the 7th March 2019. (A copy of the application form is produced at Annex A).
- 5.2 The application is for a Ford Tourneo which was first registered on the 18th August 2014. At the time of application the vehicle was 4 years and six months old.
- 5.3 The current policy on Hackney Carriage and Private Hire Licensing Standards – Drivers, Vehicles and Operators states “*That all vehicles will normally be less than four years old when first licensed*”.
- 5.4 The standard conditions attached to the grant of a hackney carriage vehicle licence state “*The vehicle shall normally be less than four years old when first licensed by the Council. Any vehicle presented for licensing which is older than 4 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination*”.
- 5.5 At the time of the current MOT certificate issued for this vehicle on the 29th August 2018 the vehicle had recorded mileage of 98,919 miles.
- 5.6 The vehicle will be available for inspection by members on the day of the meeting should they so wish.
- 5.7 Bath & North East Somerset Council have two zones for Hackney Carriage licenses and it should be noted that this application is for a zone 2 area which covers the former Wansdyke Council geographical area and is unregulated in respect of the control of numbers for Hackney Carriages.

6 RATIONALE

- 6.1 Each application for a licence will be considered on its own merits and in line with the current Policy on Hackney Carriage and Private Hire Licensing Standards. This application is for a hackney carriage vehicle licence in respect of a vehicle which cannot comply with existing policy or the standard licence conditions attached to the grant of a hackney carriage vehicle licence in B&NES. Consequently, this matter is referred to the Licensing Sub Committee for consideration.

7 OTHER OPTIONS CONSIDERED

- 7.1 None

8 CONSULTATION

- 8.1 The Council's Monitoring Officer (Director of Legal & Democratic) and Section 151 Officer (Director of Finance) and Information Governance Officer have all 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	John Dowding 01225 477689
Background papers	Licensing File
Please contact the report author if you need to access this report in an alternative format	

ANNEX A

**Bath & North East
Somerset Council**

387542
164
7.3.19

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

APPLICATION FOR HACKNEY CARRIAGE VEHICLE LICENCE

1. I, [Full name in BLOCK CAPITALS] [REDACTED]
of [Address in BLOCK CAPITALS] [REDACTED]
[REDACTED] Post Code [REDACTED]

Date of Birth [REDACTED] Tel No [REDACTED]

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

Make FORD Model TOURNEO Colour BLUE Vehicle Reg.No. KR14 YOH

*Petrol/Diesel Seating Capacity (excluding driver) 8 No of Doors 5

cc. 2198 Year of Manufacture 2014 *Plate No (if applicable) [REDACTED]

Wheel Chair Accessible? ☒ YES ☐ NO

of which I am the *[sole proprietor] *[part proprietor with]
Name [REDACTED]

Address [REDACTED]

Post Code [REDACTED] Telephone No [REDACTED]

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

YES ☒ NO ☐

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

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

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

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

DELETE AS NECESSARY

ANNEX A

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 7/3/19

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

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

**Bath & North East
Somerset Council**

HACKNEY CARRIAGE VEHICLE (PROPRIETORS) LICENCE GENERAL CONDITIONS

These conditions are based on the legislation, regulations and byelaws currently in force.

Hackney Carriages are subject to byelaws made by the Council

Copies of the byelaws are available from the B&NES Taxi Licensing Office, Locksbrook Road, Bath BA1 3EL

INTERPRETATION:

In these conditions:

"The Council" means Bath & North East Somerset Council.

"Authorised Officer" means an officer of the Council authorised in writing by the Council for the purpose of these conditions.

"Hackney Carriage" has the same meaning as in section 38 of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 Part II.

"Licence Plate" means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage duly licensed by the Council.

"Proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Vehicle" means the Hackney Carriage vehicle in respect of which this licence is issued.

VEHICLE SPECIFICATIONS:

During the life of this policy one or more Clean Air Zones may be introduced. A Clean Air Zone will impose charges for all vehicles driving within it which do not meet specified emission standards. All vehicles licensed by the Council must be (as a minimum) compliant with the terms of the Clean Air Zone and meet with its emission standards.

Hybrid, plug-in hybrid or fully electric vehicles should have a minimum power output of 77 Kilowatts or the equivalent BHP of a 1400cc petrol or diesel engine.

The vehicle shall normally be less than 4 years old when first licensed by the Council. Any vehicle presented for licensing, which is older than 4 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination.

Vehicles that have dented or damaged bodywork are unsuitable for licensing as a Hackney Carriage.

A licensed vehicle which becomes 10 years old may be subject to a review of its suitability to continue in service. Vehicles that are considered to be unfit for service will be referred to the

Bath & North East Somerset Council

Licensing Sub Committee for a final decision as to suitability to continue to be licenced as a Hackney Carriage. Factors that may render a licensed vehicle unfit may include (but not be limited to) general condition of exterior and interior, such as accident damage, rust, poor paintwork; ripped, torn or stained interior carpets, seats and trims; a history of failing an MOT test or Council Vehicle Inspection. The Vehicle Operator Services Agency (VOSA) MOT database and the individual vehicle licensing file will be used to ascertain this data for individual vehicles.

