

## Licensing & Regulatory Sub-Committee

28 April 2025

Report from the Director – Environment, Transport and Planning

### **Local Government (Miscellaneous Provisions) Act 1976 Part 2, Section 55, Licensing of Operators of Private Hire vehicles**

#### **Application for a Private Hire Operators licence**

#### **Summary.**

1. This report seeks the Sub-Committee's determination of an application for a Private Hire Operators Licence. The operating premises will be situated at 39 Layerthorpe, York YO31 7UZ.
2. Name of applicant: Joshua Ryan & Arun Singh, Veezu North Ltd, which trades as "Veezu".
3. Summary of Application: A copy of the application is attached at **Annex 1** of this report and is summarised as follows. This is an application for the grant of a Private Hire Operators Licence, the applicant wishes to operator private hire vehicles from 39 Layerthorpe, York YO31 7UZ under the trading name of Veezu.
4. The Council must determine an application for an operator's licence on its own merits in accordance with the legislative framework, taking the application form, any supporting documentation and relevant information into consideration.
5. Section 55 of Local Government (Miscellaneous Provisions) Act 1976 Part 2 provides that the Council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence. Provided that the Council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence. This is the only ground on which an application can be refused. The legislation states that the licence is to remain in force for five years or for such lesser period, as the Council thinks is appropriate in the circumstances of the case. Members of this Sub-Committee can determine a lesser period if they feel there are grounds to do so.

6. Under the legislation, the Council may require any applicant for a licence to submit to them such information as they may reasonably consider necessary to enable them to determine if the licence should be granted and whether conditions should be attached to any such licence.
7. The premises has planning permission for the use as a Private Hire operating company. A copy of the planning permission is attached at **Annex 2** of this report.
8. The premises is currently operating as a licensed private hire operator (Drive Private Hire Ltd), the applicant is in the process of purchasing the business. Legislation in this case, does not allow for a transfer of a private hire operator's licence, therefore an application for the grant of an operator's licence is required.
9. The hours of operation are to be 24 hours every day of the week.

### **Recommendations.**

10. Members are asked to determine the application for a new licence in accordance with Section 55, (Licensing of Operators of Private Hire vehicles) of the Local Government (Miscellaneous Provisions) Act 1976 Part 2.

Reason: To consider the application for a new private hire operator's licence as required by the legislation.

### **Background.**

11. In March 1996 City of York Council (The Council) adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). This legislation, together with the provisions of the Town Police Clauses Act 1847 (the 1847 Act), places on the Council the duty to carry out its licensing function in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. The Council is also responsible for the setting of byelaws in relation to hackney carriage drivers and vehicles.
12. City of York Council's Taxi Licensing Policy (the Policy) was reviewed, and a revised policy was adopted by the Council's Executive on 22 November 2024, with an implementation date of 23 November 2024.
13. The adoption of the legislation and the Policy allows the Council to set conditions on the grant of a Private Hire Operators Licence. A copy of

City of York Council's Standard Conditions for Private Hire Operators is attached at **Annex 3**.

14. The Council may also attach such conditions on a Private Hire Operator's Licence as it considers reasonably necessary.
15. Private hire operators are defined in the legislation as:  
  
    'a person who in the course of business makes provision for the invitation or acceptance of bookings for private hire vehicles.'
16. Case law has established that private hire operators may only dispatch vehicles and drivers that are licenced by the same local authority as the operator (*Dittah v Birmingham City Council*, 1993) This is known as the 'triple licensing rule' or 'trinity of licences' and by similar phrases.
17. It has also been established that 'the operator can use the vehicles within the organisation for journeys both inside and outside of the local authority in which he was licensed and, indeed, can use such vehicles and drivers which ultimately have no connection with the area in which they are licensed' (*Shanks v North Tyneside Council*, 2001).

#### **Veezu.**

18. The applicant currently holds 115 private hire operator's licences issued by various councils nationally and nearby including:
  - Hull City Council;
  - Kirklees Council
  - Wakefield Council
  - Doncaster Council; and
  - Leeds City Council
19. **Annex 4.** Provides a map showing the location of the premises.
20. To support their application, the applicant has supplied a copy of their Health and Safety, Safeguarding, and Data Protection Policies which can be found at **Annex 5, 6, and 7**.

#### **The Deregulation Act 2015.**

21. The Deregulation Act of 2015 amended the Local Government (Miscellaneous Provisions) Act 1976, allowing a person licensed as a Private Hire Operator (under section 55) in one district who has accepted

a booking for a private hire vehicle, may arrange for another person to provide a vehicle to carry out the booking if:-

- (a) the other person is licensed under section 55 in respect of the same district and the sub-contracted booking is accepted in that district; or
- (b) the other person is licensed under section 55 in respect of another district and the sub-contracted booking is accepted in that district;

22. There is a potential that bookings may be sub-contracted to an operator out of district to carry out the journey. For the avoidance of any doubt, such a practice is considered lawful and an operator should not be considered 'unfit' on this basis.

### **Fit & Proper Assessment.**

23. A council shall not grant a licence unless they are satisfied:-

- (a) that the applicant is a fit and proper person to hold an operator's licence; and
- (b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant's immigration status from operating a private hire vehicle.

24. **Annex 8** Provides legislation extracts of the Local Government (Miscellaneous Provisions) Act 1976 Part 2.

