

Licensing Sub-Committee

Date: Friday, 1st March, 2019

Time: 10.00 am

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Les Kew, Rob Appleyard and Deirdre Horstmann

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 - Friday, 1st March, 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: 31 JANUARY 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 the next two items of business and 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 LICENCE RENEWAL/APPLICATION PROCEDURE (Pages 9 - 12)

The Chair will, if required, explain the procedure.

8. APPLICATION TO RENEW COMBINED HACKNEY CARRIAGE /PRIVATE HIRE DRIVERS LICENCE AND CONSIDERATION OF COMPLAINTS RECEIVED AND FIT AND PROPER STATUS - 16/00518/TAXI (Pages 13 - 76)

9. APPLICATION TO RENEW COMBINED HACKNEY CARRIAGE /PRIVATE HIRE DRIVERS LICENCE 19/00665/TAXI (Pages 77 - 98)

10. RETURN TO OPEN SESSION

11. TAXI VEHICLE PROCEDURE (Pages 99 - 102)

The Chair will, if necessary, explain the procedure.

12. CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE – 1900369PHVL (Pages 103 - 130)

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, 31st January, 2019, 10.00 am

Councillors: Les Kew (Chair), Rob Appleyard and Deirdre Horstmann

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

50 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

51 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

52 DECLARATIONS OF INTEREST

Councillor Appleyard declared a non-disclosable non-pecuniary interest in relation to agenda item 7 in the taxi application in that he had encountered the applicant while the latter was engaged in his previous business. He said that this would not affect his determination of the application.

53 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

54 EXCLUSION OF THE PUBLIC

Having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the Sub-Committee **RESOLVED** that the public should be excluded from the meeting for agenda item 7 and that the reporting of this part 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.

55 TAXI PROCEDURE

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

56 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- 18/01983/TAXI

The applicant confirmed that he understood that the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report and provided Members with copies of a DBS certificate in respect of the applicant and of a statement

submitted by him. The hearing was adjourned to allow Members time to study these documents.

After the hearing had been reconvened, the applicant stated his case and was questioned by Members.

Following a further adjournment the Sub-Committee **RESOLVED** that the applicant was a fit and proper person to hold a combined Private Hire/Hackney Carriage Driver's Licence and that authority is delegated to the licencing officer to issue the licence, subject to the applicant completing all steps required by the licencing process.

Reasons

Members have had to determine an application for a combined Hackney Carriage/Private Hire Driver's Licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

The applicant stated that his conviction prompted him to seek help for his alcohol consumption. This culminated in him attending Alcoholics Anonymous and he had worked through the 12 step programme and had been sober for 5 and a half years. He now helps other people who have problems with addiction and continues to attend meetings on a weekly basis for himself. He explained to Members difficult situations that he has had to work through whilst sober, how much he has changed for the better and how he has managed without turning to alcohol. The applicant described the commitment within his immediate family unit to support and care for each other.

Members took account of the applicant's oral representations, his written statement and balanced these against the information contained in the Disclosure and Barring Service Certificate.

Members noted that the applicant had remained conviction free for in excess of the five year period expected in the policy for a previous conviction of this nature and that he has ongoing support systems in place. Members found that the applicant came across as very responsible and respectable and noted that he holds a clean DVLA licence. In those circumstances Members find the applicant to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence and that he has the qualities that members would expect of a licensee.

Authority is delegated to the licencing officer to issue the licence subject to the applicant completing all steps required by the licencing process.