A current MOT certificate is required on all vehicles over 1 year old at the time of application for a Hackney Carriage vehicle licence. This is in addition to the Council Vehicle Inspection Test carried out as part of the application process. The proprietor shall produce to the Council's Licensing Team a new M.O.T certificate within seven working days of the expiry of the current certificate.

Vehicles that are less than 1 year old on the first application for a licence will be required to obtain an M.O.T certificate on the first anniversary of the date of registration of the vehicle and to produce the certificate to the Licensing Team.

The vehicle must be fitted with a right-hand drive and shall have a minimum of four doors. At least three of these doors must be accessible for passengers to enter and exit the vehicle without the need to move, adjust, or climb over any seating.

All passenger seats must allow not less than 406mm (16in) per passenger along the narrowest part of the seat. In addition the leg room between rows of seats should allow for a minimum 255mm (10in).

TYPE APPROVAL:

Vehicles shall comply with the European Community M1 type approval for passenger carrying vehicles. The definition of category M1 type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of passengers.

Vehicles that have been originally classified as complying with M1 type approval but have undergone modifications or conversions since original manufacture will be considered suitable provided they are presented with the relevant Individual Vehicle Approval (IVA) or Single Vehicle Approval (SVA) certificate (or equivalent) issued by the DVSA.

Any vehicle submitted for licensing originally given European Community N type approval will be considered unfit for the purpose and will not be licensable as a Hackney Carriage vehicle. The definition of category N type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of goods.

ALTERNATIVE FUELS:

Any conversion of a Hackney Carriage to run on Liquid Petroleum Gas, **any other alternative fuel or combination of fuels** must be carried out by a fully qualified and certified installation engineer. A certificate of installation must be produced to the Licensing Section before the vehicle can be used for the purpose of hire and reward.

**Bath & North East
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WINDSCREEN OBSTRUCTIONS:

At no time shall any satellite navigation system, image recording equipment or other equipment be situated within the swept area of the windscreen of a licensed vehicle so as to obstruct the driver's view of the road.

ACCESSIBLE VEHICLES:

Accessible vehicles will be classed as those vehicles capable of allowing a passenger seated in a wheelchair to enter and exit the vehicle from the pavement through a side entry door. The vehicle must allow the hirer to remain seated in the wheelchair during the journey.

Accessible vehicles should cater for a range of disabilities including visual, audible and ambulant.

TINTED GLASS WINDOWS:

DIY window tint film kits are not permissible.

Tinted glass windows are permissible provided that they are only those supplied as standard by the original vehicle manufacturer and comply with current vehicle Construction and Use Regulations.

LICENCE RENEWALS:

Hackney carriage vehicle licences must be renewed annually and the renewal applied for prior to the expiration of the current licence. A licence will only be issued following a satisfactory vehicle inspection and measured mile taximeter test.

Where the licence cannot be renewed before the expiry of the current licence due to mechanical failure of the vehicle, the proprietor shall notify the Licensing Team in writing that the renewal application will be delayed. With the consent of an Authorised Officer an application for renewal of that licence may be submitted after the expiry date together with the renewal fee in force at that time.

WORK ASSURANCE:

The Hackney Carriage licence must be used on a full-time basis for a reasonable working week, at least 25 hours of which shall be during the period Monday to Thursday inclusive.

THIRD PARTY ADVERTISING:

Discreet third party advertising will be permitted on the front door panels of vehicles, subject to the written consent of the Council.

Where the vehicle is constructed or adapted for use by wheelchair users, applications for full livery third party advertising will be considered. Such applications to be made in writing to the Council's Licensing Team. Where such approval is withheld by the Licensing Team, the applicant may appeal to the Licensing Sub Committee.

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Where the vehicle is constructed or adapted for use by wheelchair users, discreet third party advertising will be permitted in the interior passenger compartment of the vehicle.

COMPANY LIVERIES:

Company liveries will be permitted provided that the only lettering displayed on the vehicle is the name, telephone number and website address of the Hackney Carriage or Private Hire Company. No other wording is permitted.

Applications for company liveries must be submitted in writing to the Council's Licensing Team and the design must be approved by an authorised officer of the Council's Licensing Team before the livery is used. Any liveries which are considered unacceptable by an Authorised Officer of the Council's Licensing Team will be referred to the Licensing Sub Committee for determination.

Liveries are not permitted on any of the vehicles side or rear windows.

No reflective materials should be used in the lettering, graphics or background materials.

The name of the operating company and telephone number may be displayed on the windscreen of the vehicle. Such sign must be of the "sunvisor" type, and must not exceed 330mm x 228mm (13in x 9in) in size.

At all times when available for private hire work vehicles must display the name of the Private Hire Operator they are working for. In the absence of a full vehicle livery then magnetic door signs displaying the name and telephone number of the Operator must be displayed.

