

22 May 2014

Dear Councillor

LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE

An extraordinary meeting of the Licensing and Environmental Health Committee will be held in the Committee Room, Council Offices, London Road, Saffron Walden on Monday 2 June 2014 at 10am.

Yours faithfully

JOHN MITCHELL

Chief Executive

**A G E N D A
PART I**

1	Apologies for absence and declarations of interest.	
2	Determination of a Private Hire Operator's Licence.	3

To: Councillors **D Perry (Chairman)**, H Asker, **J Davey**, J Freeman, **E Hicks**, J Loughlin, M Lemon, D Morson, V Ranger, **J Salmon** and A Walters.

Only those councillors whose names are shown in bold are required to attend.

Lead Officer: Michael Perry (01799) 510416
Democratic Services Officer: Adam Rees (01799) 510548

MEETINGS AND THE PUBLIC

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website www.uttlesford.gov.uk.

Members of the public and representatives of parish and town councils are now permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting. An explanatory leaflet has been prepared which details the procedure and is available from the Council offices at Saffron Walden.

A different scheme is applicable to meetings of the Planning Committee and you should refer to the relevant information for further details.

Please note that meetings of working groups and task groups are not held in public and the access to information rules do not apply to these meetings.

The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

You are entitled to see any of the background papers that are listed at the end of each report.

If you want to inspect background papers or speak before a meeting please contact either Peter Snow on 01799 510430, Maggie Cox on 01799 510433 or Rebecca Dobson on 01799 510433, or by fax on 01799 510550.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

FACILITIES FOR PEOPLE WITH DISABILITIES

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate. If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact Peter Snow on 01799 510430 or email psnow@uttlesford.gov.uk as soon as possible prior to the meeting.

FIRE/EMERGENCY EVACUATION PROCEDURE

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- You should proceed calmly, do not run and do not use the lifts.
- Do not stop to collect personal belongings.
- Once you are outside, please make your way to the flagpole near the visitor car park. Do not wait immediately next to the building.
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Committee: Licensing and Environmental Health Committee **Agenda Item**

Date: 2 June 2014

2

Title: Determination of a Private Hire Operator's Licence

Author: Murray Hardy (01799) 510598

Item for decision

Summary

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

Recommendations

- 2 The Committee determine this application.

Background Papers

The Standard Disclosure and Barring Service Certificate
Licensing Standards - Operators
Private Hire Operator's application form
Committee Report dated 4th March 2014
Minutes of Committee Meeting dated 4th March 2014
Renewal Notice in the name of Mrs M Ockenden dated 11th December 2013
Company House Appointments Vectio Limited
Company House Appointments Vargo Transport Services Limited

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 and Safety	None.
Legal implications and Human Rights	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 the application is refused the

	<p>applicant has a right of appeal to a Magistrates Court.</p> <p>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 circumstances.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

- 1 Megan Ann Ockenden of 116 Sheering Lower Road, Sawbridgeworth, Hertfordshire has made application to this authority for the grant of a Private Hire Operator's Licence.
- 2 In view of details surrounding this application officers believe that it is prudent not to use their delegated powers but to refer this matter to the Licensing and Environmental Health Committee for members to decide this application.
- 3 The applicant does meet our licensing standards as laid down by the current Hackney Carriage and Private Hire Licensing Policy.
- 4 Mrs Ockenden now seeks to apply to this authority for the grant of a licence to operate a company trading as Vectio of whom she is the sole director which is registered as a limited company at Companies House. Furthermore she may at a later stage apply to this authority for a licence in respect of another company trading as Vargo Transport Services Ltd which again she is the sole director. This company is also registered at Companies House. Both companies have been registered for the past 3 months.
- 5 The operating base for both companies will be Unit 10 Heathview, Pond Lane, Hatfield Heath. This address is also the base of a current licensed Private Hire Operator who trades as A2B Contract Cars. The licence in respect of this company was granted on 20th March 2014 to a Philip Hudson who took over the Essex County Council School Contracts in lieu of Car Service Travel who had their licence revoked by this committee on 4th March 2014.
- 6 Mrs Ockenden did work for Car Service Travel in an administrative capacity and was aware of the incidents that lead up to the revocation of the private hire operator's licence and the subsequent prosecutions which resulted in convictions at Colchester Magistrates Court on 8th April 2014. Car Service Travel started operating in this district on 15th December 2011.