The meeting ended at 11.45 am

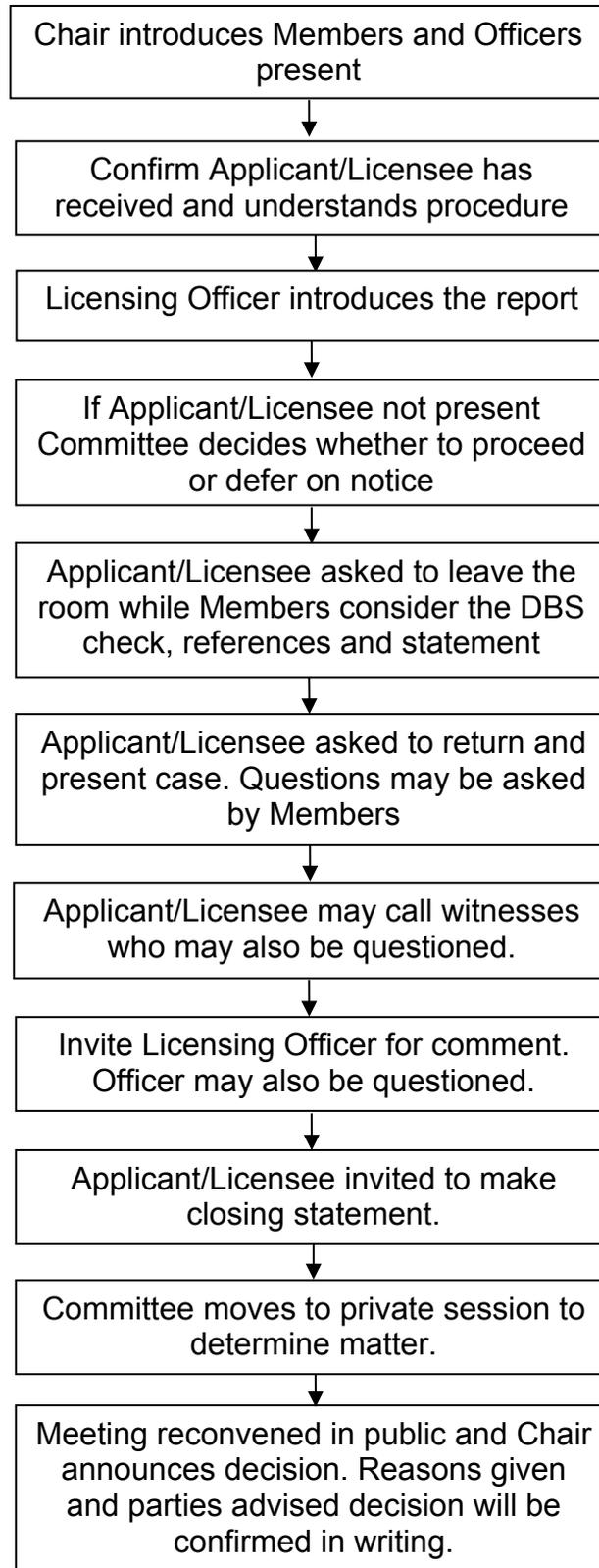
Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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**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 110/19

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 14th February 2019

Author: John Dowding

Exempt Report Title: APPLICATION TO RENEW COMBINED HACKNEY CARRIAGE /PRIVATE HIRE DRIVERS LICENCE AND CONSIDERATION OF COMPLAINTS RECEIVED AND FIT AND PROPER STATUS

Exempt Appendix Title(s):
Exempt Annex A – Current Combined Hackney Carriage/Private Hire Drivers Licence
Exempt Annex B – File note
Exempt Annex C – letter/chronology
Exempt Annex D - letter
Exempt Annex E - emails
Exempt Annex F - Letter
Exempt Annex G – Letters/witness statements
Exempt Annex H - Email /letters/witness statements
Exempt Annex I – Record of Interview
Exempt Annex J – Witness Statement and record of interview

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 and appendices be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

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

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

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

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed.

