

**Committee:** Licensing and Environmental Health Committee

**Agenda Item**

**2**

**Date:** 14 June 2013

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

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(01799 510326)

Item for decision:

## 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 “an offence under, or non-compliance with, the provisions of [Part II of the Act].”

## Recommendations

The committee determine whether the operator should have her 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. Witness statement from PC Coston dated 21 January 2013.
  - c. Letter from Mrs Meecham dated 11 February 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	Under section 62 of the LG(MP)A district

Implications	<p>councils may suspend or revoke an operators 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 than an individual has the right of appeal to a Magistrates Court.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

## Situation

1. Mrs Lynda Meecham of Chestnuts, Latchmore Bank, Great Hallingbury, Bishops Stortford, Hertfordshire, CM22 7PE is the Uttlesford District Council licensed private hire operator of Hallingbury Travel. She was first granted an operator licence on 10 September 2010 and the current licence is due to expire on 31 August 2013.
2. The current operating address for Hallingbury Travel is the home address of Mrs Meecham.
3. Hallingbury Travel currently has two licensed drivers of which Mrs Meecham is one and also the business has one licensed private hire vehicle.
4. On Sunday 13 January 2013 at approximately 19.50 hours PC Coston of Essex Police was on patrol around Stansted Airport. He noticed a male near the Radisson Blu Hotel who appeared to be waiting to be collected although there is a road traffic order preventing vehicles stopping on the Airport Roads. The individual was waiting to be collected and PC Coston waited for the driver of the vehicle to inform them that persons cannot be collected at this location. Mr Barry Meecham came to collect the passenger in a Renault Traffic registration number CV09 PPX which is Uttlesford District Council PHV 879. Mr Meecham was not a licensed driver at the time of the event but was the policyholder of the vehicle's insurance. However PC Coston ascertained that as the vehicle was being used for private hire and Mr Meecham did not hold a

private hire driver's licence the insurance did not cover him to drive the vehicle. PC Coston cautioned Mr Meecham and he explained that his wife Lynda Meecham, held the licence and he was doing her a favour. Mrs Meecham came to the site and picked up the passenger before taking them to their drop off point.

5. Mrs Meecham was invited into the Council Offices in Saffron Walden for an Interview Under Caution (IUC) in February 2013 but failed to attend and requested that it be postponed until a date after 9 March 2013. Mrs Scales, Enforcement Officer for the Council emailed Mrs Meecham and enquired why she wished to have her IUC delayed but received no reply.
6. The Council took proceedings against Mr Meecham for the offence of driving a private hire vehicle without a private hire vehicle drivers licence which is an offence under section 46(1)(b) Local Government (Miscellaneous Provisions) Act 1976. On Tuesday 28 May 2013 the case against Mr Meecham was proved in his absence at Chelmsford Magistrates Court and he was fined £200 and ordered to pay costs of £300 and a victim surcharge of £20.
7. Under s. 46(1)(e)(ii) Local Government (Miscellaneous Provisions) Act 1976 it is an offence to operate a private hire vehicle with an unlicensed driver. Mrs Meecham appears to have committed an offence under Part II of the Act giving rise to a ground for suspension or revocation of her licence.

## 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 with unlicensed drivers may put the public at risk.	Members consider whether Mrs Meecham remains a fit and proper person to retain her private hire operator licence in the light of Mr Meecham's conviction for driving her licensed vehicle.

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.