- 7 She is currently co-habiting with James Lawson the former director of Car Service Travel but is adamant that he would not be party to any future business ventures that she may undertake.
- 8 If her application were successful she intends to tender solely for Essex County Council School Contracts when the rounds of tendering become available prior to the commencement of the new school curriculum starting in September 2014. It should be noted that she will employ drivers and vehicles licensed by this authority and she does not intend to expand her business outside the remit of school contracts. No vehicles would be kept at Hatfield Heath but they would be taken home by the driver after the completion of the school run. At present she does not hold any school contracts.
- 9 Her plans are to share Unit 10 with A2B Contract Cars but not on a full time basis as she expects to be at Hatfield Heath for only about 2 days per week.
- 10 Mrs Ockenden currently holds a Combined Hackney Carriage/Private Hire Driver's Licence issued by this authority which is due to expire on 31st December 2014. At the time of renewal she indicated that she was driving on behalf of Car Service Travel.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unsuitable person may be permitted to operate.	2 It is likely that members will take note of the association the applicant had previously with Car Service Travel.	3 The public may be put at risk.	The applicant may appeal to a Magistrates Court if she feels aggrieved by any decision members make.



Redacted

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Standard Certificate

Page 1 of 2

Certificate Number **001442766090**Date of Issue: **28 APRIL 2014**

Employment Details

Position applied for:

CHILD AND ADULT WORKFORCE PRIVATE HIRE OPERATOR

Name of Employer:

VECTICO LTD

Countersignatory Details

Registered Person/Body:

LITTLESFORD DISTRICT COUNCIL

Countersignatory:

MURRAY HARDY

Surname: OCKENDEN
 Forename(s): MEGAN ANN
 Other Names: LACEY, MEGAN ANN

Date of Birth:

Redacted

Place of Birth:

FEMALE

Gender:

Police Records of Convictions, Cautions, Reprimands and Warnings

NONE RECORDED

Standard Certificate

This document is a Standard Criminal Record Certificate within the meaning of sections 113A and 114 of the Police Act 1997.

Use of certificate information

The information contained in this certificate is confidential and all recipients must keep it secure and protect it from loss or unauthorised access. This Certificate must only be used in accordance with the Disclosure and Barring Service's (DBS) Code of Practice and any other guidance issued by the DBS. Particular attention must be given to the guidance in the fair use of the information in respect of those whose Certificate reveals a conviction or similar information. The DBS will monitor the compliance of Registered Bodies with this Code of Practice and other guidance.

This Certificate is issued in accordance with Part V of the Police Act 1997, which creates a number of offences. These offences include forgery or alteration of Certificates, obtaining Certificates under false pretences, and using a Certificate issued to another person as if it was one's own.

This Certificate is not evidence of the identity of the bearer, nor does it establish a person's entitlement to work in the UK.

Certificate content

The personal details contained in this Certificate are those supplied by or on behalf of the person to whom the Certificate relates at the time the application was made and that appear to match any conviction or other details linked to that identity.

The information contained in this Certificate is derived from police records, and from records held of those who are unsuitable to work with children and/or adults, where indicated. The police records are those held on the Police National Computer (PNC) that contains details of Convictions, Cautions, Reprimands and Warnings in England and Wales, and most of the relevant convictions in Scotland and Northern Ireland may also be included. The DBS reserves the right to add new data sources. For the most up to date list of data sources which are searched by the DBS please visit the DBS website.

THIS CERTIFICATE IS NOT EVIDENCE OF IDENTITY

Disclosure and Barring Service, PO Box 165, Liverpool, L69 3JD Helpline: 0870 90 90 811

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APPENDIX A

LICENSING STANDARDS – DRIVERS

1. No more than 9 points endorsed on a driver's licence within the last 3 years.
2. No convictions or fixed penalty notices endorsed on a driver's licence within the last 3 years where 6 or more points have been endorsed in respect of a single offence.
3. Where a driver has been disqualified from driving for any reason a licence will not normally be granted for 3 years after the disqualification has expired or 12 months after the date the driver's licence is re-issued whichever is the later.
4. For the purposes of paragraph 3 above where a driver has accumulated 12 or more points in a 3 year period but has not been disqualified at the discretion of the court he or she will be deemed to have been disqualified at the date of the hearing when the magistrates exercised their discretion not to disqualify and the deemed disqualification shall be taken as having expired on that date.

And (save for limited licences as referred to in paragraph 2.5 of the policy):-

5. No criminal convictions which are not deemed to be spent within the meaning of the Rehabilitation of Offenders Act 1974.
6. No conditional discharges for any offence within the last 12 months.
7. No official cautions (save for cautions administered by Uttlesford District Council) for any offences within the last 12 months.
8. No pending prosecutions for any criminal or motoring offence.
9. Not to have had a hackney carriage and/or private hire driver's licence revoked within the last 3 years.
10. To meet group 2 medical standards as published by the Department of Transport.