HACKNEY CARRIAGE PLATES:

When a Hackney Carriage Licence is issued and on payment of a 'plate deposit,' the Council will issue a Hackney Carriage plate. There shall be marked on that Hackney Carriage plate the number of the licence for the hackney carriage, the registration number of the vehicle, manufacturer and model of vehicle, date of expiry of licence and the number of persons that may be carried. The number of passengers that may be carried by a Hackney Carriage vehicle is determined by the type of vehicle and is stated on the licence plates. In any event the maximum number of passengers allowed is eight.

At all times when plying for hire, or hired, there shall be affixed to the rear of the exterior of the vehicle and the front exterior of the vehicle, the Hackney Carriage plates provided by the Council,

An interior plate provided by the Council shall be fixed inside the hackney carriage so as to be plainly visible to any passenger.

In the case of a 'London' style Hackney Carriage the exterior rear Hackney Carriage plate shall be mounted upon the rear luggage compartment door and the front exterior plate shall be mounted on the front grill of the vehicle. The interior plate shall be mounted on the interior glass compartment partition in such a position as to be plainly visible to any passenger.

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The Hackney Carriage licence plates shall be at all times clearly visible and maintained in a clean, tidy and legible condition. It is not permissible to alter the size of the issued licence plate by trimming or cutting.

No other plates, fittings, signs or printed matter shall be displayed on the exterior or interior of the vehicle without the approval of the Council or unless required by these conditions.

The licence plates shall remain the property of the Council and shall be returned to the Council on expiry, or within seven days of a notice of suspension, revocation or refusal to renew the licence having been served on the vehicle proprietor. The plate deposit shall be refunded upon the plate being returned to the Council.

SELLING, SUBSTITUTING OR DISPOSAL OF A VEHICLE:

Any vehicle substituted for the vehicle in respect of which this licence is issued must be authorised by the Council. There will be no fee for the first vehicle substitution required during the term of an existing licence. A vehicle substitution fee will be payable for any subsequent substitutions during the term of the existing licence.

Any vehicle proprietor who sells or otherwise disposes of a licensed Hackney Carriage must notify the Council in writing within fourteen days of the sale or disposal specifying the name and address of the new owner and the date of sale.

ROOF SIGNS:

At all times when a saloon or estate type vehicle is in use as a Hackney Carriage vehicle there shall be affixed to the roof of the vehicle a magnetic roof sign which is capable of being illuminated and is of a type supplied by the Council. There shall be marked on the roof sign the logo of the Council. The roof sign should be capable of indicating whether or not the vehicle is for hire and shall be fitted across the width of the vehicle's roof.

The roof sign must be kept illuminated at all times when the Hackney Carriage is available for hire. The sign should be connected to the taximeter and the illumination should automatically extinguish when the Hackney Carriage vehicle is hired and the taximeter is set to hired.

TAXIMETERS:

At all times when the vehicle is in use as a Hackney Carriage vehicle it shall be fitted with a clock calendar controlled taximeter approved by the Council.

All taximeters must be programmed with the current authorised tariff. Taximeters must be re-programmed with the current tariff within one month of the proprietor being notified of the new tariff.

Only one tariff shall be allowed at any one time and once set the taximeter shall be sealed by the Authorised Officer of the Council. The vehicle shall not be used for hire and reward unless the taximeter is sealed.

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In the event of an emergency requiring an authorised taximeter dealer to break the taximeter seal, the vehicle may be used for hire and reward providing the driver is in possession of a certificate from the dealer indicating why the seal was broken and the date the seal was broken. In any event the taximeter is to be re-sealed within three working days of the date of the notice.

The taximeter shall be sealed in such a way that it shall not be practicable for any person to tamper with the taximeter except by breaking, damaging or permanently displacing the seals.

All taximeters must be capable of being sealed by permanent lead or plastic seals. Paper seals are not suitable for use. Existing meters that are not capable of authorised sealing methods should be replaced no later than twelve months from the date these conditions come into force.

RATE OF FARES TO BE CHARGED IF A HACKNEY CARRIAGE VEHICLE IS USED FOR PRIVATE HIRE WORK:

Only the authorised tariff as set by the Council can be charged. No other rate of fares is permissible and travelling time cannot be charged for. The taximeter can only be started when the hirer is seated safely inside the vehicle at the point of pick up within the area of the Council.

FARECARD:

At all times when the vehicle is in use as a Hackney Carriage a current statement of fares which may be lawfully charged shall be carried in the interior of the vehicle, and shall be made available to any person being conveyed in the Hackney Carriage on request.

EXTERIOR AND INTERIOR VEHICLE CAMERA RECORDING SYSTEMS:

Image recording equipment will only be permitted for installation in a licensed vehicle subject to the written consent of an Authorised Officer of the Council's Licensing Team. All applications for internal or external recording equipment must supply a valid certificate of registration with the Information Commissioners Officer (ICO). The certificate should be renewed annually and submitted to the Licensing Office.

If an approved image recording system is fitted a sign must be displayed in the interior of the vehicle, plainly visible to passengers that complies with the Data Protection Act, informing passengers that such equipment is in use. Similar signs shall be displayed to the exterior of the vehicle to warn prospective customers of the use of Internal and/or external image recording equipment.

