

Bath & North East Somerset Council

MEETING:	Licensing (Taxis, Street Trading & Miscellaneous) Sub-Committee
MEETING DATE:	Tuesday 7th May 2013
TITLE:	Approval of Vehicle for Private Hire – Mr Hugo Allen King
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
ANNEX A – Application Form	

1 THE ISSUE

- 1.1 This report invites the Sub Committee to consider whether or not to approve a Chrysler Voyager vehicle for use as a Private Hire Vehicle. The vehicle falls outside of the age requirements as stipulated in the current Private Hire vehicle licence conditions.
- 1.2 The policy adopted by the Council requires each application be dealt with on its own merits and where applications fall outside the general policy they should be referred to the Licensing (Taxis, Street Trading & Miscellaneous) Sub-Committee for determination.

2 RECOMMENDATION:

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

3 FINANCIAL IMPLICATIONS

3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £207.

4 THE REPORT

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

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

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

(a) that the vehicle is-

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

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

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

4.5 In July 2000 Bath and North East Somerset Council's Housing and Public Protection Committee adopted the current Private Hire General Conditions which are applicable to all Private Hire Vehicle licences issued by Bath and North East Somerset Council.

4.6 Mr King submitted an application for a Private Hire Vehicle licence in respect of a Chrysler Voyager MPV on 18th April 2013. (A copy of the application form is produced at Annex A).

4.7 The vehicle was first registered on the 14th May 2007 and at the time of application had registered 18, 295 miles.

4.8 The current Private Hire licence conditions state that *“The vehicle must normally be less than two years old when licensed by the Council”* and further states *“A licence might not be renewed for a vehicle over 7 years old”*.

4.9 Officers have been given permission by a Council's Executive Member to exercise discretion when approving vehicles that are over two years old but not more than five years old at the time of application.

4.10 Mr King's vehicle has never previously been licensed and at the time of this application was five years and 11months old.

4.11 The vehicle has been visually inspected by an officer of the Licensing Section who has concluded that the interior and exterior is in very good overall condition.

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

5 RISK MANAGEMENT

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

6 EQUALITIES

6.1 An EqIA has not been completed for the following reasons. It has been identified that there are no equalities issues arising from this matter.

7 CONSULTATION

7.1 No consultation has been undertaken in respect of this report due to the personal nature of the contents and the exemption under Schedule 12a of the Local Government Act 1972.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Human Rights

9 ADVICE SOUGHT

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

Contact person	John Dowding 01225 477689
Background papers	Application Form
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 HUGO ALLEN KING
Address STREET FARM, MEMPNEIT, THURBUELL
CHWEN STAKE Post Code BS40 8YU
Telephone No. 01761 462336

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

Make VAUXHALL Model VAUXHALL Colour SILVER Reg.No. 2407 VCS

Passengers 6 Doors 5 CC 2470cc

Year of Manufacture 2007 Plate No. (if applicable) 287

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

Name _____

Address _____

Post Code _____ Telephone No _____

(2) Is the vehicle fitted with a taximeter YES NO

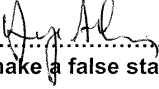
(3) Is the vehicle wheelchair accessible YES NO

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

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

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

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

Usual signature of applicant  Date 18.4.13
 Applicants are advised that to make a false statement or omit any information from this application is a criminal offence.

(7) Please produce:-	(1) Current insurance certificate which must cover the vehicle for hire and reward.
	(2) Vehicle Registration document.
	(3) MOT Certificate for all vehicles over one year old when licensed.
	(4) Vehicle Inspection Sheet (Issued By Authorised Garage)
	(5) Certificate Of Meter Compliance (If Taximeter Fitted)
	(6) 2012/ 2013 Total Fees Payable including roof sign on new application: £394 (New Application.) £127 (Vehicle Substitution) £256 (Annual Licence Renewal)
Please present all documents in person to:-	Bath and North East Somerset Council Licensing Taxi Licensing Office Locksbrook Road Bath BA1 3EL Tel 01225 477689

POSTAL APPLICATIONS WILL NOT BE ACCEPTED.

APPEALS PROCEDURE

- (1) Any person aggrieved by:-
- (a) the refusal of the District Council to grant a licence under Local Government (Miscellaneous Provisions) Act 1976 or
 - (b) any conditions attached to the grant of a vehicle licence -
- may appeal to the Magistrate's Court
- (2) Appeals must be brought within 21 days.
- (3) A further right of appeal lies to the Crown Court from the Magistrate's Court.

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

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