25. The licence is granted to the private hire operator based on their fitness and propriety. It has been suggested that a working test of fitness and propriety for private hire operators is "would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?" (Button on Taxis, the leading textbook on taxi licensing)

26. The role of private hire operator goes far beyond simply taking bookings and despatching vehicles. In the course of making a booking and dispatching the vehicle and driver, the private hire operator will obtain significant amounts of personal information. For example, when a booking is made to an airport, and a return booking made for a week or fortnight later, it is reasonably apparent that a holiday is being taken and the house is going to be empty for that period of time. In dishonest hands this information is extremely valuable. It is therefore vital that private hire operators are as trustworthy and reliable as a driver, notwithstanding their

slightly remote role. The term “safe and suitable” is considered a modern interpretation of “fit and proper” (Button on Taxis).

27. Unlike hackney carriage and private hire drivers, the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 does not apply to private hire operators. Operators are therefore not excluded from the workings of the Rehabilitation of Offenders Act 1984 (the 1974 Act) and it is not possible to obtain an Enhanced DBS check, but they can be asked to obtain a Basic Disclosure.
28. The applicants have undertaken the relevant criminal records check and submitted the correct documentation required to determine the application.

### **Consultation.**

29. There is no requirement within the 1976 Act for a consultation to take place in relation to application for the grant of private hire vehicle, driver or operator licences. Therefore, a consultation has not taken place in relation to this application.

### **Options.**

30. The Council thus has a statutory duty to grant the licence unless it considers that the applicant is not a fit and proper person to hold a licence.  
The licence should be granted for a five-year period unless there is a specific reason(s) in the particular circumstances of the case that justify granting the licence for a shorter period.

By virtue of sections 55 and 57 of the Local Government (Miscellaneous Provisions) Act 1976 Part 2, the Sub-Committee have the following options available to them in making their decision:

31. Option 1: Grant a private hire operator’s licence as requested, with the standard for a period of five years (or for such lesser period, as the Council thinks is appropriate in the circumstances of the case).
32. Option 2: Grant the private hire operator’s licence with the standard conditions and any additional conditions considered reasonably necessary or for a period of five years (or for such lesser period, as the Council thinks is appropriate in the circumstances of the case).
33. Option 3: Refuse the application providing the grounds for refusal If the Sub- Committee choses option 3 they must be satisfied that the applicant

is not a 'fit and proper person' to hold an operator's licence (as set out in s.55 of the 1976 Act).

The Sub-committee must give their reasons for the decision reached.

## **Analysis.**

34. To summarise the legislation, Local Government (Miscellaneous Provisions) Act 1976 ('the Act') provides that the council shall, on receipt of an application, grant a private hire operator's licence unless it considers the applicant is not a 'fit and proper person' to hold such a licence or is disqualified by reason of their immigration status. The 'fit and proper person' test should be approached by considering the purpose of the legislation, being regulatory compliance and public safety. The guidance given above in relation to the applicant being trusted with sensitive information.
35. An applicant aggrieved by the refusal to grant an operator's licence or by any conditions attached to the grant of the licence may appeal the decision, under Section 55(4) of the Local Government (Miscellaneous Provisions) Act 1976. The appeal must be made to the Magistrates Court within 21 days of the applicant being informed of the decision.

## **Council Plan.**

36. The Council Plan priorities include 'a fair thriving green economy for all' and 'sustainable accessible transport for all'. It is underpinned by four core commitments to 'equalities and human rights', 'affordability', 'climate' and 'health'.

## **Implications.**

37. The implications arising directly from this report are:
  - **Financial** – There are no direct financial implications.
  - **Human Resources (HR)** – There are no HR implications.
  - **Equalities** – To attract wheelchair accessible vehicles, a York private hire operator should ensure compliance with the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, maintain a list of designated vehicles, and provide reasonable mobility assistance, all without charging extra. Operators should be aware of the Standard Conditions and the Council's Hackney Carriage and Private Hire Licensing Policy with regards to accessible vehicles.

- **Legal** – Regard should also be given to the Council’s Hackney Carriage and Private Hire Licensing Policy approved by Council on 21 November 2024.
- **Crime and Disorder** – There are no crime and disorder implications.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

### **Risk Management.**

38. All Members are aware that any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of reputation and potential financial penalty.
39. The report details the options available to the panel in determining the application and recommends that a decision be reached. Provided the decision complies with the proper grounds for considering the application as set out within this report, there are no known risks involved with this recommendation.

### **Contact Details.**

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>			
David Cowley Taxi Licensing Manager Ext 2422	James Gilchrist Director Environment, Transport & Planning			
	<b>Report Approved</b>	✓	<b>Date</b>	08/04/2025

<b>Wards Affected:</b> Guildhall Ward,
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### **Background Papers**

Taxi Licensing Policy –

<https://www.york.gov.uk/downloads/download/54/taxi-licensing-policy>

### **Annexes**

- Annex 1** - Copy of application for Private Hire Operators Licence.  
**Annex 2** - Copy of current planning permission.

- Annex 3** - A copy of City of York Council's Standard Conditions for Private Hire Operators.
- Annex 4** - Map showing location of premises.
- Annex 5** - Veezu Data Protection policy.
- Annex 6** - Veezu Safeguarding policy.
- Annex 7** - Veezu Health and Safety policy.
- Annex 8** - Legislation extracts.