Dummy image recording equipment is permissible subject to the written consent of the Council.

Any signs indicating that image recording equipment is in operation must comply with the Data Protection Act.

It shall be the vehicle proprietor's responsibility to ensure that he/she is fully aware of the provisions of the Data Protection Act 1988 and fully complies with the relevant requirements of the Act and the CCTV Code of Practice published by the Information Commissioners Office.

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SMOKING:

The Smoke free legislation under the Health Act 2006 which came into effect on 1st July 2007, makes smoking a criminal offence in a licensed Hackney Carriage. Smoking is prohibited at all times including when the vehicle is not being used for hire and reward or the driver is off duty. It is the vehicle proprietors' responsibility to ensure that the legislation is complied with at all times and any licensed drivers permitted to drive the vehicle are fully aware of the law.

Vaping or e-cigarettes are not permitted to be used in licensed vehicles.

PROPRIETOR'S RESPONSIBILITIES:

Every proprietor of a Hackney Carriage vehicle shall:

- (a) ensure that all windows and window handles are maintained in good repair and condition and operate correctly
- (b) keep the seats properly cushioned and covered, the seats should be kept free from unsightly repairs stains and burns.
- (c) provide proper and sufficient accommodation for luggage and a means of securing such luggage
- (d) provide and maintain an electric light in the interior of the vehicle for use of any person entering or alighting from the vehicle
- (e) carry a spare wheel, tyre, and suitable tools for the replacement of damaged or punctured tyres. If the vehicle is fitted with an **LPG or alternative fuel conversion** and there is no room for a spare wheel then an alternative method of re inflating a punctured tyre must be carried. (It is acceptable not to carry a spare wheel if the vehicle is not fitted with a spare wheel as standard and manufacturers' equipment and is provided as an with a suitable alternative means of emergency puncture repair).
- (f) carry a fire extinguisher with a valid expiration date readily available for use. The fire extinguisher must comply with the requirements relating to fire extinguishing appliances for use in public service vehicles, which may include dry powder type.
- (g) keep the vehicle properly painted in one of the manufacturer's standard range of colours
- (h) keep the interior and exterior of the vehicle in a clean and tidy condition and all body work should be sound and reasonably well maintained, free from major dents and other distortions/damage. Any repairs and cosmetic improvements must be of professional quality and a good paint match achieved.
- (i) carry a full set of replacement bulbs, to include headlight, taillights, sidelights and indicators. (vehicles fitted with Xenon and LED lighting systems are excluded from this requirement, but should carry standard replacement bulbs if appropriate)

The vehicle shall display discreet signs advising passengers that seatbelts should be worn.

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The vehicle shall display a "No Smoking" sign so as to be plainly visible to anyone entering the vehicle.

The vehicle shall be fitted with sufficient seat belts to correspond with the seating capacity of the vehicle.

Where the vehicle is an estate car, a rack must be fitted to prevent luggage entering the passenger compartment in an emergency stop.

INSURANCE:

The vehicle proprietor shall ensure that a valid certificate of insurance which complies with the requirements of the road traffic legislation is kept in force in respect of each driver of the Hackney Carriage and in relation to its use as a Hackney Carriage. On being required to do so by an Authorised Officer of the Council or constable the certificate of insurance shall be produced for examination.

Named drivers included on the insurance certificate must hold a Hackney Carriage drivers licence issued by the Council. Certificates will not be accepted if they include named drivers that are not the holder of a Hackney Carriage drivers licence issued by the Council.

The proprietor shall produce to the Licensing Section a new insurance certificate or cover note within seven working days of the expiry of the current certificate or cover note.

VEHICLE INSPECTIONS:

The proprietor shall permit an Authorised Officer of the Council or constable to inspect the vehicle at all reasonable times, and where an Authorised Officer or constable is not satisfied with the condition of the vehicle for use as a Hackney Carriage the vehicle licence may be suspended until such time as an Authorised Officer or constable is so satisfied.

Without prejudice to the conditions set out above the proprietor of a Hackney Carriage vehicle shall present the vehicle for inspection at such time and at such place within the area of Bath and North East Somerset Council as specified in written notice served on the proprietor by the Council.

ACCIDENTS & ALTERATIONS:

The Hackney Carriage proprietor shall report to the Licensing Team as soon as reasonably practicable, and in any case within 72 hours of the accident's occurrence in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any damage to the Hackney Carriage vehicle must be repaired as soon as is practicable. An Authorised Officer of the Council may require the Hackney Carriage vehicle to be presented for a formal mechanical inspection (at the licensees' expense) after completion of the repairs.

The proprietor of a vehicle shall report any material alteration in the design of the vehicle (either to the machinery or construction of the body) to the Licensing Team of the Council, as soon as practicable, and the Authorised Officer of the Council may require the vehicle to be presented for an inspection.

