

Taxi Licensing Committee



Date of meeting:	21 November 2024
Title of Report:	Application for the Grant of a Private Hire Vehicle Operator Licence
Lead Member:	Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Events, Cemeteries & Crematoria)
Lead Strategic Director:	Ruth Harrell (Director of Public Health)
Author:	Nicola Horne
Contact Email:	nicola.horne@plymouth.gov.uk
Your Reference:	PHO2024/ TL/ NH/2
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

For Members of the Committee to consider the application for the grant of a Private Hire Vehicle Operators licence made by Smartzi B2B Ltd T/A Smartzi having due regard for the information contained within the report, any representations made by the company and the Plymouth City Council Act 1975, ([Plymouth City Council Act 1975 \(legislation.gov.uk\)](https://legislation.gov.uk)), and the Council's Hackney Carriage and Private Hire Licensing Policy 2022 (as amended 2024). ([Hackney Carriage and Private Hire Licensing Policy | PLYMOUTH.GOV.UK](https://plymouth.gov.uk))

Recommendations and Reasons

That Members consider the report and representations to determine whether or not Smartzi B2B Ltd T/A Smartzi is a fit and proper person to be granted a Private Hire Vehicle Operator licence and if a licence is to be issued, to decide on the appropriate length of the licence and any reasonably necessary conditions.

Alternative options considered and rejected

None

Relevance to the Corporate Plan and/or the Plymouth Plan

Keeping children, adults and communities safe- by ensuring that we provide a safe taxi licensing system to the wider community of Plymouth.

Implications for the Medium Term Financial Plan and Resource Implications:

None

Financial Risks

None

Carbon Footprint (Environmental) Implications:

Not applicable

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

Members should be aware that Section 17 of the Crime Disorder Act 1998 placed a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Appendices

*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Briefing report title							

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7
Smartzi B2B Ltd – Application form -	X – address/ date of birth and tax code						

Sign off:

Fin	HS.2 4.25. 24	Leg	IW – 05.11. 24- 3952	Mon Off	Click here to enter text.	HR	Click here to enter text.	Asset s	Click here to enter text.	Strat Proc	Click here to enter text.
Originating Senior Leadership Team member: Ruth Harrell											
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 05/11/2024											
Cabinet Member approval: Councillor Sally Haydon approved by e-mail. Date approved: 05/11/2024											

Report

FACTS

1. Plymouth City Council is responsible for the issuing of Private Hire Vehicle Operators licences where they are satisfied that the applicant is a fit and proper person to hold a licence for a period of up to 5 years. (section 13 (1) and section 13 (2) respectively Plymouth City Council Act 1975). The Council can attach conditions to the licence where it is considered reasonably necessary (section 13(3) Plymouth City Council Act 1975).
2. The holder of a Private Hire Vehicle Operators licence is in effect, a contracting party with customers for the supply of a private hire vehicle and driver to undertake a journey, pre-booked with that operator. The 'Operator' is responsible for, amongst other things, keeping accurate records of bookings received and the drivers and vehicles used to complete each booking, and ensuring that all conditions attached to the licence are complied with. (Chapter 4 para 4.1 of the [Hackney Carriage and private hire licensing policy | PLYMOUTH.GOV.UK](#))
3. On 18 March 2024, Smartzi B2B Ltd T/A Smartzi made an application for the grant of a private hire vehicle operator licence for 5 years, with the intention of having one vehicle licenced per year. They have indicated they intend to recruit more drivers but will follow the application process for each driver to become licenced. (Appendix A)
4. As part of the application process several procedural checks were carried out to enable a decision to be made about whether the applicant is a fit and proper person to hold a licence. These included:-
 - a. a Basic Disclosure and Barring Service (DBS) certificate was completed and checked for the two nominated Directors for the Plymouth operations, which revealed that there were no convictions.
 - b. Companies House checked for Plymouth office.
 - c. HMRC check.
 - d. Applicants had lived in the UK for the last 10 years
 - e. Both operators completed relevant Safeguarding courses on 18/06/24.
5. All elements of the procedural and documentation check have been completed satisfactorily.

6. Smartzi B2B Ltd T/A Smartzi is a nationwide company and has outlined in its application form that no application has been refused or revoked nationally.

