

Committee:	Licensing and Environmental Health Committee	Agenda Item 9
Date:	10 July 2013	
Title:	Determination of a Private Hire Operator's Licence	
Author:	Murray Hardy (01799) 510598	Item for decision

Summary

This report is to inform Members of an application for the grant of a Private Hire Operator's Licence.

Recommendations

The Committee determine this application.

Background Papers

- A Application for the grant of a Private Hire Operator's Licence.
- B Committee Report by Matthew Chamberlain dated 20 March 2013.
- C Minutes of Licensing and Environmental Health Committee dated 20 March 2013 (extract).
- D Copy of licensing standards.

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.
Finance	None.
Health & Safety	None.
Human Rights/Legal Implications	Members are obliged to grant a licence to an applicant but must not grant a licence unless they are satisfied that the applicant is a fit and proper person. In the event of an application being refused the applicant has a right of appeal to a Magistrates Court. Whilst it is legitimate for councils to have policies, they may not be rigidly bound by them and must be prepared to make exceptions to policy in appropriate

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	<p>circumstances.</p> <p>Under s.55 (3) of the Local Government (Miscellaneous Provisions) Act 1976 on the grant of an operator's licence a council may attach such conditions as it may consider reasonably necessary. An operator who is aggrieved by any condition imposed may appeal to the Magistrates Court.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

- 1 Ian Cronshaw of 1 Washington Meads, Maitland Road, Stansted, Essex has made application to this authority for the grant of a Private Hire Operator's Licence. Examination of the application form does disclose that he did hold such a licence previously but this was revoked by the Committee on 20th March 2013 on the grounds that he no longer met the criteria of being fit and proper.
- 2 The circumstances leading up to the revocation of Mr Cronshaw's licence are set out in the report to the Committee on 20th March 2013. Briefly Mr Cronshaw lost his school contracts. He entered into an arrangement with Ardent Parking, an airport parking business which did not hold an operator's licence with a view to operating private hire vehicles on behalf of that firm. However in practice the operation of vehicles was delegated to Ardent Parking and Mr Cronshaw did not have any real degree of control. As a result records of hirings were not kept in accordance with the conditions attached to the licence and on one occasion (while Mr Cronshaw was out of the country) a private hire vehicle registered to Mr Cronshaw was stopped by police being driven by an unlicensed driver.
- 3 Mr Cronshaw appealed against the revocation of his licence but subsequently withdrew the appeal before it was dealt with by the court.
- 4 Ardent Parking has since changed hands. The new proprietor of the firm has been granted an operator's licence and no longer uses the services of Mr Cronshaw.
- 5 Mr Cronshaw does not meet our licensing standards insofar as he had a Private Hire Operator's licence revoked within the previous 3 years.
- 6 Whilst each case will be dealt with on its individual merits, applications for a licence from a person who fails to meet these standards will not normally be granted.

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- 7 Prior to the revocation of his operator's licence Mr Cronshaw had held an operator's licence from the Council for 9 years without any issues arising from the operation of his business. During that time he operated almost exclusively as a school contract contractor.
- 8 If this application were successful then he would continue to trade under the name of Stansted Transport Services who are based in Birchanger. My understanding is that he will use the licence solely in connection with tendering for county council school contracts and he is prepared to offer this up as a condition of licence.
- 9 Mr Cronshaw does hold a current Private Hire Driver's Licence which will expire on 30th September 2013.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unfit person is authorised to operate private hire vehicles in the district.	1 – Members are aware of and apply our licensing standards.	4 – Permitting unfit persons to operate may cause their passengers to be at risk of personal injury or even death.	Members only grant a licence if they are satisfied that Mr Cronshaw is a fit and proper person.

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.

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