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 246/19

Meeting / Decision: Licensing Sub-Committee

Date: Friday 1st March 2019

Author: John Dowding

Exempt Report Title: Application to renew combined hackney carriage/private hire drivers licence

Exempt Appendices:

Exempt Annex A – Current Combined Hackney Carriage/Private Hire Drivers Licence

Exempt Annex B – Relevant Medical Examination Page

Exempt Annex C – Current DVLA Medical Standards

Exempt Annex D - Policy on Hackney Carriage and Private Hire Licensing Standards – Drivers, Vehicles and Operators

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:

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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 medical information 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)

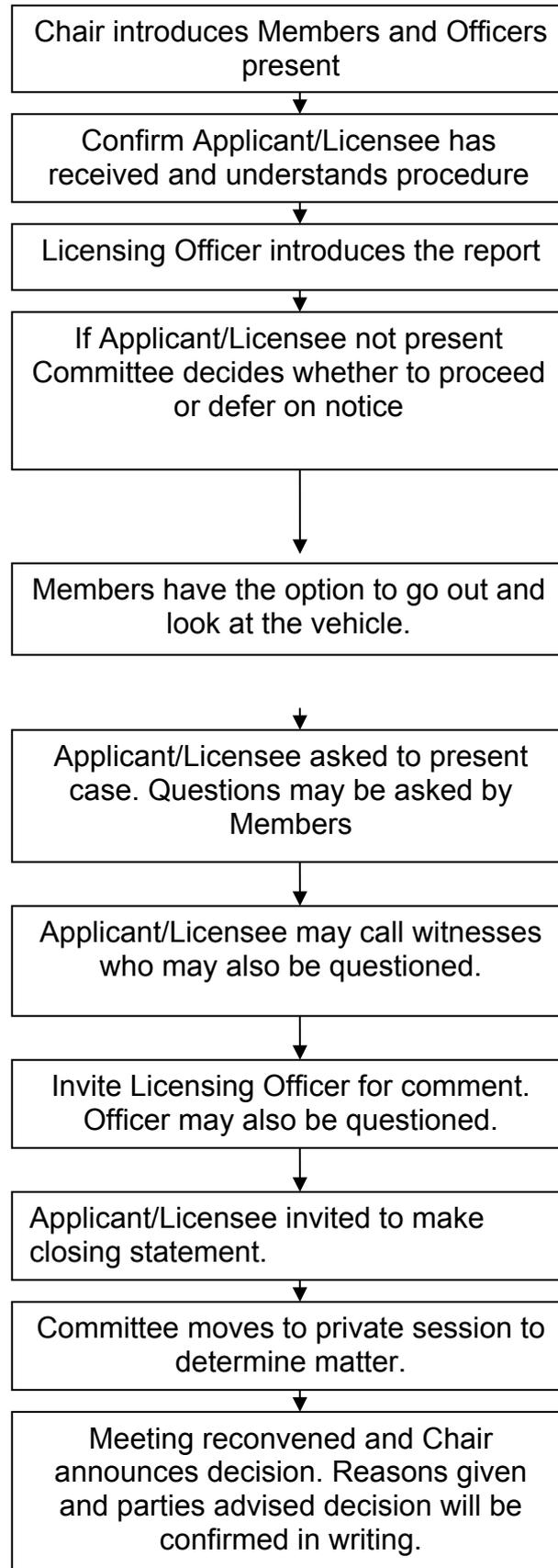
Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

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.
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Updated November 2013

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 - 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:	Friday 1st March 2019	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE – 1900369PHVL	
WARD:	ALL	
OPEN PUBLIC SESSION		
<p>List of attachments to this report:</p> <p>Annex A – Application Form.</p> <p>Annex B – Standard Private Hire Vehicle Licence Conditions.</p> <p>Annex C - Policy on Hackney Carriage and Private Hire Licensing Standards.</p>		

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 private hire vehicle.
- 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 £111 for this application.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as 'a motor vehicle constructed or adapted to seat [fewer than nine passengers], other than a hackney carriage or public service vehicle [or a London cab] [or tramcar], which is provided for hire with the services of a driver for the purpose of carrying passengers.

4.2 Section 48 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a Private Hire Vehicle, grant in respect thereof a vehicle licence:

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

(a) that the vehicle is-

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

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

4.4 Section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976 provides that any person aggrieved by the refusal of a district council to grant a vehicle licence under this section or by any conditions specified in such a licence, may appeal to a magistrates court.