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CHANGE OF ADDRESS:

The proprietor or part proprietor of the vehicle shall within seven days of any change of address during the period of the licence provide the details of the change to the Council's Licensing Team in writing on a form provided by the Council.

PENALTY POINT SCHEME:

Breach of any of these conditions may be enforced by the Penalty Point scheme as shown on the attached table.

SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE:

The Hackney Carriage licence may be suspended, revoked or not renewed by the Council on any of the following grounds:

- a) that the hackney carriage vehicle is unfit for use as a hackney carriage vehicle
- b) any offence under or non-compliance with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, on the part of the vehicle proprietor or driver
- c) any other reasonable cause.

The Licence may be immediately suspended where an Authorised Officer is not satisfied as to the fitness of the vehicle or its taximeter where the provisions of section 68 of the Local Government (Miscellaneous Provisions) Act 1976 apply.

MISCELLANEOUS:

The vehicle proprietor is required to be familiar with the Council's requirements for Hackney Carriage vehicles, and to ensure that these are complied with and that any driver of the vehicle is made aware of his/her responsibilities thereunder.

If the vehicle proprietor permits or employs any other person to drive the vehicle as a Hackney Carriage vehicle he shall, before that person commences to drive the vehicle, cause the driver to deliver to the vehicle proprietor, the Hackney Carriage drivers licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

SERVICE OF NOTICES:

Any notice required to be served by the Council under this licence, or under any of the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, shall be deemed to have been properly served if served personally on him/her, or sent by pre-paid post to or left at the last known address of the holder of the licence.

GENERAL:

A person who,

**Bath & North East
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- (a) wilfully obstructs an Authorised Officer or constable acting, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;
- (b) without reasonable excuse fails to comply with any of the requirements properly made to him by such officer or constable in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;
- (c) without reasonable cause fails to give such an officer or constable any other assistance or information which he may require for the performance of his functions in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;

shall be guilty of an offence.

These conditions shall apply to Hackney Carriages licensed by Bath & North East Somerset Council.

The Council reserves the right to waive any requirements of these conditions as it sees fit.

The Council reserves the right to waive any requirements of these conditions at its absolute discretion.

The Council reserves the right to amend or add to any of the foregoing conditions and notice thereof will be served on all licensees.

December 2018

**POLICY ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING
STANDARDS FOR 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 applications fall outside this Policy they will be referred to the Licensing Sub-Committee for consideration.
2. For the purpose of Hackney Carriage licensing, the district of Bath and North East Somerset is zoned into the two areas: Bath (zone 1) and North East Somerset (zone 2).
3. Bath & North East Somerset Council has a limitation policy to regulate the number of Hackney Carriage Proprietors Licenses issued 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 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. Any new Hackney Carriage Proprietors licenses issued in zone 1 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. The Council intends to adopt section 165 of the Equality Act 2010 and will maintain a list of designated vehicles which are appropriate for wheel chair access within the fleet. Private Hire operators are encouraged to offer accessible vehicles within their fleet and information about operators who provide fully accessible vehicles will be published on the Council's web pages.
7. 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 Council.
8. In accordance with the definition of "Proprietor" as stated by the Local Government (Miscellaneous Provisions) Act 1976, the Council will not issue vehicle licenses to companies who intend to hire or lease the vehicle to a third party. In these cases vehicle licenses will only be granted to the person in possession of the vehicle under a lease or hire agreement.
9. All vehicles will normally be less than four years old when first licensed.

During the life of this policy one or more Clean Air Zones may be introduced. A Clean Air Zone will impose charges for all vehicles driving within it which do not meet specified emission standards. All vehicles licensed by the Council must be (as a minimum) compliant with the terms of the Clean Air Zone and meet with its emission standards.

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10. However, in recognition of the Council's wider responsibility to improve air quality, the Council will also seek to promote and encourage vehicle proprietors to invest in vehicles and related technologies that offer the best possible environmental standards in terms of emissions, the use of cleaner fuels, fuel and engine efficiency and end-of life recycling.

Hybrid, plug-in hybrid or fully electric powered vehicles will be encouraged, providing the minimum specifications set down in the relevant Private Hire or Hackney Carriage vehicle licence conditions are met.

Vehicle owners are strongly recommended to contact the Council so that officers can help in an individual decision about vehicle type.

11. Alternative fuel vehicle conversions are permissible provided genuine conversion certificates from industry approved installers are provided prior to the vehicle being first licensed.
12. Emission converter technology is permissible subject to approved certification being submitted to the Council. However this does not automatically mean that the conversion renders the vehicle compliant with any emission standards enforced by any Clean Air Zone. It is the licensee's responsibility to ensure that the vehicle would be compliant prior to any such technology being fitted to the vehicle. Further, for the sake of absolute clarity, the Council cannot be held responsible if such technology does not result in the vehicle being exempted from any CAZ charge.
13. Only roof signs approved by the Council 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.
14. 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.
15. 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.
16. Hackney Carriage vehicle licenses are renewed annually and expire on the 31st May.
17. Private Hire vehicle licenses are renewed annually and expire on the 31st October.
18. Hackney Carriage and Private Hire Driver's licenses are issued for a maximum three year period and expire on the 28th February. Renewals will normally be issued for the maximum three year period.
19. Driver's licenses may be issued for a shorter period than the maximum three years depending on the individual circumstances of the applicant. Factors that may influence this include (but are not limited to) an applicant's right to work in the UK, applicants individual medical circumstances. or other issues that may arise during the application process.
20. An Operator's licence is issued for a maximum five year period, and shall expire on the 30th September.
21. The Council reserves the right to issue licenses for a lesser period should it see fit.

