
Report to Regulatory Committee

Date of Meeting: 19 September 2019

Subject: Application to Vary Private Hire Car Operator's Licence from Standard Licence Conditions

Report by: Regulatory Services Manager

1.0 Purpose

- 1.1. To present to the Regulatory Committee an application from Sterling Travel. To vary a condition for Private Hire Operator's licence PH38 from the exemption from Standard Condition 16(6) relating to the display of "Pre Booked Hire Only" door signs and private hire car vehicle plates.
- 1.2. The Licensing Authority has received a letter from the Council's Civic Licensing Standard's Officer (CLSO) therefore the Committee is asked to consider the application for the exemption from Licensing Standard Condition No 16(6)

2.0 Recommendations

- 2.1. That the Committee considers all of the information provided from all parties and determine the matter before them in accordance with the provisions of the 1982 Act.

3.0 Considerations

- 3.1. Under the terms of the 1982 Act the applicant has applied to vary the licensing condition relating the display of pre booked hire only door signs and private hire car vehicle plates. The applicant was originally granted a Private Hire Operators Licence under delegated powers for PH38 on 22 November 2016. The operator's licence has been renewed annually. A copy of the variation application is provided and marked as Appendix 1.
- 3.2. In accordance with the 1982 Act a copy of the application form was sent to relevant consultee for consultation. The CLSO has responded that the applicant has applied to vary the licence condition for PH38 to remove the condition for the requirement for pre booked hire door signage and the position of private hire plates. The applicant is also seeking approval of have advertising imagery in the form of lettering covering the entire surface of the interior to the rear facing window of the vehicle. The advertising proposed does not appear to be in line with exclusive, executive car hire use.

- 3.3. The purpose of the “pre booked hire only” door signs is to differentiate between private hire cars and taxis. The Committee has previously granted an exemption from this condition where the applicant has demonstrated the signs would be detrimental to the exclusive service they offered to clients..
- 3.4. The applicant has had discussions with the CLSO and has indicated that he still wants to continue on the School Transport Framework. The CLSO is in doubt that the applicant’s business model and operation is consistent with exclusive executive hire. A school transport contract could not be described as executive hire. The requested advertising on the rear window of the vehicle also suggests the vehicle is used as a traditional private hire car.
- 3.5. Conditions relating to the exclusive use of the vehicle as chauffeur driven executive cars can be applied and examples are given at Appendix A to the CLSO’s report. A copy of the letter from the Councils CLSO is provided and marked Appendix 2
- 3.6. The Regulatory Committee therefore asked to consider all the information before them and having done so to determine whether to (1) grant the variation to conditions or (2) to refuse the variation.

4.0 Sustainability Implications

- 4.1. None

5.0 Resource Implications

5.1. Financial Details

- 5.2. There are no financial implications arising from the recommendations in this report.

5.3. Staffing

- 5.4. There are no staffing implications as a result of the recommendations in this report

6.0 Exempt Reports

- 6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

None

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

10.2 Application form and Letter (Appendix 1)

10.3 Letter Civic Licensing Standards Officer dated 03 May 2019 (Appendix 2)

11.0 Background Papers



11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
June Andison	Licensing Administrator	2093

Approved by

NAME	DESIGNATION	SIGNATURE
Ian Doctor	Regulatory Service Manager	
Pete Leonard	Strategic Director (Place)	