4.5 In 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)

5 THE REPORT

- 5.1 The applicant applied for the grant of a Private Hire vehicle licence on the 15th January 2019. (A copy of the application form is produced at Annex A).
- 5.2 The application is for a Dacia Logan which was first registered on the 1st September 2014. At the time of application the vehicle was 4 years and four 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 Private Hire 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 23rd August 2018 the vehicle had recorded mileage of 63,316 miles
- 5.6 The vehicle will be available for inspection by members on the day of the meeting should they so wish.
- 5.7 The applicant has been asked to provide a supporting letter explaining his reasons why the Council should depart from its policy. The letter will be available at the meeting.

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 Private Hire vehicle licence in respect of a vehicle which cannot comply with the standard licence conditions attached to the grant of a Private Hire 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**

Local Government (Miscellaneous Provisions) Act 1976

APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE

(1) Full name CENTURION CARS (BATH) LTD

Address

BATH

Post Code

Telephone No. 01225 22 44 66

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

Make DACIA Model LOGAN Colour SILVER Reg.No. LK642KD

Passengers 4 Doors 5 CC 1461

Year of Manufacture 2014

Plate No. (if applicable) N/A

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

Name

Address

Post Code

Telephone No

(2) Is the vehicle fitted with a taximeter YES

NO

(3) Is the vehicle wheelchair accessible YES

NO

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

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

NAME OF LICENSED OPERATOR

CENTURION CARS (BATH) LTD

ANNEX A

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

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

Usual signature of applicant *[Signature]* Date 9/1/19
Applicants are advised that to make a false statement or omit any information from this application is a criminal offence.

(7) Please produce:-	(1) Current insurance certificate which must cover the vehicle for hire and reward.	✓
	(2) Vehicle Registration document.	✓
	(3) MOT Certificate for all vehicles over one year old when licensed.	✓
	(4) Vehicle Inspection Sheet (Issued By Authorised Garage)	✓
	(5) Certificate Of Meter Compliance (If Taximeter Fitted)	✗
	(6) 2016/ 2017 Total Fees Payable including roof sign on new application: £332 (New Application.) £100 (Vehicle Substitution) £203 (Annual Licence Renewal)	✓
Please present all documents in person to:-	Bath and North East Somerset Council Licensing Taxi Licensing Office Locksbrook Road Bath BA1 3EL Tel 01225 477689	

POSTAL APPLICATIONS WILL NOT BE ACCEPTED.

APPEALS PROCEDURE

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

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

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with other bodies administering or in receipt of public funds solely for these purposes.

For further information see;
<http://www.bathnes.gov.uk/BathNES/councilanddemocracy/dataprotectionandfreedomofinformation/nfi.htm> or contact the Information and Governance Team, Guildhall, High St, Bath BA1 5AW. Email information_governance@bathnes.gov.uk

ANNEX B

**Bath & North East
Somerset Council**

PRIVATE HIRE VEHICLE LICENCE GENERAL CONDITIONS

These conditions are based on the legislation currently in force.

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.

"Private Hire Vehicle" has the same meaning as defined in section 80 of 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 Private Hire vehicle 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 Private Hire vehicle in respect of which this licence is issued.

"Executive Hire" means a vehicle which is supplied for exclusive use for corporate account work, account work or vehicles used exclusively for sightseeing tours of the surrounding area. The exempted vehicle must work solely in either or both of these sectors.

VEHICLE SPECIFICATIONS:

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

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 Council's Licensing Sub-Committee for determination.

Vehicles that have dented or damaged bodywork are unsuitable for licensing as a Private Hire vehicle.

