

## Bath & North East Somerset Council

MEETING:	Licensing Sub-Committee
MEETING DATE:	Tuesday 15 <sup>th</sup> October 2013
TITLE:	Approval of Vehicle for Private Hire – Mr Matthew Bannister
WARD:	ALL

### LIKELY TO BE TAKEN IN OPEN SESSION

#### List of attachments to this report:

**ANNEX A – Application Form**

**ANNEX B – Vehicle Registration Document (V5)**

**ANNEX C – Business Outline Proposal.**

## 1 THE ISSUE

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

## 2 RECOMMENDATION:

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

### **3 FINANCIAL IMPLICATIONS**

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

### **4 THE REPORT**

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

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

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

(a) that the vehicle is-

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

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

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

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

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

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

## **5 RISK MANAGEMENT**

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

## **6 EQUALITIES**

6.1 An EqIA has been completed and no risks identified.

## **7 CONSULTATION**

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

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

8.1 Human Rights

## **9 ADVICE SOUGHT**

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

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

ANNEX A

66106

**Bath & North East  
Somerset Council**

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

**APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE**

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

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

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

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

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

Name \_\_\_\_\_

Address \_\_\_\_\_

Post Code \_\_\_\_\_ Telephone No \_\_\_\_\_

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


(3) Is the vehicle wheelchair accessible YES  NO

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

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

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

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

Usual signature of applicant .....  ..... Date ..... 29 - August - 2013 .....

Applicants are advised that to make a false statement or omit any information from this application is a criminal offence.

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

**POSTAL APPLICATIONS WILL NOT BE ACCEPTED.**

**APPEALS PROCEDURE**

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

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

For further information see;

<http://www.bathnes.gov.uk/BathNES/councilanddemocracy/dataprotectionandfreedomofinformation/nfi.htm> or contact the Information and Governance Team, Guildhall, High St, Bath BA1 5AW. Email [information\\_governance@bathnes.gov.uk](mailto:information_governance@bathnes.gov.uk)

# ANNEX B

## UK Registration Certificate

Official use only

1

### 4. Vehicle details

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

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

D.1 Make **ROVER**

D.2 Type

Variant

Version

D.3 Model **MINI JOHN COOPER**

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

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

[D.6] Suspension Type

[Y] Revenue weight

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

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

P.3 Type of fuel **PETROL**

S.1 Number of seats, including driver

S.2 Number of standing places (where appropriate)

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

J Vehicle category

K Type approval number

P.2 Max. net power (kW)

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

P.5 Engine number **12A2LK70390761**

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

G Mass in service

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

R Colour **MULTI-COLOURED**

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

O.1 braked (kg)

O.2 unbraked (kg)

**U Sound level:**

U.1 stationary (dB(A))

U.2 engine speed (min-1)

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

**V Exhaust Emissions:**

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

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

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

V.4 HC+NOx (g/km)

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

### 5. Registered keeper

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

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

C.1.2 **MATTHEW**  
 C.1.1 **BANNISTER**  
 C.1.3 **38 SIX ACRES**  
**UPTON ST. LEONARDS**  
**GLOUCESTER**  
**GL4 8AX**

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

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

Please see section 12

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

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

First names:

Surname:

For company use only DVLA/DVA Fleet number 7

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

House No:

Address: 10

Post town: 11

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

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

Present mileage (not required by law) 15

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

### 7. Changes to current vehicle

Only enter corrected or altered details

H 19

Wheelplan / Body type 20

VIN / Chassis / Frame Number 21

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

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

Engine number 28

New colour 29 Date of change 30 CLR

Tax class\* 31 **Y** 32

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

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

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

**New keeper:** I declare that this vehicle was sold or transferred to me on the date shown in section 6 and my name and address are correctly shown.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Law:** If the vehicle is sold or transferred, both the registered keeper and the new keeper must sign this Certificate.

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

V5C-0311

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

R4 CYL

1



8260 3323 0450 0045 5530 5366

ISC \_\_\_\_\_ 34

Official Use Only

# ANNEX C

## Business Outline

### **Tours**

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

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

### **Vehicle(s)**

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

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

### **Operation**

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

### **Opportunities**

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



## ANNEX C

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

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

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

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

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

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

### **Case Studies**

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

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

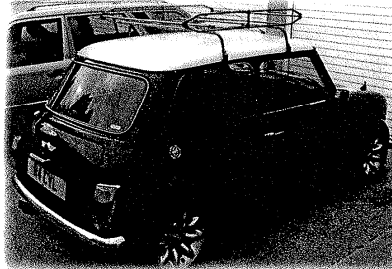
### **What About Competition**

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

## ANNEX C

### Specification Sheet.

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



### Details:

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

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

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