18/05/2019

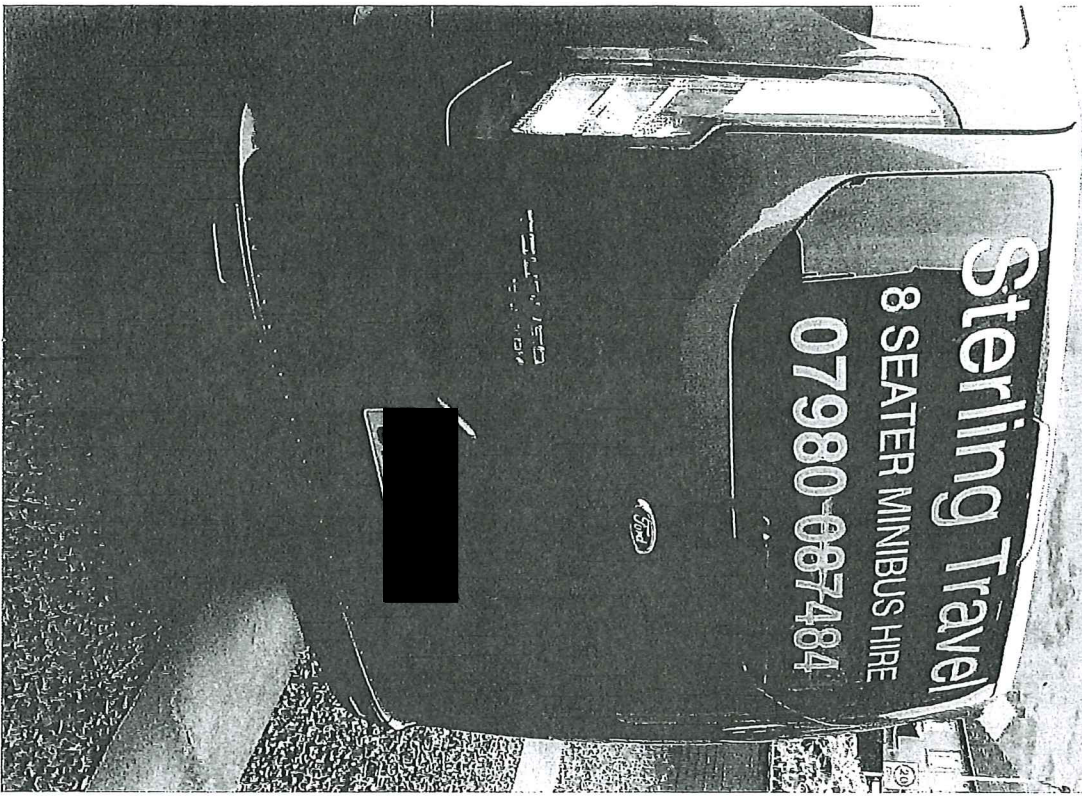
Civic Government (Scotland) Act 1982
Application for the Variation of a Taxi Licence
or Private Hire Car Licence

Each question must be answered

Full Name	Surname	First Name	
	BAIRD	DAVID	
Home Address (Including Postcode)			
Telephone Number(s)			
Email Address			
Trading Name of Company		STERLING TRAVEL	
Licence Type		Licence No.	
PRIVATE HIRE TAXI DRIVER VEHICLE		PH38 PH38	
Brief Description of variation applied for (please see notes overleaf)			
Operate as an Executive Travel Company but continue to be able carry out School Contracts in Clackmannanshire area costing over £30 per Return Journey. Be exempt to normal yellow plates as "prebooked hire only" stickers, instead be granted use of Gold Plates. Allowed to be able to advertise on rear window as per attachment			
Registration Number	Make	Model	Does the application relation to a change of registration No Only ?
SL66 MJX			No

I hereby make application to Clackmannanshire Council for the variation of the above Licence

Signature of applicant [REDACTED] Date 20/5/19





Memo

To: Andrew Crawford
Team Leader
Environmental Health and Licensing
Kilncraigs
Alloa
FK10 1EB

From: Paul Fair, Licensing Standards Officer
Extension: 01259 452091
Email: pfair@clacks.gov.uk
Our Ref: PF/CLSO/PHO/Sterling Travel
Your Ref: 18/00586/PHVEH
Date: 12 July, 2019

**Civic Government (Scotland) Act, 1982
Application to Vary Private Hire Car Operator Licence
David Baird t/a Sterling Travel, PH38
Exemption from Licence Standard Conditions No 16(6)**

1. This report relates to an application to vary a private hire car operators licence, made by David Baird, trading as Sterling Travel, [REDACTED]
2. The application seeks to vary the Licence Standard Conditions attached to Private Hire Car Licence No PH38.
3. The licence relates to a Ford Tourneo 8 seater minibus, which has been licensed and operating as a Private Hire Car in Clackmannanshire since November 2016.
4. The vehicle is a 2016 model, and is currently licensed and subject to a safety inspection in accordance with the Clackmannanshire Council, Licence Standard Conditions.
5. The application seek, to have the Licence Standard Conditions varied to remove condition No 16(6), as it relates to required "pre booked hire" door signage and the position of the required plates.
6. The details of the variation are set out in the application.
7. The application further seeks consent to have advertising imagery in the form of lettering covering the entire surface of the interior of the rear facing window of the vehicle.
8. The Committee are now familiar with applications of this nature, which have been referred to as Gold Plate applications or Executive Hire applications.
9. The purpose as, I understand it, of allowing the exemption is to permit genuine executive hire companies, who exclusively do either that kind of work or exempt hire and reward work, absolute discretion in relation to mandatory (by virtue of standard conditions) signage on Private Hire cars. The primary purpose of the consents previously granted was to allow a clean less obvious but properly licensed Private Hire Car to operate, whilst retaining discreet plates to allow law enforcement agencies to readily identify the vehicle as a properly licensed vehicle.

