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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Licensing Sub Committee	
MEETING/ DECISION DATE:	Thursday 13th January 2022	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE – 21/02084/PHVL	
WARD:	All	
OPEN PUBLIC SESSION		
List of attachments to this report: Annex A- Policy on Hackney Carriage and Private Hire Licensing Standards. Annex B - Signed Copy of Private Hire Vehicle Conditions. Annex C – Application Form.		

1 THE ISSUE

- 1.1 This report invites the Licensing Sub-Committee to consider whether or not a vehicle that is non-compliant with the Clear Air Zone (CAZ) implemented by the Council in March 2021 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 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, unless they are eligible for exemptions as detailed in the CAZ scheme.
- 1.4 The Sub Committee is asked to consider the matter and determine the issue.

2 THE REPORT

- 2.1 For context to this application the background is that on the 18th December 2018 following a full consultation with the Hackney Carriage and Private Hire “trade” the Council’s Cabinet considered a report which updated the Taxi Licensing Policy and associated conditions. This policy was further amended in 2020. (A copy of this Policy is produced at Annex A).
- 2.2 The revised policy and conditions state *“During the life of this policy one or more Clean Air Zones may be introduced. A Clean Air Zone will impose charges on 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, unless they are eligible for exemptions as detailed in the CAZ scheme.”*
- 2.3 During 2019, when it was confirmed that a CAZ would be introduced in Bath, licensees were again reminded by letter that the policy and conditions had been updated and that non-compliant vehicles would not be relicensed once the CAZ was implemented.
- 2.4 As part of the standard renewal process in September/October 2019 all Private Hire proprietors who applied to renew their licence were required to sign a set of licensing conditions stating that they understood and accepted the attached conditions of licence. All vehicle proprietors that renewed were also provided with a copy of the conditions for their reference. (A copy of the conditions signed by the applicant is produced at Annex B).
- 2.5 During the period August 2019 to November 2019 specific events were held where the members of the Taxi & Private Hire trade were encouraged to learn more about the forthcoming Clean Air Zone scheme and the financial assistance which could be available to them, including a taxi forum held on 19th August.
- 2.6 Events were also held during the public consultation on the Clean Air Zone Full Business Case carried out between 20th October and 23rd November 2019 and specific consultation events for the taxi trade were held on 18 October and 4 November 2019 respectively.
- 2.7 On the 5th February 2020 the Licensing Committee considered a report seeking to amend the current Policy on Hackney Carriage & Private Hire Licensing Standards for Vehicles, Operators and Drivers to provide for non-compliant vehicles to be licensed subject to an exemption being granted by the CAZ team under certain circumstances. These circumstances could include if the vehicle was wheel-chair accessible or if it was progressing through the CAZ Financial Assistance Scheme.
- 2.8 This was followed by a short consultation period that commenced on the 16th September when licensees were contacted by text message providing a link to proposed amendments and were invited to provide comments on the proposal before 9th October 2020 prior to the matter being referred to Cabinet.

- 2.9 On the 5th November 2020, the Council's Cabinet considered a report on the proposed amendment to the Hackney Carriage and Private Hire Policy and resolved unanimously to adopt the proposed amendment to the Policy, which provides that 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, unless they are eligible for exemptions as detailed in the CAZ scheme.
- 2.10 The CAZ team opened up expressions of interest in the Financial Assistance Scheme available to affected businesses in November 2020, six months prior to the implementation of the CAZ in March 2021.
- 2.11 All Private Hire Vehicles licenses issued by Bath & North East Somerset Council expire on the 31st October annually.
- 2.12 The renewal process is initiated by the Council who invite licensees to submit applications to renew existing Private Hire vehicle licenses from the 1st September annually. This provides a two-month period for licensees to apply to renew their existing licence.
- 2.13 The applicant applied for the renewal of a Private Hire vehicle licence using an online application portal on Saturday the 30th October 2021. (A copy of the application form is produced at Annex C).
- 2.14 The application is for a Mercedes E250 which was first registered on 2nd January 2014. At the time of writing this report the vehicle was 6 years and 11 months old.
- 2.15 On the 14th October 2021 the vehicle had recorded 201,978 miles.
- 2.16 The vehicle is not fitted with a Euro 6 engine and therefore is not compliant in terms of emissions.
- 2.17 The vehicle index number was checked for compliance with the CAZ and was found to be non-compliant in terms of emissions and the CAZ team confirmed that it had not been granted an exemption. The applicant was subsequently informed by email on the 3rd November 2021.
- 2.18 On the 3rd November 2021, the applicant confirmed that he wished the renewal application placed before the Licensing Sub-Committee.
- 2.19 The applicant had previously contacted the CAZ team on the 21st January 2021 and expressed an interest in the CAZ Financial Assistance scheme. The applicant was contacted in February 2021 and in March 2021 the applicant's vehicle was fitted with a telematic device to establish eligibility for the assistance scheme.
- 2.20 The applicant was issued with a Basic Eligibility Letter in June 2021 which confirmed that the vehicle entered the CAZ often enough to be eligible for consideration of financial assistance. The Basic Eligibility Letter provided contact details of finance providers who could assist with loans or grants; this letter was valid for three months, during which time it was expected that the

applicant would engage with the providers and progress the application. The Basic Eligibility Letter expired in early September 2021.

- 2.21 The applicant did not follow up this up until August 2021 and was advised by the first finance provider they contacted that they were unable to help as the applicant is a “sole trader” which is deemed to be a “regulated customer” which is a sector they did not provide finance for. The applicant was advised to contact another provider who would be able to help a “regulated customer” with finance.
- 2.22 The applicant did not explore the finance options further and did not contact any other finance providers before the offer contained within the Basic Eligibility Letter expired in September 2021.
- 2.23 The applicant entered into further discussions with the CAZ Team in late October 2021 and the offer of financial assistance has been extended should the Council be minded to disapply its policy and grant the application to renew the private hire licence for a non-compliant vehicle that is not subject to a CAZ exemption at the time of application.

3 STATUTORY CONSIDERATIONS

- 3.1 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.
- 3.2 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 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.

- 3.3 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

3.4 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 magistrate's court.

3.5 In December 2018 the Council's Licensing Committee adopted the current policy on Hackney Carriage and Private Hire Licensing Standards For Drivers, Vehicles and Operators. (The Policy is produced at Annex A).

3.6 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.

4 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

4.1 There are no resource implications arising from this report. The costs of processing licences are covered by the fees charged.

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 CLIMATE CHANGE

6.1 The Local Government (Miscellaneous Provisions) Act 1976 Act is prescriptive and does not take account of the climate change agenda at this time. The CAZ scheme encourages the use of cleaner engine technology to bring about reductions in nitrogen dioxide levels.

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.

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Background papers	<i>Licensing File</i>
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