APPENDIX B

LICENSING STANDARDS – OPERATORS

1. No criminal convictions which are not deemed to be spent within the meaning of the Rehabilitation of Offenders Act 1974.
2. No pending prosecution for any criminal offence (other than motoring offences not referred to in paragraph 3 below).
3. Not to have been convicted of or to have accepted a fixed penalty notice in respect of an offence of driving or using a motor vehicle without insurance in the last 3 years.
4. Not to have had a hackney carriage proprietor's licence or private hire operator's licence revoked within the last 3 years.

UTTLESFORD DISTRICT COUNCIL



APPLICATION FOR A PRIVATE HIRE OPERATOR LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PART II

Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

ALL QUESTIONS SET OUT BELOW MUST BE ANSWERED BY THE APPLICANT AND NOT CROSSED OUT (PLEASE USE BLOCK LETTERS)

- 1 Full names and address of applicant... MEGAN ANN OCKENDEN, 08209137 19 YOEK RD, NORTHAMPTON NN15 9Q9.
2 Name under which the business is to be carried on. VECTIO LTD.
3 Address(es) from which the business is to be carried on. UNIT 10 HEATHVIEW, POND LANE HAIFIELD HEATH, BISHOPS STOETFORD CM22 7AB
4 E-mail address(es). VECTIO LTD@SKY.COM.
5 Telephone No(s) of business address(es). 07701096626.
6 Full names and full address(es) of any other person with whom the applicant proposes to operate any vehicle in partnership. N/A.
7 Number of licensed Private Hire vehicles applicant Intends to operate. SIX.
8 Number of licensed Private Hire vehicle drivers applicant intends to employ/engage. SIX
9 (a) How long have you held either a Hackney Carriage or Private Hire Driver's Licence? (i) Full time (ii) Part time 3 YRS
(b) For whom have you worked? CST LTD + A2B CONTRACT CARS.

Answer the following question on behalf of (i) Yourself AND (ii) any Company of which you are of have been a Director or Secretary AND (iii) any other person with whom you propose to operate any vehicle in partnership AND (iv) (if the applicant is a Company) all Directors and Secretary of the applicant Company :-

- 10 Has any Private Hire Operator's Licence previously held by you been refused, revoked or suspended by this or any other Licensing Authority? If YES, give details and name and address of licensing Authority. NO

11 Have you been convicted of any offence (including motoring offences) in any court? YES/NO NO
 (Please note that you are required to declare convictions which are 'spent' as defined in the Rehabilitation Act 1974)
 If YES, details of conviction must be shown below:-

Offences	Court	Date	Amount of fine	No of penalty points (motoring offences)

12 Is there any prosecution pending against you? YES/NO NO
 If Yes, please give details as follows:-

Alleged Offence	Court	Appearance date

I, the undersigned, hereby apply for a Private Hire Operator's licence to operate Private Hire Vehicles within the District of Uttlesford and I declare that to the best of my knowledge and belief, the foregoing statements are true and correct.

I realise that if for the purpose of obtaining a Private Hire Operator's licence I make any false statement or omit any material particulars, I shall be liable to prosecution.

In the event of a licence being granted to the applicant I undertake:-

- (i) to observe all statutes, byelaws, rules, orders and regulations for the time being in force relating to drivers of private hire vehicles, and
- (ii) to report immediately any conviction recorded against me, the Company or the Directors or Secretary of the Company (as appropriate) after the date of completion of this form to the Assistant Chief Executive - Legal, Council Offices, London Road, Saffron Walden Essex CB11 4ER.

I understand that the information given on this form may be shown to other departments of the Council.

Signature Redacted Date 28th/4/14

Capacity in which the application is signed DIRECTOR
 (SEE NOTE BELOW)

- NOTE:
- (a) This application must be signed by the applicant personally or, in the case of the Company, by a Director or other duly authorised agent of the Company.
 - (b) This application form should be taken or sent to the address on the head of this form together with the application fee of £60

- The current licensing conditions of Uttlesford District Council relating to private hire operators may be found on the Councils website at <http://www.uttlesford.gov.uk/privatehire> or a hard copy will be made available on request.
- Please read the attached Fair Processing Statement

Committee: Licensing and Environmental Health

Agenda Item

Date: 4 March 2014

3

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

Author: Matthew Chamberlain, Enforcement Officer,
(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]” and/or under s.62(1)(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” and/or under s.62(1)(d) “for any other reasonable cause”.

