

**Committee:** Licensing and Environmental Health Committee

**Agenda Item**

**3**

**Date:** 20 March 2013

**Title:** **Determination of a Private Hire Operators Licence**

**Author:** Matthew Chamberlain, Enforcement Officer,  
(01799 510326)

Item for decision

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## Summary

This report has been submitted for members to consider suspension or revocation of a Private Hire Operators Licence in accordance with section 62(1)(a) Local Government (Miscellaneous Provisions) Act 1976 under the heading any offence under, or non-compliance with, the provisions of this Part of this Act.

## Recommendations

The committee determine this whether Mr Cronshaw should have his private hire operator's licence suspended or revoked.

## Financial Implications

None arising from this report

## Background Papers

1. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
  - a. Uttlesford District Council Private Hire Operator conditions.
  - b. Letter from Mr Cronshaw to Mr Hardy dated 12 July 2012.
  - c. Witness statement from PC Coston of Essex Police dated 21 November 2012.
  - d. Invoice to Ardent Parking from Stansted Transport Services dated 31 October 2012.
  - e. Letter to unlicensed driver from Stansted Transport Services dated 7 December 2012 with 'rules and regulations to drivers'.
  - f. Letter addressed to Mr Chamberlain from Ian Cronshaw of Stansted Transport Services titled 'interview under caution' with associated paperwork.
  - g. Transcript of IUC with Mr Cronshaw on 10 December 2012.
  - h. Email of 3 January 2013 from Mr Cronshaw.
  - i. Transcript of IUC with Mr Cronshaw on 28 January 2013.

## Impact

Communication/Consultation	None.
Community Safety	The authority has a duty only to licence operators who are considered to be fit and proper.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	<p>Under section 62 of the LG(MP)A district councils may suspend or revoke an operator's licence for</p> <p>(a) any offence under, or non-compliance with, the provisions of this Part of this Act;</p> <p>(b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;</p> <p>(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or</p> <p>(d) any other reasonable cause.</p> <p>In the event of a licence being suspended or revoked then an individual has the right of appeal to a Magistrates Court.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

### Situation

1. Mr Ian Cronshaw of 1 Washington Mews, Maitland Road, Stansted, Essex, CM24 8NX is the Uttlesford District Council licensed private hire operator of Stansted Transport Services. He first became an operator on 6 October 2004 and the current licence is due to expire on 30 September 2013.
2. The current operating address for Stansted Transport Services is The Office, Duck End, Birchanger, Bishops Stortford, Hertfordshire, CM23 5QS.
3. Stansted Transport Services currently has four licensed drivers of which Mr Cronshaw is one and three licensed private hire vehicles.