DECISION TO BE MADE

7. In light of the information contained within the application form and report, the committee is being asked to consider:
 - a. whether the two named Directors of Smartzi B2B Ltd T/A Smartzi can each be considered a fit and proper person, and
 - b. whether if Smartzi B2b Ltd licence is granted, the appropriate length of time the licence should be granted for, up to a maximum of 5 years and
 - c. whether the Committee consider that any conditions should be imposed on the licence.

CONSIDERATIONS

8. Committee members must have regard to the Plymouth City Council Act 1975 and the Hackney Carriage and Private Hire Taxi Licensing Policy 2022 (as amended 2024), (referred to as the Policy) when deciding if the operator can be considered as a fit and proper person.
9. Officers recognise that if this application is granted it will potentially financially affect other private hire operators in the city- the committee is reminded that this is not a factor to be considered when deciding the application.

Fit and Proper person test

10. The 'fit and proper person' test will be applied to each of the Directors or partners in that company or partnership.
11. There is no statutory or judicial test whether an applicant is a fit and proper person to be granted a private hire operators licence. To assist the committee, James Button in "Button on Taxi's" submits it is reasonable for this variation of the test recommended for assessing whether an operator is a fit and proper person:

"Would I be comfortable providing sensitive information such as holiday or business plans, movements of my family or other personal information to this person and feel safe in the knowledge that such information would not be used or passed on for criminal or unacceptable purposes?"

This is a decision for the committee after considering the report and any representation.

12. There are several aspects to the policy that are pertinent to this application, based on the nature of the business model being app based.

Hackney Carriage and Private Hire Licensing Policy

In [Chapter 4](#) section 8.1, the policy states that 'The Council will not grant a private hire operator's licence to any person for an address OR base of operations that is located outside the Plymouth City Council area'.

Smartzi B2B Ltd T/A Smartzi have stated in their application form that they have a local office situated within the boundary of Plymouth City Council. Bookings are received at an address in Surrey. The office is not a public office and will be used for meetings, driver onboarding and training but will not be open to the public. They can meet officers of the Council at this address for any pre-arranged meeting and the office could be manned if necessary. This address is listed

as The Apex, Derriford Business Park, Brest Road, Plymouth, Devon, PL6 5FL, United Kingdom, and has been confirmed on Companies House records.

Smartzi B2B Ltd T/A Smartzi have confirmed that they have a team of staff to attend to complaints and requests for information from customers and any authorities. They offer a 24-hour telephone hotline and e-mail response through the compliance team who will download any digital record and share with the taxi licensing authority. The current policy says in [Chapter 4](#) section 6.1 that electronic records are acceptable.

In relation to a base of operations, Smartzi B2B Ltd T/A Smartzi have specified in their application that they will control bookings through their Surrey office, via a pre booked enquiry via telephone or a digital app and the booking office is not located within Plymouth. All drivers will be allocated their bookings through a purpose- built system via the Smartzi Driver App, where they have access to the jobs, contact number and any other related details and information. Therefore, they do not expect the drivers to work out of our offices. However, the policy only requires a local office OR base of operations, so this meets the requirements of policy.

Conditions of Private Hire Operators

The Policy outlines the conditions which should be incorporate into the licence.

In relation to 'Conditions of Licence for Private Hire Operators', these standard conditions are applied to all operators. There are two conditions, that are important to consider.

The operator must allow access to the premises at all reasonable times during business hours to any officer authorised by the Council or police officer, for the furtherance of his duties or for the purposes of inspection and/or enforcement. All such records as aforementioned must be made available for inspection without hindrance to the authorised officer or police officer upon demand. [Para 6.4.](#)

In relation to the access to view records, Smartzi B2B Ltd T/A Smartzi B2B Ltd have confirmed that they have a team of staff to attend to complaints and requests for information from customers and any authorities. They offer a 24-hour telephone hotline and e-mail response through the compliance team who will download any digital record and share with the taxi licensing authority. The current policy says in section 6.1 that electronic records are acceptable.