Recommendations

The committee determine whether the operator should have their 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 Transport Monitoring Inspector.
 - c. Email between Murray Hardy and Car Service Travel Limited.
 - d. Transcript of IUC with Mr Alam dated 24 January 2014.
 - e. Transcript of IUC with Mr Lawson dated 29 January 2014.

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 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. Car Service Travel Limited is a private hire company which specialises in school contract work and their operating address is Unit 10 Heathview, Pond Lane, Hatfield Heath, Bishops Stortford, Hertfordshire, CM22 7AB. It was first granted a private hire operator licence by Uttlesford District Council on 15 December 2011 and its current licence is due to expire on 30 November 2014.
2. The Company has one current Director and James Lawson who is not a current Director has control of the day to day running of the business.
3. Car Service Travel Limited currently has 16 licensed vehicles and 15 licensed drivers with this Authority.
4. On 27 November 2013, a Transport Monitoring Inspector for Essex County Council carried out a stop check at Pinewood School in Ware to monitor an Essex County Council school contract. He stopped Uttlesford Private Hire vehicle 1063, a black Vauxhall Zafira registration number KN53 ZSE, which at the time was being driven by a driver who identified himself as Mohammed Alam. Mr Alam did not have a driver's badge with him but had an escort who identified herself and confirmed that she was employed by Car Service Travel Limited.

5. Subsequent checks of the licensing records show that Mr Alam was licensed with this Authority from 3 October 2008 until 5 October 2009 when it was cancelled as he did not renew it.
6. At 13.08 hours on 6 January 2014 two Enforcement Officers attended the operating address of the company in Hatfield Heath. There was no sign advertising Car Service Travel Limited at the address but just a sticker on the door which read 'no callers unless by appointment' and there were no licensed vehicles at the address. A lady came out of a neighbouring unit and explained that she has been there since the previous August but has never seen anyone visit the unit but understands it to be a taxi company.
7. On 7 January 2014 Murray Hardy the Licensing Officer received an application for a replacement vehicle from a company called RTA Chief Car Rentals on behalf of Car Service Travel for private hire vehicle 1063. Mr Hardy emailed Car Service Travel Limited that day to enquire whether the vehicle was involved in an accident and received a response the following day to confirm that the vehicle was involved in an accident. The email confirmed that the accident occurred on 5 December and the driver was Mr James Lawson and the vehicle was stationary at the time. Car Service Travel Limited have failed to submit an accident report form to the licensing department for the accident and only found out about this via a third party.
8. Members are reminded that it is the responsibility of a proprietor of a private hire vehicle to report "damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein." Failure to do this is an offence under section 50(3) Local Government (Miscellaneous Provisions) Act 1976. Car Service Travel Limited has clearly committed this offence.
9. Mr Alam attended the Council Offices on 24 January 2014 and for an Interview Under Caution (IUC) with an Enforcement Officer and the Enforcement Team Leader, and he explained to them that he is a licensed private hire driver with Harlow Council. He told the officers that he did drive the Uttlesford Licensed private hire vehicle on 27 November 2013 on behalf of Car Service Travel Limited. Mr Alam stated that the usual driver was unwell and Mr Ashman requested that he do the school run in both the morning and afternoon which he did and he claims he was paid £40 for the job.
10. On 29 January 2014 Mr Lawson attended an IUC conducted by an Enforcement Officer and the Enforcement Team Leader. The IUC started at 11.41 hours. Mr Lawson confirmed that Car Service Travel Limited had been running for 30 years first of all licensed with Epping Council before being licensed by Uttlesford District Council two years ago. He confirmed that he was a Director until last year and his daughter is the sole Director. He has managerial responsibility for the business and his daughter has given him permission to sign documents on behalf of the company. Mr Lawson confirmed that Car Service Travel Limited operate from Unit 10 Heathview, Pond Lane, Hatfield Heath and that the records of bookings are kept there. When asked why the Enforcement Officers were unable to gain access to the office he said it is not manned 24 hours a day seven days a week, but instead

for about one and a half hours three times a week. Mr Lawson confirmed that he knew Mr Alam and he had driven on one occasion for Car Service Travel Limited in an Uttlesford licensed private hire vehicle in November 2013. Mr Lawson told the officers that he was aware Mr Alam was not licensed by Uttlesford District Council and was only licensed by Harlow Council. Mr Lawson explained that the driver who usually drives this vehicle was not available so Mr Lawson asked could he do the job and when he confirmed that he was available Mr Lawson dropped the private hire vehicle off to him. Mr Lawson confirmed that Mr Alam did the school contract on both the morning and afternoon of 27 November 2013. It was queried with Mr Lawson whether the Director of the company was told Mr Alam would be doing the school run and he explained that he notified her between 1.30pm-2pm that day before the afternoon school run. Mr Lawson was also questioned regarding the failure to report the accident involving private hire vehicle 1063 on 5 December 2013. He said that the licensed vehicle was parked at the side of the road by the office compound after he had driven it there. A car then hit the licensed vehicle from the rear and according to Mr Lawson caused damage to the bumper and tow bar. He told the officers that it was his fault that the accident had not been reported but this was due to his heavy workload. He claimed that he did not know where to get an accident report form from. The IUC finished at 12.00 hours.

