

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
19 April 2016**

**APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE LICENCE SEEKING
DEPARTURE FROM BRISTOL CITY COUNCIL POLICY**

RE: Mr Hateem Mukarram

Report of the Strategic Director - Neighbourhoods

Purpose of Report

1. To consider an application for the grant of a Hackney Carriage licence seeking departure from Council policy.

Background

2. On 15 March 2016 the Council received an application for the grant of a new Hackney Carriage from Mr Hateem Mukarram. The vehicle is a Peugeot Expert, registration number SF12 HYO. The vehicle was first registered on 4 May 2012 and was purchased by Mr Mukarram on 1 February 2016. Mr Mukarram stated that the vehicle was to replace his previous vehicle which had been written off due to a fire.
3. Mr Mukarram notified officers that his previous vehicle was written off on 28 November 2015. Mr Mukarram's previous vehicle was a Peugeot E7, first registered on 8 July 2009, registration number SF09 ASV, identified by licence number 8052.
4. Council policy with regard to replacing written off Hackney Carriage licences states:
*"Write off
11. Any vehicle written off within three years of first registration may be replaced with another vehicle provided it is not older than the written off vehicle."*
5. Members will note that at the time of being written off Mr Mukarram's vehicle was over six years old. The vehicle may therefore only be replaced with a vehicle which complies with the policy in all respects, in particular it must be brand new. At the time of application Mr Mukarram's proposed vehicle was three years and ten months old.
6. Mr Mukarram submitted documents in relation to the vehicle before you today however an application form and a number of documents were not submitted at this time. He also submitted a letter in respect of the application alleging that incorrect advice was given to him and a number of other people in respect of this vehicle. A copy of this letter is attached at **Appendix A**.
7. Officers wrote to Mr Mukarram on 9 March 2016 to advise him that the vehicle did not comply with the policy in respect of new vehicles and that further documents were required, and noting that the conversations on 25 February 2016 had been noted by officers, and advice had been given that the vehicle must be brand new,

not up to three and a half years old, as Mr Mukarram states in his letter. A copy of this letter is attached at **Appendix B**.

8. Hackney Carriage licences are issued under section 47 of the Local Government (Miscellaneous Provisions) Act 1976 which states:

“47 Licensing of hackney carriages

(1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.

(2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

(3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.”

The Council is entitled to adopt a policy in relation to the age, type and specification of vehicles that will normally be licensed. Whilst the public are entitled to expect the council will usually follow its own policy, the council must not, of course apply the policy in rigid fashion. In other words the council must not act in an entirely fettered manner. In accordance with the law the council must be prepared to listen to what an individual applicant has to say and to consider any facts the applicant is able to deploy in seeking to persuade the council that the policy should not apply in his particular case.

9. Mr Mukarram has been invited to attend this meeting and has been supplied with a copy of this report.

APPENDICES

Appendix A Letter from Mr Mukarram 9 March 2016
Appendix B Letter to Mr Mukarram 9 March 2016

Recommended: The committee is asked to refuse the application in line with Council policy.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background papers

Contact Officer: Abigail Holman
Senior Licensing Officer
Neighbourhoods
Telephone: 0117 3574900

Hateem Mukarram
24 Shaftesbury Avenue
Montpelier
BS6 5LX
Date 25th February 2016

Hello,

RE: Replacing Hackney Carriage Licence No. 8052 (SF03 ASV) with another vehicle.

Following advice from Carl Knights, I am sending you this letter. Below I have listed the chronological order of events that took place, what advice I was given and what actions were subsequently taken following the advice received.

28.11.15 – My Hackney Carriage (Licence No. 8052, Reg: SF03 ASV) caught fire and was likely to be deemed an economic write off by the insurance company.

30.11.15 – I informed BCC Licensing Office of the likelihood of the 'write off' and that as it had only just caught fire, I was still awaiting the insurance formalities to be completed to confirm if indeed the vehicle would be written off. I wrote a letter to BCC Licensing explaining the circumstances and it was filed with the Licencing Office (see attachment). I was informed that I would have to replace my vehicle with a vehicle no older than 2009.

07.12.15 – Muhammad Tayyib called BCC Licensing Office and updated them on my search for a suitable vehicle. He was informed that the vehicle needed to meet the M1 and European standards requirements and had to be no older than the vehicle being written off (ie 2009).

14.12.15 – I called the BCC Licensing Office team and again updated them on my efforts to purchase a suitable vehicle. Again I was told that the vehicle had to be no older than 2009.

21.12.15 – Abdelhaleem called BCC Licensing Office and further updated the team on the progress on buying a replacement vehicle. He was told that the vehicle had to be no older than 2009 as the vehicle which caught fire was first registered in 2009 - and that this was the standard procedure for this situation.

