

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

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Agenda Item No.

meeting date: 19 June 2012  
title: Marshalling Arrangements  
submitted by: Chief Executive  
principal author: Mair Hill

## 1 PURPOSE

- 1.1 To advise Committee of the proposed “marshalling” arrangements and seek Committee’s view on the circumstances in which an Operator’s licence is required.
- 1.2 Relevance to the Council’s ambitions and priorities
  - Community Objectives - None
  - Corporate Priorities - An efficient licensing service will promote the Council’s priority of being a well-managed and efficient Council.
  - Other Considerations – None

## 2 BACKGROUND

- 2.1 The Council has recently received enquiries about arrangements at four separate establishments; in three of these instances the establishments have entered into contracts with a private hire firm. With regard to the fourth the Council has received complaints about an individual being present on a car park taking bookings for a private hire firm.
- 2.2 The arrangements proposed vary from a free phone being provided to the staff of the establishment to allow them to contact a specific firm, to a member of staff from the firm being present in the establishment and making the telephone calls directly. Given the number and extent of these arrangements confirmation is sought from Committee as to when a separate Operator’s licence is required.

## 3 ISSUES

- 3.1 The term “*Operate*” is defined in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 (the “**Act**”) as “*Operate’ means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle...*” It is therefore questionable whether when such arrangements are put in place provision is being made for the invitation or acceptance of bookings and so an Operator’s licence should be obtained for each of these establishments.
- 3.2 There is however no provision within the Act that a customer must make the booking themselves and so in situations akin to a hotel booking a taxi for a resident or a member of staff of a pub or club booking a taxi for a customer it would seem that they are acting as the agent of the passenger and accordingly that would be lawful and not require an Operator’s licence. Similarly, an advert being placed near a telephone does not amount to making provision for the invitation or acceptance of bookings. Hence in the case of a ‘portable handset’ being provided to the staff of an establishment this would on the face of it appear not to require an Operator’s licence.
- 3.3 However, the proposed arrangements in some cases go beyond this with an individual from the firm being present on the premises and taking and phoning through the booking to base

with the agreement of the premises owner and in the case of the car park an individual simply being present on that car park and taking bookings. This would appear to fall within the definition of 'operate' as by the individual's presence provision has been made for the invitation or acceptance of bookings.

3.4 Committee is therefore requested to consider the different types of arrangement set out above and decide which types of arrangements will require an operator's licence.

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources - None
- Technical, Environmental and Legal – None
- Political - None
- Reputation – A well managed licensing service will enhance the reputation of the Council
- Equality & Diversity - None

#### 5 RECOMMENDED THAT COMMITTEE

5.1 Consider the arrangements referred to above and confirm as per 3.3 above that where an individual is present on the premises on behalf of the operator an operator's licence will be required for that premises.

MARSHAL SCOTT  
CHIEF EXECUTIVE

DIANE RICE  
HEAD OF LEGAL AND DEMOCRATIC  
SERVICES

#### BACKGROUND PAPERS

REF: MJH/Licensing Committee/19 June 2012

For further information please ask for Mair Hill, extension 3216