11. In the opinion of the Assistant Chief Executive Legal it is in the public interest to prosecute Car Service Travel Limited two offences under the Local Government (Miscellaneous Provisions) Act 1976. One is for the offence of operating a Private Hire Vehicle with an unlicensed driver which carries a maximum penalty of £1000 upon prosecution and the other of failing to notify the Council of an accident which also carries a maximum penalty of £1000. As the company has pending prosecutions against them then they fall below the Council's licensing standards for private hire operators.
12. The Council's Licensing Policy Relating to the Hackney Carriage and Private Hire Trades provides at paragraph 6.12 "With regard to operators the Council recognises that the suspension of an operator's licence, even for a short period of time, is likely to be disproportionate. It is also likely to impact upon innocent parties as the effect of a suspension of the operator's licence is to deprive the drivers working for that operator of an income for the period of the suspension. The Council's policy is therefore that where an operator has committed an offence a suspension should not be imposed and a prosecution should be brought even for a first offence." The prosecution authorised by the Assistant Chief Executive – Legal is consistent with this policy. It does however leave the question for members to determine as to whether the company remains fit and proper to hold an operator's licence.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unfit person is authorised to operate a private hire company in	1- Members have an awareness of what	4- Permitting unfit persons to operate a private hire	Members consider whether Car Service Travel Limited remains fit and proper

the district.	constitutes a fit and proper private hire operator.	company with unlicensed drivers may put the public at risk.	to retain their private hire operator's licence in the light of their pending prosecution.
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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.

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE held at COUNCIL OFFICES SAFFRON WALDEN at
2.30pm on 04 MARCH 2014**

Present: Councillor D Perry (Chairman)
Councillors J Davey, E Hicks and V Ranger

Officers in attendance: M Chamberlain (Enforcement Officer), M Perry (Assistant Chief Executive – Legal) and A Rees (Democratic Services Support Officer)

Others in attendance: B Drinkwater (ULODA – Co Vice-Chair)

LIC58 **APOLOGIES FOR ABSENCE**

No apologies for absence were received

LIC59 **ITEM 2 – DETERMINATION OF A PRIVATE HIRE/ HACKNEY
CARRIAGE DRIVERS LICENCE – MR YARDLEY**

The Assistant Chief Executive – Legal said that the driver had surrendered his licence to the Council and therefore the report was withdrawn.

LIC 60 **ITEM 3 – CONSIDERATION OF A PRIVATE HIRE
OPERATORS LICENCE – CAR SERVICE TRAVEL LIMITED**

No one appeared to represent Car Service Travel Limited. The Assistant Chief Executive – Legal informed the Committee that the company had not made contact with the council and had not requested that the meeting be adjourned or deferred. In the circumstances the Committee decided to proceed with the consideration of the matter in the company's absence. The Enforcement Officer said that Car Service Travel Limited was a private hire company, first granted a private hire operator's licence by the Council on 15 December 2011. This was due to expire on 30 November 2014. The company has one Director. James Lawson, who was not currently a Director, controlled the day to day running of the business. On 27 November 2013, a Transport Monitoring Inspector for Essex County Council carried out a stop check to monitor an Essex County Council school contract. He stopped Uttlesford Private Hire vehicle 1063. The driver identified themselves as Mohammed Alam, but did not have his driver's badge with him. An escort, with him at the time, confirmed his identity and that she was employed by Car Service Travel Limited. Mr Alam had held a license with this Authority, but this had expired on 5 October 2009. On 6 January 2014, two Enforcement Officers attended the operating address of the company. There was no sign advertising the company operated at the address. A lady from a nearby unit said that she had never seen anyone enter the unit, but understood it to be a taxi company. On 7 January 2014, the Licensing Officer received an application for a replacement vehicle from RTA Chief Car Rentals on behalf of Car Service Travel Limited for private hire vehicle 1063. The