10. The second scenario was to allow the licensing of a significantly unique vehicle that operates in such a way that the primary business of the vehicle was exempt from licensing requirement; however some ancillary work required licensing.
11. This application differs from either of these two scenarios, first of all I do not believe that the vehicle and service offered is sufficiently unique in nature to warrant grant of the application to vary on that basis.
12. This vehicle is currently operated as a normal and standard private hire car. The applicant does choose to specialise, in higher end journeys such as those to and from airports, weddings, other special events, day trips and tours. In addition the vehicle is enrolled on the School Transport Framework and as such has been used to transport entitled children between home address and school.
13. During a telephone enquiry with the applicant he has indicated that the vast majority of his journeys target that longer specialist and executive service type hires. He states he does not offer a service going to and from licensed venues within Clackmannanshire and that short hires are rarely in demand.
14. The application indicates he wishes to continue on the School Transport Framework should his application to vary be granted.
15. As with other applications of a similar nature I have completed research into the applicant's business model and operation and although there is no doubt that a large part of his business centres on what we now recognises as "Executive Hire". It is not 100% geared to that model.
16. I do not believe that School transport contracts could be described as "Executive Hire".
17. I further believe that the vision held by Clackmannanshire Council in introducing the concept of a Private Hire Car for "Executive Hire" use was that of an exclusive use for executive work, and the licensing of a premium, discreet car with no outwardly obvious markings or livery that indicates that it is available as a hire car.
18. It appears to me that this application seeks to gain the perceived advantage of not having to display external plates and "Pre-Booked Hire" door signs, but retain the advantage of openly advertising its availability and status as a hire car by the display of the graphics on the rear windscreen.
19. It is entirely at the discretion of the Regulatory Committee to decide whether to grant all or part of this variation having considered all of the information presented to them.
20. The Regulatory Committee, in determining this application may wish to consider whether or not it is necessary to impose local conditions which would prevent the future use of the vehicle as a "normal" private hire car for frequent, short and local journeys.
21. A restriction such as local condition imposing a minimum fare for each journey may be an option. If applied it would be desirable that this was an exclusive local condition, thus preventing the vehicle being used for any type of local, short, low fare type journeys. An example of a suitable condition is contained at appendix A
22. In the event that variation sought is granted and it is later identified that the vehicle is being used as a "normal" private hire car, then the Regulatory Committee would

also have the option of varying the conditions of the Operators Licence to reinstate the Standard Conditions in full. Schedule 1, paragraph 10 of the Civic Government (Scotland) Act, 1982, explains this process which allows the Regulatory committee to vary the conditions of a licence at any time and on any grounds it thinks fit.

23. An example of what may be suitable local licence condition is contained at appendix A. The Committee may wish to apply all or some of these conditions in the event that the licence and variation is granted.
24. Other than the matter raised in paragraphs 15-18, I have no concerns about this application.

Paul Fair

Civic Licensing Standards Officer

Appendix A

1 A record of all journeys/hires relating to the use of the licensed vehicle will be kept by the operator who must make these records available on request for inspection by the Civic Licensing Standards Officer, an authorised officer of the Licensing Authority or a Constable. Record must be retained and available for at least 12 months

2 All arrangements made to hire the vehicle must be made in advance of the journey commencing. A minimum fare of £30 will be applied to the any individual journey.

3 The gold rear plate supplied by the licensing Authority must be securely and permanently fitted in such a position inside the rear luggage area of the vehicle so that it can be easily shown to the Civic Licensing Standards Officer, an authorised officer of the Licensing Authority or a Constable.

4 The gold front plate will be displayed at all times whilst the vehicle is being used as a private hire car in a position on the front nearside, lower portion of the front windscreen so that it is clearly visible and legible from outside the vehicle.