The operator will hold any property left within any hired licensed vehicle as provided by any licensed driver for safekeeping. A record of each item should record in writing, which should be available for inspection by any person authorised by the Council. The operator must have a documented disposal policy which must be approved by the Council. [Para 6.6.](#)

Smartzi B2B Ltd T/A Smartzi have clarified by e-mail their compliance with the lost property requirements whereby in the first instance they encourage drivers to ask a passenger at the end of each journey if they have all belongings, and for the driver to check the vehicle also when the passenger leaves to make sure all belongings have been taken. If any item is left, this should be reported to the dispatcher at once. Arrangements will be made with the passenger to drop off the item free of charge when next in the vicinity, or the passenger can collect the item from the dispatch office, or if this is not suitable, a charge may be made for an alternative provision.

Committee may want to consider any other conditions it may want to impose, should the Committee decide to grant an Operator's licence.

Licence Period

The final point for consideration is the length of licence. The law states that a licence can be granted for up to 5 years maximum. Smartzi B2B Ltd T/A Smartzi have applied for a 5-year licence, however the licence may be granted for any period of between 1 year and 5 years.

Under the [Department for Transport's Statutory taxi and private hire vehicle standards \(updated November 2022\)](#) section 3.2, it states that:

The Local Government (Miscellaneous Provisions) Act 1976 (as amended) (LGMP 1976) sets a standard length at 3 years for taxi and private hire vehicle drivers and 5 years for private hire vehicle operators.

“Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case. If a licensee has requested one or where required (for example, when the licence holder’s leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand – **they should not be issued on a probationary basis.**”

While Plymouth City Council licences Operators under the Plymouth City Council Act 1975, and not the LGMP 1976, the Department for Transport standards need to be considered and applied. The Department of Transport expects this recommendation to be implemented unless there is compelling local reasons not to.

LAW AND POLICY

13. The following law is relevant to the matters being considered in this report:

Plymouth City Council Act 1975	Requirements
Section 13(1)	The Council shall not grant a licence to operate Private Hire vehicles to an applicant, unless they are satisfied that the applicant is a ‘fit and proper’ person to hold such a licence.
Section 13 (3)	Provides for the Council to attach to the grant of such a licence such conditions as the Council may consider necessary.
Section 14	Every contract for the hire of a private hire vehicle shall be deemed to be made with the operator, and the operator shall keep records as specified by conditions
Section 15 (1)	The Council may require any applicant for a licence under the Act of 1847 or under this Act to submit to the Council such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence,
Section 15(2)(b)(iii)	The Council can require an applicant to submit information relating to (amongst other things) any trade or business activities he has carried on before making the

	application, to enable them to determine whether to grant a licence.
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POLICY (relevant sections only)

14. In reaching their decision, Members must have regard to the Council's Hackney Carriage and Private Hire Licensing Policy 2022 (as amended 2024). The relevant parts of the Council's policy are detailed/summarised below.

Chapter 1	Statement of Policy
3.1	The policy will provide a framework that will assist in delivering a safe, regulated hackney carriage and private hire licensed trade. The Council, in adopting this policy recognises both the needs of residents and visitors to expect a safe, healthy, convenient and effective hackney carriage and private hire transport service.
3.2	The Council has adopted byelaws, conditions of licence and vehicle specifications and any other standards considered appropriate to regulate the hackney carriage and private hire trades for the benefit of all concerned within the City of Plymouth.
3.3	The Council in its decision making will consider each case on its own merits, having regard to the requirements of this policy, any relevant specific policy documents, national best practice guidelines and any other information considered relevant
4.6	In determining any matter in respect of a licence, the overriding principle adopted by the Council will be that each matter will be determined on its own merits.
8.1	In exercising its discretion in carrying out its regulatory functions in respect to taxi licensing, the Council will have regard to its relevant policy documents. Notwithstanding the content of this policy, each matter will be considered on its own merits, but where there are clear and compelling reasons, the Taxi Licensing Committee may, having regard to all available information, authorise a departure from its policy documents.
Chapter 4	Private Hire Operators
1.1	Any person who operates a private hire service must apply to the Council for a private hire operator's licence and comply with the Council's conditions of licence.
1.2	All applications for a grant or renewal of a private hire operator's licence will be determined to ensure the applicant is 'fit and proper' to hold a licence and also having regard to any previous business activities performed by the applicant. The operator must declare all companies that operate under the umbrella of the operator's licence as this information will be displayed on the licence. Where the applicant is a limited company, a named individual(s) must be stated for inclusion in the licence.
1.4	Applications for an operator's licence can be made as an individual, as a partnership of individuals, or as a limited company. All of the individuals/directors etc. involved in the company must be listed on the application form. The 'fit and proper' test will be applied to each of the directors or partners in that company or partnership.
1.5	When determining an application or when reviewing a licence, the Council will apply the following test to ensure consistent and informed decisions are made: 'Would I be comfortable allowing this person to have control of a business that knows where any licensed vehicle is travelling, at any time of day or night and be satisfied that he/she would not allow the business to be used for criminal or other