01.02.15 – I finally managed to make the required financial arrangements and purchased a suitable replacement vehicle which met the M1 and European standards requirements. As this vehicle was registered in 2012 (Reg: SF12 HYO), it met the criteria of being no older than the written off vehicle (ie 2009).

25.02.15 – Abdelhaleem called BCC Licensing Office to enquire about the timeframe of replacing the vehicle, as it was now approaching 3 months since I had informed you that my vehicle had caught fire and it might be deemed to be an economic write off by the insurer. At this point Abdelhaleem was told that the written off vehicle would only be replaced by a vehicle which was no older than 3.5 years.



25.02.15 – I called BCC Licensing office to clarify the above point as this was clearly different advice to what we had received on numerous other occasions. Carl Knights informed me that the vehicle had to be no older than 3.5 years.

I had acted upon the information, advice and guidance provided to me and have spent more than £15,000 to purchase, respray, MOT etc a vehicle which is newer than 2009 (as per BCC advice), but not newer than 3.5 years (as per the recent information relayed to me on 25.02.16).

I am extremely frustrated as I went out and purchased a vehicle based on what I was told. I have subsequently resprayed the car, fitted a new timing belt and new tyres and brakes and serviced and prepared it to pass the BCC MOT and cosmetics tests. It is only now, after spending all that money that I am being told that this car would not be licenced due to its age. Obviously, if I was told the vehicle had to be less than 3.5 years old, I would not have spent some £15,000 on a 2012 vehicle.

As you can see my action to purchase a 2012 vehicle was based directly on the information provided by BCC. Upon explaining this all to Carl Knights, he advised that I write to the Licensing Team explaining the situation.

As I am sure you can appreciate, there would be no point in clarifying the official rules now that I have purchased a vehicle, in order to resolve this issue. For me, it is already too late. I would urge you to license the 2012 vehicle I have purchased (which is newer than 2009) to replace the vehicle which has now been written off (Licence No. 8052, Reg: SF03 ASV).

I would like to thank you in advance.

Regards,



Hateem Mukarram

9/3/16





Hateem Mukarram
24 Shaftesbury Avenue
Bristol
BS6 5LX

CONTACT: Licensing Authority
TELEPHONE: 0117 357 4900

DATE: 9 March 2016
E MAIL: licensing@bristol.gov.uk

Dear Mr Mukarram,

**RE: HACKNEY CARRIAGE VEHICLE POLICY
APPLICATION TO REPLACE HACKNEY CARRIAGE 8052**

Thank you for your letter regarding replacing the vehicle currently licensed on licence 15/02308/TXHCV, plate number 8052 which has been written off by your insurance company. Council policy with regard to a write off states:

Write off

11. Any vehicle written off within three years of first registration may be replaced with another vehicle provided it is not older than the written off vehicle."

Any vehicle which is written off that is older than three years from initial registration can only be replaced with a vehicle that is brand new with delivery mileage. An applicant who has transitional rights (also known as grandfather rights) may replace the vehicle with a vehicle that is up to three and a half years of age. Replacements must also of course comply with all other relevant elements of the vehicle policy (copy enclosed). A copy is also available on our website, along with a copy of the council's inspection standards, with which all vehicles must comply. Please see:

<https://www.bristol.gov.uk/licences-permits/apply-for-a-new-vehicle-licence>

I note that you state Muhammad Tayyib, Abdelhaleem and yourself were given incorrect advice on 30 November, 7 December, 14 December, 21 December 2015. On 25 February 2015 (I presume this is 2016) you state Abdelhaleem spoke to a member of the Licensing Team who advised that the replacement vehicle could only be replaced with a vehicle no older than three and a half years old.

That conversation was had with Mr Callum McKenzie, Licensing Officer, who created a file note stating that he advised Abdelhaleem that;

"...Given that the written off vehicle is approximately seven years old – this part of the policy was not applicable and that in this case the vehicle could only be replaced (according to published policy) to one which was Brand New."

I recall the conversation that I had with you on 25 February 2016, and did also advise that the vehicle would have to be brand new with delivery mileage only.

Licensing Team (Temple Street)
Bristol City Council, PO Box 3176
Bristol BS3 9FS

Jonathan Martin
Licensing & Trading Standards
Manager

Website
www.bristol.gov.uk

I cannot see that we have received an application for the grant of a new Hackney Carriage licence to replace the existing vehicle. We cannot determine an application that has not been submitted. If you do submit an application it will most likely be referred to the Public Safety and Protection Committee for consideration. I have enclosed an application form. Full details on the documents that are required with an application are detailed at the above link. You must supply all required documents for the application to be determined. If you wish to provide the insurance at a later date (if it is determined that the application be approved) you may do so.

Yours sincerely,

Mr Carl Knights
Senior Licensing Officer