A licensed vehicle which becomes 10 years old may be subject to a review of suitability to continue in service. Vehicles that are considered to be unfit for service will be referred to the Council's Licensing Sub Committee for a final decision as to suitability to continue to be licensed

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as a Private Hire vehicle. 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 M.O.T. certificate is required on all vehicles over 1 year old at the time of application for a Private Hire vehicle licence. This is in addition to the Council's vehicle inspection test carried out as part of the application process. The proprietor shall produce to the Licensing Section 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 department.

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 issued by the VOSA.

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 Private Hire 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.

STRETCH LIMOUSINES:

Stretch limousines may be licensed as a Private Hire vehicle provided that the vehicle is either a standard production model, or alternatively the vehicle has been stretched as part of a recognised programme approved by the original vehicle manufacturer. American limousines must have been approved under the Qualified Vehicle Modifier (QVM) programme for Ford/Lincoln or the Cadillac Master Coachbuilder (CMC) program for Cadillac vehicles. Limousines will only be licensed if the vehicle seating capacity does not exceed eight passengers in total.

A current IVA certificate issued by the VOSA in respect of the prospective stretched limousine must be submitted on application for a Private Hire vehicle licence. Imported Stretch Limousines may be left hand drive.

Any supply of alcohol intended in the course of a limousine hiring is only permissible if the relevant premises licenses have been obtained, under the Licensing Act 2003, where applicable.

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ALTERNATIVE FUELS:

Any conversion of a Private Hire vehicle 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 Council's Licensing Team before the vehicle can be used for the purpose of hire and reward.

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.

Any mobile phone equipment used to calculate the fare shall be fixed securely to the interior of the vehicle in such a manner that it does not obstruct the drivers view of the road and so as to be plainly visible to fare paying passengers.

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:

A Private Hire vehicle licence 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 if applicable.

Where the licence cannot be renewed 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.

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.

PRIVATE HIRE OPERATOR LIVERIES & DOOR SIGNS:

Company liveries will be permitted provided that the only lettering displayed on the vehicle is the name, telephone number and website address of the Private Hire Company. No other wording is permitted. The words "TAXI" and "CABS" are prohibited from use as part of a livery on a Private Hire vehicle.

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 Licensing Team before the livery is used. Any liveries which are considered unacceptable by an Authorised Officer of the Licensing Team will be referred to the Licensing Sub Committee for determination.

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

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

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

At all times when available for hire Private Hire 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.

ROOF SIGNS:

A Roof sign as prescribed by the Council shall be fitted to the vehicle at all times whilst hired or available for hire. The roof sign shall be fitted along the length of the vehicle's roof, Illumination of the roof sign is not permitted.

Roof signs may be removed for vehicles travelling on long journeys involving motorways but should be replaced on exiting the motorway.

PRIVATE HIRE PLATES:

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

At all times, there shall be affixed to the rear of the exterior of the vehicle and the front exterior of the vehicle, the Private Hire plates provided by the Council.

An interior plate provided by the Council shall be fixed to the inside of the Private Hire vehicle so as to be plainly visible to any passenger.

The 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 an Authorised Officer of the Council or unless required by these conditions. At no time shall the word "TAXI" or "CAB" be used or any other wording leading any person to believe that the vehicle is a Hackney Carriage.

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

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EXECUTIVE HIRE:

Exemptions from the requirement to display standard identification plates and roof signs will only be granted to vehicles that are exclusively supplied by an Operator for Executive Hire or corporate account work on a full time basis and are not fitted with a taximeter or an app based fare calculator.

Executive Hire Vehicles will be required to display an identification disc on the interior of both the front windscreen and rear window so as to be plainly visible. There shall be marked on the Private Hire disc the number of the licence for the Private Hire vehicle, the registration number of the vehicle, date of expiry of the licence and the number of persons that may be carried.

Only one set of identification discs will be issued to a qualifying vehicle per year under this exemption. If a set of conventional identification private hire plates are requested for any reason then the exemption shall be terminated and the discs must be returned to the Council before the identification plates are issued.

Exemptions will not be granted for vehicles that are made available for work such as day to day private hire bookings, airport transfers and home to school passenger transport.