Licensing Officer e-mailed Car Service Travel Limited that day to enquire whether the vehicle had been involved in an accident. A response was received the following day stating that the vehicle had been in an accident on 5 December. Failure to notify the Council of such an accident was an offence under section 50(3) Local Government (Miscellaneous Provisions) Act 1976. On 29 January 2014, Mr Alam attended an Interview Under Caution. He said he was licensed with Harlow Council. He did drive the Uttlesford Licensed private hire vehicle on 27 November 2013, in both the morning and afternoon. Mr Lawson had paid him £40 for the job. On 29 January 2014, Mr Lawson attended an Interview Under Caution. He said Car Service Travel Limited had been licensed by the Council for two years. He had been a Director of the company, but his daughter was now the sole Director. He confirmed the operating address of the company was Unit 10 Heathview, Pond Lane, Hatfield Heath. When asked why the Enforcement Officers could not gain access to the office, he said it was only in use for one and a half hours three times a week. The driver who ordinarily carried out the contract was unavailable, so he contacted Mr Alam to ask him to undertake the job notwithstanding that Mr Lawson knew that Mr Alam was not licensed by Uttlesford District Council. He informed the Director during the day that the contract was carried out by Mr Alam. Mr Lawson was also questioned regarding the failure to report the accident on 5 December 2013. He said the car was parked at the side of the road and was hit by another vehicle. The rear bumper and tow bar were damaged. It was his fault the accident was not reported. He blamed a heavy workload. It was the opinion of the Assistant Chief Executive – Legal that it was in the public interest to prosecute the company for two offences under the Local Government (Miscellaneous Provisions) Act 1976: operating a Private Hire Vehicle with an unlicensed driver and failure to notify the Council of an accident. Both carry a maximum fine of £1000. The company has pending prosecutions against them meaning they fell below the Council's licensing standards for private hire operators. The Council's Licensing Policy Relating to the Hackney Carriage and Private Hire Trades suspension would have been disproportionate. Prosecution should be brought, even for first offences. The prosecution authorised by the Assistant Chief Executive – Legal was consistent with this policy. It was up to members to determine whether the company remained a fit and proper persons to hold an operator's licence.

Councillor Perry asked what was required when a temporary replacement vehicle was needed. Mr Alam was used on more than one occasion, highlighting that Car Service Travel Limited would likely continue to use unlicensed drivers when needed. What was happening to Mr Alam?

The Assistant Chief Executive – Legal said that where a licensed vehicle was damaged and a replacement was hired a temporary licence was granted for the vehicle.

The Enforcement Officer said that Mr Alam was being prosecuted.

Councillor Hicks asked what the vehicle was doing between 23 November 2013 and 5 December 2013.

Councillor Perry asked whether it was possible to gain access to the vehicle records.

The Enforcement Officer said that it was not known what the vehicle was doing between the two dates. It was not possible to gain access to the vehicle records.

LIC61

EXCLUSION OF THE PUBLIC

RESOLVED that under section 100I of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

The Enforcement Officer and Mr Drinkwater left the room at 2.45pm so the Panel could consider its decision. The Enforcement Officer and Mr Drinkwater were invited back into the room at 4.20pm when the Committee gave its decision.

DECISION

Councillor Perry read the following statement. "Car Service Travel Ltd is a private hire operator licensed by Uttlesford District Council. It was first licensed in December 2011 and the current licence is due to expire on 30 November 2014. Apparently the company has a number of school transport contracts. Its operating address is given as Unit 10 Heathview, Pond Lane Hatfield Heath.

On 27 November 2013 an employee of Essex County Council was monitoring drivers undertaking school contracts on behalf of that authority. He approached the driver of an Uttlesford District Council licensed vehicle operated by Car Service Travel Ltd and asked to see his driver's badge. The driver, a Mr Alam, did not have a badge with him. Uttlesford District Council was informed of this and upon checking found that Mr Alam was not licensed as a driver by this authority. This gave rise to suspicion that offences under the Local Government (Miscellaneous Provisions) Act 1976 may have been committed as under that Act it is illegal for an individual to drive a private hire vehicle licensed by this council unless he holds a driver's licence also issued by this council. For the operator of the vehicle it is an offence to operate a vehicle licensed by this council if it is driven by a driver who is not also licensed by this council.

Enforcement officers invited Mr Alam and a representative of the company to attend interviews under caution at the Council Offices. Mr Alam was interviewed on 24 January 2014. In his interview Mr Alam said that he was licensed as a private hire driver by Harlow District Council. He was approached by Mr Lawson of Car Service Travel to do a driving job on behalf of that company. He knew that his licence authorised him to drive in

Harlow. He was not sure whether he could drive vehicles licensed by Uttlesford. He said that he asked Mr Lawson if it was OK for him to drive a Car Service Travel vehicle and Mr Lawson said that it was. He acknowledged that he did not enquire of this council as to whether it would be legal for him to drive. During the course of the interview Mr Alam said that he had driven on behalf of Car Service Travel on other occasions. On those occasions he had used his own car licensed by Harlow. The reason he had used Car Service Travel's car on the date he was stopped by Essex County Council was that his vehicle had been broken into. Mr Alam said that he was paid £40 in cash for the job.