	unacceptable purposes and be confident that he/she would maintain their records to an acceptable standard throughout the period of the licence?’.
1.6	The Council will issue a licence for a period of up to 5 years.
4.1	<p>The Council requires operators to keep records of each booking. Information must include:</p> <ul style="list-style-type: none"> ○ Date and time when the booking was made ○ Name of the lead passenger ○ Pick up point and the time of the pick-up ○ Destination ○ Name of the driver, the licence number of the vehicle and route <p>The records must be in an approved electronic format unless otherwise agreed by the Council. Factors to be considered in deciding whether an operator does not have to comply with this requirement are size of business, number of vehicles operated, compliance and cost effectiveness.</p>
4.2	The operator must hold records of insurance and licence expiry dates of drivers and vehicles. No journeys must be allocated to uninsured or unlicensed drivers and vehicles.
5.1	Before an application for, or renewal of, a private hire operator’s licence is granted, the applicant must produce evidence that they have the appropriate public liability insurance. The Council’s standard level of expected cover is £5M. Where necessary, evidence of suitable employer liability insurance will be required.
5.2	All operators must have suitable insurance in place indemnifying the operator against any third-party claim made against the operator arising as a result of the use of a vehicle operated by virtue of their operator’s licence.
8.1	<p>Operators Offices Located Outside the Plymouth Licensing Area</p> <p>The Council will not grant a private hire operator’s licence to any person for an address or base of operations that is located outside the Plymouth City Council area.</p>

OTHER RELEVANT INFORMATION

10. The Taxi Licensing Section also provides ‘Application Guidance Notes’ for those seeking to be licensed as Private Hire Vehicle Operators, and the relevant areas of that guidance are provided below. [Private Hire Operator - Application guidance notes | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/private-hire-operator-application-guidance-notes) The section numbers relate to the relevant section of the application form – a copy of which is produced at Appendix A:

	Application Guidance Notes
Section 2	<p>Operating business information-</p> <p>Please give us details about how people will contact you to book journeys, including the trading names of your business which you intend to advertise under, any telephone numbers used to receive bookings, the address(es) at which bookings are received, details of any public booking offices you provide, and details of your website and any booking apps you may use. The company trading name cannot feature the words ‘Taxi(s)’, ‘Cab(s)’, ‘Minicab(s)’ or any other word that may give the impression that vehicles are available for immediate hire.</p>

Section 7	Has the applicant or director/company officers ever been refused a Private Hire operators licence or had such a licence revoked?
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11. Smartzi B2B Ltd T/A Smartzi has been invited to attend this Taxi Licensing Committee, in order that the matters contained within this report may be considered. The company has also been advised that should they fail to attend, then Members may resolve to hear and make a decision based solely on the content of the report in their absence.

Office of the Director of Public Health

Appendix A

Smartzi B2B Ltd T/A Smartzi Application form

TAXI - PRIVATE HIRE OPERATOR'S APPLICATION



Case reference: FS-Case-597211362

Licence details	
Licence type:	New licence - 5 years
Licence number:	
Expiry date of current licence:	
Do you have a licence with another authority:	yes
Operating details	
Parent company name:	Smartzi B2B Ltd T/A Smartzi
Email address for the business:	compliance@smartzi.com
Trading name:	Smartzi B2B Ltd T/A Smartzi
Telephone numbers which will be used to accept bookings:	+44 3300 252525
At what address(es) are bookings received:	The Apex Derriford Business Park Brest Road Plymouth PL6 5FL
Are these offices accessible to members of the public to make bookings:	No
Provide any other addresses where bookings are received:	392 Ewell Road, Tolworth, Surrey KT6 7BB (registered office)
Do you have a website booking facility:	Yes
Please give the web address:	www.smartzi.com/
Do you have a mobile app booking facility:	Yes