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22. That all Drivers' licenses are issued as joint Hackney Carriage/Private Hire licences.
23. The following checks will be carried out on all new applications and 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. References and Disclosure & Barring Services checks will be waived for applicants who are already hold a combined Hackney Carriage/Private Hire Drivers Licence issued by Bath & North East Somerset Council.
 - 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.
 - 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 shall obtain a UK DVLA Driving Licence prior to the Hackney Carriage/Private Hire Drivers Licence being issued.

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.

24. All applicants for combined Hackney Carriage/Private Hire driver's licence must 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.
25. All new applicants for a combined Hackney Carriage/Private Hire Drivers Licence must have completed a Bath & North East Somerset Council approved Drivers Assessment training course prior to submitting an application for a combined Hackney Carriage/Private Hire Drivers Licence. This course will be completed at the expense of the applicant and a certificate of completion must be produced at the time of application.

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26. Applicants must successfully complete a driver's assessment course run by the Bath & North East Somerset Council Passenger Transport Team. In exceptional circumstances where a course is not available for a period greater than four weeks an alternative third party provider may be used. This provider must be approved by the Council and details of approved providers are available from the Licensing Office.
27. All drivers must complete a B&NES approved course relating to raising awareness around the issue of child sexual exploitation. Evidence of successful completion of the training must be produced on the driver's first licence renewal. Failure to provide evidence of course completion will result in refusal of the renewal application.
28. All driver's submit a Group 2 Vocational Driver Medical Certificate, on the prescribed form, on first application and when requested by the Council after their 45th birthday and every 5 years thereafter until the age of 65 and then 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.
29. 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 Council Sub-Committee for determination.
30. 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.
31. 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. The cost of this new Enhanced Disclosure & Barring Services Certificate will have to be paid for by the licensee at the time of application.
32. On application for a combined Hackney Carriage/Private Hire drivers licence, renewal thereof or on three yearly review of Disclosure & Barring Services checks, any failure to produce a Disclosure & Barring Services Certificate dated within 30 days of its issue howsoever caused will result in a delay in any licence being issued and may result in referral to the Licensing Sub Committee.
33. 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, the Highway Code and will include a practical route test taken in a vehicle supplied by the applicant. Applicants who fail any part

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of the knowledge test may retake the knowledge test. Should an applicant fail a second test a minimum period of three months shall elapse before a third test can be 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.

34. The Council expects all licensed hackney carriage and private hire drivers to have sufficient expertise of the English language so that they can communicate freely and clearly with passengers and authorised officers. Applicants are expected to have the necessary verbal communication skills which allow them to understand licensing requirements and to deal with day to day interactions with customers and members of the public during the course of everyday business. It is also essential for public safety that a driver can communicate clearly with passengers and Emergency Services in the event of an emergency situation. All new applicants are therefore required to undertake a B&NES approved assessment of their communication skills. Successful completion of this assessment is required before a licence can be granted.
35. Those wishing to enter the executive/chauffeur hire corporate account sector should take advice from the Council's Licensing team on the suitability of the nature of the business model and proposed vehicle. If the proposal does not meet the criteria for exemption in the view of the Licensing team, then the applicant may appeal to the Licensing Sub Committee.
36. All Operators, Private Hire Driver and Vehicle licenses issued by the Council are subject to a penalty point scheme as detailed in the section below.
37. All Hackney Carriage Driver licenses issued by the Council are subject to byelaws made by the Council.
38. That any application which falls outside of this Policy, which includes applications for driver's licences from applicants where criminal convictions or formal cautions are disclosed, are referred to the Licensing Sub Committee for determination.

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PENALTY POINT SCHEME

Introduction

1. Licensed Vehicles, Driver's and Operators are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, and conditions attached to a licence by the Council.
2. The primary objective of the penalty point scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
3. The penalty point scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan designed to record incidences of bad behaviour so as to ascertain whether the licensee continues to be a fit and proper person to hold a licence. It does not prejudice the Council's ability to take other actions.
4. Penalty points remain on a licence for a period of twelve months from date of imposition. As older points become spent by passage of time they are excluded from the running total recorded on a licence.