Mr Lawson was interviewed under caution on behalf of Car Service Travel on 29 January 2014. He said that the company had been engaged in the private hire trade for 30 years, originally in Epping but since 2011 in Uttlesford. He said that he had previously been a director of the company but now his daughter was the sole director. He described himself as the manager. Mr Lawson said that the company was familiar with the conditions of an operator's licence.

Mr Lawson acknowledged that he knew Mr Alam. He said that he knew Mr Alam's cousin and had known the family for quite a few years although he had only known Mr Alam for about a couple of months. Mr Lawson said that Mr Alam had driven for the company on only one occasion, in November 2013. The driver who was to undertake the contract concerned was unable to undertake the booking and Mr Lawson asked Mr Alam if he would do so. Mr Lawson delivered the Uttlesford licensed vehicle to Mr Alam the day before the booking for that purpose. Mr Lawson acknowledged that he was aware that Mr Alam did not hold a driver's licence from this council. He said that he asked Mr Alam to drive because he was stuck to get the children into school. He said he knew it was against the rules but that he had to get the contract covered. Mr Lawson did not appear to be aware at the time of the interview that using an unlicensed driver was an offence under the legislation, not merely a breach of the council's rules. Mr Lawson denied that he paid Mr Alam anything for undertaking the job.

During the interview under caution enforcement officers raised the issue of a further offence. A vehicle licensed by the council was involved in an accident on 5 December. Mr Lawson was the driver at the time. Where a licensed vehicle is damaged as a result of an accident the proprietor has a duty to report this to the council within 72 hours. No such report was made and the first time the council became aware of the accident was when an application was made for a licence for a replacement vehicle. Mr Lawson had no reasonable explanation as to why the accident had not been reported as required by the legislation but accepted that he was responsible for the failure on the part of the company.

There are differences in the accounts given by Mr Alam and Mr Lawson in their respective interviews under caution. The company has chosen not to send Mr Lawson or any other representatives today to enable the company's position to be explained. The Committee have therefore had to

form a view as to which version of events it prefers. It notes that Mr Alam acknowledged that he had driven for Car Service Travel on more than one occasion. In particular he said that he had carried out the school run to and from the school on 27 November 2013 and had driven his own car for the company on one or two other occasions. Mr Lawson on the other hand initially maintained that Mr Alam had driven for the company once only on the morning of 27 November, only later acknowledging that Mr Alam had done the evening journey back from school as well. In the context of an interview under caution for an offence of driving whilst unlicensed Mr Alam was admitting offences on other occasions that the council was not otherwise aware of. The Committee consider it highly unlikely that Mr Alam would have made such admissions if they were not true. Further Mr Alam said that he was paid about £40 in cash for the jobs. Mr Lawson denies that Mr Alam was paid any money. On Mr Lawson's version of events he had known Mr Alam for only a short period of time and they did not have a close relationship. Mr Alam drives for a living. The Committee cannot conceive any reason why he should agree to undertake these journeys without payment and believes that he was paid as he stated. Where there are differences in accounts the Committee therefore finds the version given by Mr Alam more reliable.

The council's policy provides that where there is a breach of the legislation or of a condition there should normally be a sanction imposed. For drivers a sanction may take the form of a suspension of the licence for a short period, a formal caution or a prosecution. However for operators the policy states that suspension of an operator's licence, even for a short period of time, is likely to be disproportionate. It is also likely to impact upon innocent parties as the effect of a suspension of the operator's licence is to deprive the drivers working for that operator of an income for the period of the suspension. The council's policy is therefore that where an operator has committed an offence a suspension should not be imposed and a prosecution should be brought even for a first offence. The Committee understands that prosecutions have been authorised consistent with this policy.

The policy also states that the council expects the legislation relating to the hackney carriage and private hire trades and the conditions attached to licences to be observed and will take action in respect of any breaches. Drivers or operators who cease to meet the council's licensing standards are likely to have their licences revoked. The Committee must not slavishly follow its policy and must be prepared to depart from it in appropriate cases. However where a departure from policy is sought the onus is upon the person seeking the exception to justify it. In the absence of any representations from the company the Committee can see no grounds which would suggest that a departure from policy is appropriate.