What is the name of the app:	Smartzi
Applicant's details	
Is this application made by:	a limited company
Registered name:	Smartzi B2B Ltd T/A Smartzi
Registered office address:	392 Ewell Road, Tolworth, Surrey , KT6 7BB
Company registration number:	12966923
Registered with:	UK: Companies House
Provide details:	UK: Companies House
Telephone number:	+44 3300 252525
Email address:	compliance@smartzi.com
Liability insurance details	
Do you hold valid liability insurance in respect of your business:	Yes - public liability
Name of insurance provider:	AXA Insurance UK Plc
Policy number:	[REDACTED]
Policy cover date - from:	23/01/2024
Policy cover date - to:	22/01/2025
Premises authorisations	
CCTV licensed or registered with the Information Commissioners office:	Not applicable
ICO registration number:	N/A
Has the business radio network operator been granted a licence:	Not applicable
What is the Ofcom radio licence number:	N/A
If no radio voice communication, how are driver's contacted:	Since the rides are prebooked via telephone and the App all the drivers will be allocated in advance and they will be communicated and advised regarding the hires.
Record keeping	

How will journey records be recorded and retained:	We have a purpose built own digitalised system to record the details of the journey which includes the details of the Booking ID, Date and time, Customer details, Driver details, vehicles details, start location, destination, booking source and agent, invoice and status of the ride. We store the relevant data in the system at least for more than 12 months, or more if required.
How will driver and vehicle records be retained:	We have a purpose built own system to record the details of the drivers and vehicles. The details include driver name, contact details, vehicle group, vehicles model, licenced authority details, documents such as insurances, DVLA, PHD, PHV licences, MOT, right to work details
Address where records can be inspected:	The Apex Derriford Business Park Brest Road , Plymouth , Devon, PL6 5FL
Suitability of applicant(s)	
Does any applicant(s) or directors/company officers have any convictions or cautions:	No
Provide details of 'unspent' convictions:	N/A
Has any applicant(s) or directors/company officers been charged with an offence and is currently awaiting the outcome of proceedings:	No
Provide details of the offence:	N/A
Is the applicant or director/company officers currently subject to an undischarged bankruptcy order, or similar insolvency proceedings:	No
Provide details:	N/A
Is the applicant or director/company officers disqualified from being a company director:	No
Provide details of the disqualification:	N/A

Has the applicant or director/company officers ever been refused a Private Hire operators licence or had such a licence revoked:	No
Provide further details:	N/A
Details of limited company directors	

Name	Home address	Date of birth	Valid licence	Badge number (if applicable)	Supply the tax check code obtained from GOV.UK
Mr Chaenthen Balasundaram			No	N/A	
Mr George Patrick Brenan			No	N/A	

Number of DBS certificates uploaded:	2
List of vehicles to be operated under the licence	
Do you have a printout of vehicles which can be uploaded:	Yes
How many vehicles are to operated under the licence:	1
Number of documents uploaded:	1
List of drivers to be operated under this licence	
Do you have a printout of a list of drivers:	Yes
Number of documents uploaded:	1
Immigration	
Number of documents uploaded:	2
Additional information	
Please include any additional information here (optional)	
Declatation and signatures	
I/we hereby apply for a Private Hire Operator's licence, and declare that to the best of my/our knowledge and belief, the information in this application is true in every respect.	yes

I/we understand that it is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required in this application form.	yes
I/we consent to further background checks, including searches of the disqualified directors and individual insolvency registers, being carried out by the Council, in support of this application.	yes
I/we have read the Private Hire Operator's Licence Conditions and undertake in the event of a licence being granted to observe and adhere to such conditions.	yes
I understand that Schedule 23 to Finance Act 2011 (Data Gathering Powers) and Schedule 36 to Finance Act 2008 (Information and Inspection Powers), grant HMRC powers to obtain relevant information from third parties. This includes licensing bodies being required to provide information about licence applicants. I also confirm that I am aware of the content of HMRC guidance relating to my (our) tax registration obligations:	yes

Signed	Dated
Chaenthen Balasundaram	18/03/2024
George Patrick Brenan	18/03/2024

Cost	
Operators licence:	£578.00
Vehicle licence cost:	£19.00
Total cost:	£597.00