Issue of Penalty Points

1. Where concerns about a licensee's conduct or the condition of the vehicle are brought to the Council's attention or the Council becomes aware that a Licensee has committed an offence, been given a formal caution, received a Fixed Penalty Notice, breached the conditions of the licence or is the subject of a complaint the Licensee will be asked to attend the Council offices for an interview, with the vehicle if appropriate. Once investigations are completed, letters will be sent out detailing the outcome of the investigation and a permanent record kept on the licensing file. The outcome of the investigation may result in one or more of the following: the Officer may take no further action, issue a formal warning, attach penalty points, issue a s68 Local Government (Miscellaneous Provisions) Act 1976 stop notice, issue prosecution proceedings and or refer the matter to the
2. Licensing Committee for the consideration of a warning as to future conduct, suspension, revocation or refusal to renew a licence.
3. Where a licensee accumulates more than 12 penalty points in any twelve month period, the matter will be referred to the Licensing Sub Committee for determination as to a licensee's fitness to continue to be licensed. The Committee may issue a warning, suspend, revoke or refuse to renew a licence in accordance with this Policy depending on the individual circumstances. The determination will take into account all the circumstance including previous conduct of the licensee. The Licensing Sub Committee may depart from this Policy on reasonable grounds for doing so.
4. Penalty points issued to a licensee will be confirmed in writing within 14 days of the decision to issue points.
5. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws or regulations.

Any disputes regarding the issuing of penalty points will be referred to the Service Manager who will have the discretion to award a greater or lesser number of points than is displayed on the tariff, if the complaint or breach is upheld. Licensees' shall have twenty one days

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from the date of issue of penalty points to appeal against the decision. An appeal must be made in writing.

POLICY RELATING TO PREVIOUS CONVICTIONS AND CAUTIONS IN RELATION TO FITNESS TO HOLD LICENCES

Introduction

Each application will be determined on its own merits bearing in mind all the circumstances of the application.

Hackney Carriage and Private Hire drivers are listed occupations under the Rehabilitation of Offenders Act 1974. This means that a conviction is never spent and can therefore be taken into consideration in the determination of an application.

In terms of this policy any reference to conviction includes formal police cautions, whether for driving or any other offence.

This policy shall apply to all new applicants and any application by a current holder for a renewal of a licence. Any reference to an applicant shall also mean any person currently holding a combined Hackney Carriage/ Private Hire driver's licence, or Private Hire Operator's licence.

A precondition of being a licence holder is that the Council must be satisfied that applicants or holders of licences are fit and proper persons. A criminal record check is therefore an important tool in the fit and proper person assessment process. This policy gives guidance on the extent to which an applicant's criminal and driving records can be used when assessing an applicant's/licensee's fitness to hold a licence issued by the Council. The policy also sets out the minimum period of time the Council expects an applicant to remain free from conviction, caution or fixed penalty notice before he/she may be considered fit and proper.

This policy will apply in the following situations: when a criminal record check discloses an applicant has received any conviction or caution. When the Council is informed that a licensee has received any conviction caution and when a subsequent criminal record check discloses a conviction or caution has been obtained during the period of an existing licence.

Applications disclosing an history of offending behavior resulting in conviction and or formal police caution falling both within and outside of this policy may be referred to the Licensing Sub-Committee for determination. The type of offending behavior that may be referred to the Licensing Sub Committee will depend, for example, on relevance to the application, seriousness of the offence, the age and number of convictions or cautions received and the nature of disposal on conviction i.e. conditional discharge, fine, community order or custody sentence.

General Policy

1. Each case will be decided on its own merits. Although an applicant may have convictions falling within the guidance set out in this policy, the Council may depart from this policy on reasonable grounds having had regard to the full facts of the case and any mitigating or other circumstances put forward by the applicant. Should the Licensing Sub Committee depart from this policy it will give reasons for so doing.
2. An applicant with convictions is not permanently barred from obtaining a licence but would be expected to have remained free of conviction for the period of time set out in this policy.

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Nevertheless, the overriding consideration in determining whether or not to grant a licence will be the protection of the public.

3. Where any conviction has resulted in a term of imprisonment, the time periods set out in this policy run from the date of conviction.
4. Notwithstanding the periods set out below, during which an applicant is expected to remain free from conviction, the nature, seriousness, frequency of offending and any mitigating circumstances put forward will always be taken into consideration when determining whether an applicant is a fit and proper person to hold a licence.
5. Bath & North East Somerset Council will expect that an applicant will not -
 - (a) have been convicted of three or more minor motoring offences during the previous three years;
 - (b) have been convicted of a serious motoring offence during the previous five years;
 - (c) have been refused or had revoked by the Traffic Commissioners an HGV or PSV Licence within the previous three years.
 - (d) have been cautioned by the police for an offence during the previous two years;
 - (e) have been convicted of an offence during the previous three years;
 - (f) have been convicted of a serious offence for five years
 - (g) have been convicted of a sexual offence within the previous five years;
6. A serious view will be taken of any conviction occurring whilst the person holds a current licence.