Any exempted vehicle that is found to be working as a standard private hire vehicle carrying out normal bookings through and Operator will have the exemption terminated and will be required to display the required roof sign and identification plates.

Exemptions from the requirement to display standard vehicle identification plates and roof signs will only be granted in exceptional circumstances and it is for the applicant or licensee to demonstrate to the Licensing team that there is a good case for exemption. For example, stating that the vehicle is used for 'account work' is not sufficient and the Licensing team may request evidence and testimonials to support claims for exemption. The Council's default position is that of best practise, i.e. for identification plates and roof signs to be clearly displayed.

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 Private Hire vehicle 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.

TAXIMETERS:

If the Private Hire vehicle is fitted with a taximeter:

The taximeter will be programmed with the authorised tariff as set by the licensed Private Hire operator. No other tariff shall be permitted.

All tariffs shall be clock calendar controlled.

The word "FARE" shall be printed on the face of the taximeter in plain letters.

The taximeter shall be positioned so as to be clearly and easily visible at all times to any person conveyed in the Private Hire vehicle.

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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.

The taximeter must be sealed by an Authorised Officer of the Council.

The vehicle shall not be used for hire or reward unless the taximeter is properly sealed.

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.

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.

All taximeters must be clock calendar controlled. Existing taximeters that are not capable of being clock calendar controlled should be replaced no later than twelve months from the date these conditions come into force.

FARECARD:

If the vehicle is fitted with a taximeter a current table of fares as set by the Private Hire Operator shall be carried the interior of the vehicle at all times and shall be made available to any person being conveyed in the Private Hire vehicle 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 Section. 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.

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 private hire vehicle. Smoking is prohibited at all

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times including when the vehicle is not being used for hire and reward or the driver is off duty. It is the vehicle proprietor's responsibility to ensure that the legislation is complied with at all times and to ensure that 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.

PROPRIETORS RESPONSIBILITIES:

Every proprietor of a Private Hire 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, and ensure that they are 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 and tyre and suitable tools for the replacement of damaged or punctured tyres. If the vehicle is fitted with an 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 is provided as an 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 in both rear passenger door windows a discreet sticker advising passengers that seatbelts should be worn.

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.

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Where the vehicle is an estate car a rack must be fitted to prevent luggage entering the passenger compartment during 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 currently in force, is kept in respect of each driver of the Private Hire vehicle and in relation to its use as a Private Hire vehicle. On being required to do so by an Authorised Officer of the Council or constable the certificate of insurance shall be produced for examination.

The proprietor shall produce a new insurance certificate or cover note within seven days of the expiry of the current certificate, or cover note.

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

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 Private Hire vehicle the vehicle licence may be suspended until such time as an Authorised Officer or constable is so satisfied.

Without prejudice to the provisions of the conditions set out above, the proprietor of a Private Hire 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 is specified in written notice in writing served upon the proprietor by the Council.

ACCIDENTS & ALTERATIONS:

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

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

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 prescribed 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.

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SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE:

The Private Hire vehicle licence may be suspended, revoked or not renewed by the Council on any of the following grounds:-

- a) that the vehicle is unfit for use as a Private Hire vehicle
- b) any offence under or non-compliance with the provisions of 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 fitted, 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 Private Hire vehicles, and to ensure that these are complied with and that any driver of the vehicle is made aware of his/her responsibilities.

If the vehicle proprietor permits or employs any other person to drive the vehicle as a Private Hire vehicle he shall, before that person commences to drive the vehicle, cause the driver to deliver to the vehicle proprietor, the Private Hire vehicle 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:

Any person who:

- (a) wilfully obstructs an Authorised Officer or constable acting, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976
- (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
- (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

shall be guilty of an offence.

These conditions shall apply to Private Hire vehicles licensed by Bath & North East Somerset Council.

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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

ANNEX B

**Bath & North East
Somerset Council**

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 Licenses; 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 Licencing 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 licenses 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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