4. Ardent Parking is a company which is based in Stansted and offers a service where its customers can park their car for a fee and as part of the service they are transported to and from Stansted Airport. The manager of Ardent Parking put in an application for a private hire operator's licence which was refused by the Council. After this he approached Mr Cronshaw to enquire whether his company could provide the service to pick up customers to take to and from the Airport from Ardent's base. Mr Cronshaw agreed to this and purchased one of Ardent parking's vehicles a Ford Tourneo registration number SG54 BVM which had become a licensed private hire vehicle.
5. On Monday 19 November 2012 PC Coston and PC James of Essex Police were on patrol in the vicinity of Stansted Airport when they stopped a silver Ford Tourneo registration number SG54 BVM on Long Border Road, Stansted. The driver and sole occupant of the vehicle was a person who is not licensed to drive by this authority. The police officers checked with the relevant insurance company for the vehicle and they confirmed that the driver was not insured to drive without a Council issued licence and he was dealt with accordingly by PC Coston. The vehicle was driven away from the scene by a licensed driver employed by Stansted Transport Services.
6. Later that afternoon Matthew Chamberlain and Deborah Scales, Council Enforcement Officers attended Mr Cronshaw's home address where they asked to see his private hire records. Mr Cronshaw explained that his main line of work was carrying out school contracts for Essex County Council and he had lost all of these. Due to the lack of work he took on the Ardent Parking contract for an initial six months until January 2013. He confirmed he was the owner of the Ford Tourneo vehicle which is in question and that the vehicle is kept at Ardent Parking's address overnight. He confirmed that when work is carried out he invoices Ardent Parking a set fee and he showed an invoice that he had sent to Ardent Parking. Mr Cronshaw was asked for the names of his drivers and he named licensed drivers and also stated that the individual who was stopped by the police carried out work in the office. During the conversation Mr Cronshaw said words to the effect "Ardent have had problems with revoked drivers." As Mr Cronshaw could not produce any paperwork for private hire bookings for his licensed vehicles, he was cautioned for two offences under the LG(MP)A 1976 and replied "I am going to pull the contract on these people they are not worth it, they are nothing but trouble."
7. On 10 December 2012 Mr Cronshaw attended an Interview Under Caution (IUC) at the Council Offices in Saffron Walden with Barry Drinkwater. Mr Cronshaw provided a pre-prepared witness statement at the outset of the interview. In this he explained that he had just come back to the country from holiday when Mr Chamberlain and Mrs Scales visited his property and was suffering jet-lag and had left others to run the business while he was on holiday. Mr Cronshaw explained that when he was asked for the records of his bookings he mis-interpreted the Officers' requests and thought that they were after seeing his finances. He admitted the offence of operating a private hire vehicle with an unlicensed driver on 9 November 2012. The statement went on to explain that Mr Cronshaw interviewed the unlicensed driver

regarding the incident in the presence of the manager of Ardent Parking who had instructed him to drive and made it clear he could not drive licensed vehicles. In the interview Mr Cronshaw explained that bookings are made direct with Ardent Parking and he does not take part in this process. He also explained that the drivers are self-employed but are paid direct by Ardent Parking. Mr Cronshaw confirmed that the records of bookings are kept at Ardent Parking and the sheets of bookings gets emailed to him either weekly or monthly from which he makes his own records. Mr Cronshaw explained that he got involved with Ardent Parking when they approached him to transport customers as they were in trouble with the Council and agreed to take their work on for an initial six months. Mr Cronshaw explained that since the unlicensed driver had been stopped Mr Cronshaw had put steps in place to stop this happening again. This included making the manager of Ardent Parking sign documentation to make sure only licensed drivers are used and also demanding a daily rota to see who are the drivers of the vehicles. When asked if he admitted the offence of failing to keep records of hirings of private hire vehicles Mr Cronshaw said "no."

8. Following the IUC Mr Cronshaw was asked to provide his records of private hire bookings for the last six months. On 3 January 2013 Mr Cronshaw supplied his records of bookings from July to December 2012. These records of bookings followed the same format as Ardent Parking's records. The records show customer arrivals and departures each day and the customer names and contact details. The records do not show the driver of the vehicle or vehicle details which are laid down in the private hire operator's conditions of licensing.
9. Mr Cronshaw attended a further IUC on Monday 28 January 2013 at the Council Offices in Saffron Walden with Mr Drinkwater to discuss the offence of failing to keep records of hirings of private hire vehicles in accordance with licensing conditions. Mr Cronshaw was shown the records of bookings that he supplied to the Council on 3 January 2013 and agreed they were the same. Mr Cronshaw stated Ardent Parking send him the records and he puts them on his own sheet which is what he provided to the Council and so is in effect a duplicate of Ardent Parking's records. It was pointed out to Mr Cronshaw the importance of keeping records which he did appreciate and it was shown that there was no reference to the vehicle or drivers used for jobs which he accepted. After the legislation and private hire operator conditions was shown and explained to him Mr Cronshaw admitted the offence.

## **Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
An unfit person is authorised to operate a private hire company in the district.	1- Members have an awareness of what constitutes a fit and proper person.	4- Permitting unfit persons to operate at private hire company may put the public at risk.	Members consider whether Mr Cronshaw remains a fit and proper person to retain his licence operator licence

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.