A serious view will be taken of any conviction obtained by a licensee whilst he or she is acting in the course of their employment as a licensed Driver or Operator.
7. Where there is evidence suggesting that the safety of the travelling public is at risk and it is in the interests of public safety a driver's licence may be suspended or revoked immediately by an authorised officer. Immediate suspension should be expected in any case involving assault or involving indecency of any description.
8. The above examples are not exhaustive and the Council may depart from this policy where it is just, fair and reasonable to do so. Where the Council departs from this policy it will give reasons for so doing.
9. The following examples may afford a general guide on the action to be taken where convictions or police cautions are revealed:-

Sexual Offences

Drivers of licensed vehicles frequently carry lone children, women and vulnerable persons. Applicants with convictions for sexual offences or convictions of a sexual nature must show a period of at least 5 years free of conviction before their application can be considered.

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A conviction for a sexual offence or of a sexual nature will be viewed seriously. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

An application from an applicant who is the subject of a notification requirement or notification order under the Sexual Offences Act 2003 shall be referred to the Licensing Sub-Committee for determination.

Where there is more than one conviction for this type of offence a period of 10 years should elapse before an application is considered. Any such application shall be referred to the Licensing Sub-Committee.

An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a Council licensee shall be referred to the Licensing Sub-Committee for determination.

Drug Offences

Any conviction involving the misuse of drugs will be viewed seriously. An applicant with such a conviction will be expected to show at least 3 years free of conviction before being considered for the grant of a licence. Where a course of rehabilitation has been ordered or undertaken an applicant will be expected to show a period of at least 5 years free of conviction before being considered for the grant of a licence.

Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a licensee shall be referred to the Licensing Sub-Committee for determination.

Violence Against the Person

Drivers are often placed in confrontational situations with their passengers. It is important that they have the ability to deal with such situations in a calm and polite manner.

Where an applicant has a conviction for an offence of violence against the person such as wounding with intent, grievous bodily harm or assault occasioning actual bodily harm they should have remained free from conviction for a period of 5 years. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

Where an applicant has a conviction for an offence such as assault or common assault they should have remained free from conviction for a period of 3 years. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a Council licensee shall be referred to the Licensing Sub-Committee for determination.

Dishonesty

Licensed drivers are in a position of trust. They often carry unaccompanied goods and are aware of empty properties, for example after taking its occupant to the airport or railway

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station. Moreover, it is comparatively easy for an unscrupulous driver to exaggerate a fare by taking an unusual route or demand more than the legal fare as overseas/out of town visitors are often unfamiliar with a city's layout and or confused by the change in currency becoming "fair game." For these reasons the honesty of an individual is of paramount importance when determining the grant of a licence.

Where an applicant has a conviction for offences involving an element of dishonesty they should have remained free from conviction for a period of 3 -5 years. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

An application from a current licensee with one such conviction, or where the offence occurred whilst acting in the course of their employment under a Council licence, shall be referred to the Licensing Sub-Committee for determination.

Intoxication Through Drink or Drugs

An isolated conviction for an offence aggravated by drink or drugs should not necessarily preclude the grant of a licence although the Council must be satisfied that it was an isolated occurrence.

Should, however, an applicant have more than one conviction for an offence aggravated by drink or drugs, particularly if close together and within the preceding three years, the Council will take a more serious view of the matter.

If there is any history of alcoholism or drug addiction, or a suggestion that the applicant has been or is in recovery from such an addiction, then a period of 5 years should have elapsed since the last conviction for an offence aggravated by drink or drugs.

An application from a current licensee with such convictions, or where the offence occurred whilst acting in the course of their employment under a Council licence, shall be referred to the Licensing Sub-Committee for determination.

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.

Traffic Offences

A serious view will be taken of convictions of driving or being in charge of a motor vehicle while under the influence of drink or drugs

Where an applicant has been convicted of a serious motoring offence, for example driving or being in charge of a motor vehicle while under the influence of drink or drugs, dangerous driving, failing to stop or report an accident then a period of 5 years should have elapsed since the last conviction. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

Where an applicant has been convicted of more than one serious motoring offence in the preceding 5 years grave concerns will arise about the applicant's fitness to be licensed and the Council would expect a period of 5 years should have elapsed since the last conviction. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

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Where the applicant was ordered to re-sit a driving test or an extended driving test after disqualification, the period of 5 years should have elapsed since the last conviction and any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

An application from a current licensee with one serious motoring conviction or where the offence occurred whilst acting in the course of their employment as a licensee shall be referred to the Licensing Sub-Committee for determination.

Applications will not normally be entertained from applicants who have more than one previous conviction for driving with excess alcohol, especially where they have been ordered by the court to undertake any form of rehabilitation. Any application in these circumstances will be referred to the Licensing Sub-Committee for determination.

Where an applicant has been convicted of minor traffic offences, for example obstruction, parking or speeding offences, which are dealt with by way of fine and or endorsement this will not normally be a bar to the grant of a licence provided there have not been more than 3 offences within the three years immediately preceding the application. Any application disclosing such offences will be referred to the Licensing Sub-Committee for determination.

Where sufficient penalty points have been endorsed on an applicant's driving licence requiring a period of disqualification from holding or obtaining a driving licence the Council would expect a period of at least six months should have elapsed before the restoration of the combined Hackney Carriage/Private Hire driving licence.

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