Under s.62 of the Act the council can suspend, revoke or refuse to renew a licence on any of 4 statutory grounds. For the reasons given suspension of the operator's licence would not be appropriate in this case. The Committee are therefore left with the options of either taking no action or revoking the licence.

In the view of the Committee 3 of the 4 statutory grounds apply in this case. s.62 (1)(a) provides that a licence may be revoked for any offence under, or non-compliance with the provisions of Part 2 of the Act. Unlike drivers this subsection does not require a conviction. Car Service Travel through its representative at interview under caution acknowledged that it had committed 2 offences under the Act namely operating a vehicle when the driver was not licensed by this council and failing to notify the council of an accident within 72 hours of it occurring.

s.62 (1)(b) of the Act provides that a licence may be revoked because of any conduct on the part of the operator which appears to render him unfit to hold an operator's licence. The decision to use an unlicensed driver was a deliberate one. Mr Lawson acknowledged in interview under caution that he knew it was against the rules. On the basis of Mr Alam's account (which the Committee accepts) Mr Lawson assured Mr Alam that it was lawful for him to drive notwithstanding that he was not licensed by this council. He therefore lied to Mr Alam to secure his services. Further on Mr Alam's evidence he had driven for the company before. This demonstrates that the company will use unlicensed drivers to suit its convenience. That position is wholly unacceptable. The Committee take a particularly dim view of operators using unlicensed drivers. Whilst Mr Alam was licensed by another authority, that did not authorise him to drive vehicles licensed by this council. It is for each council to determine its standards for drivers and to decide what checks to carry out. Uttlesford District Council had no current knowledge as to the suitability of Mr Alam at the time he drove for Car Service Travel.

Finally s.62 (1)(d) provides that a licence may be revoked for any other reasonable cause. Operators licences may only be granted where a council is satisfied that an applicant is a fit and proper person. It follows that where an operator is found no longer to be a fit and proper person the licence should be revoked. In determining whether an operator is fit and proper the Committee has regard to its policy incorporating the licensing standards for operators one of which is "no pending prosecution for any criminal offence". Car Service Travel no longer meet this standard and therefore are not on the face of it to be considered fit and proper persons to hold an operator's licence. As mentioned previously the company has not made any representations to attempt to justify departure from policy.

Further under this ground Mr Lawson is the manager of the company and therefore in day to day control. The policy states that operators are expected to know the law as it relates to them and observe it. Mr Lawson exhibits an ignorance of the law in that he appeared to be unaware that using an unlicensed driver and failing to report an accident were not merely breaches of condition but were offences under the Act. He also believed that the operating address was merely the place where the records have to be kept rather than the place from which the business of making provisions for the acceptance of bookings for hire should be carried on. The Committee are also most concerned that on Mr Lawson's account he discussed his decision to ask Mr Alam to drive for the company with the company's sole director who was not happy with it but

appeared to acquiesce. The absence of management control over an illegal act again indicates that the company is not a fit and proper person.

For the reasons given the Committee therefore revokes the operator's licence held by Car Travel Service Ltd under the grounds set out in s.62 (1) (a) (b) and (d) of the Act."

The meeting ended at 4.35pm.

To: Licensing Section

Office code: GLE 001 X131

From: MRS M OCKENDEN

Badge No: PH/HC001

I wish to apply to renew my Combined HC/PH Driver Licence

Our records show you working for CAR SERVICE TRAVEL LTD. If this is incorrect please advise us.

Has there been any changes in your medical condition during the last 12 months ~~YES~~/NO

Have you in the last year been convicted of, or cautioned for, any offence (including motoring offences), been issued with a Fixed Penalty notice or is there any prosecution pending against you? ~~YES~~/NO If YES please give particulars, otherwise write none.

I confirm there are no other changes to record, **and my payment and copy of my DVLA counterpart licence are enclosed**

Signed:

Redacted

Date:

11/12/13



KEEP THIS SAFE

Counterpart Driving Licence

I 4573257

D740

Important Document - The photocard and paper counterpart should be kept together. Both must be produced when required.

1040501108 / 1321

MRS MEGAN ANN OCKENDEN

Redacted

63000

113002



Document number

112481722035

Driver number

OCKEN 654266 MA9KS

Issue number

83A

You can Renew, Update, Exchange, Replace or Apply for your driving licence ONLINE. Go to: www.direct.gov.uk/driverslicence

Provisional Entitlement

Category	From	Until	Codes
A	26 04 83	25 04 36	01
GH	26 04 83	25 04 36	01

Entitlement History (see Section 3 overleaf)

Category	From	Until	Codes

Category	From	Codes

Endorsements (as supplied by Convicting Court)

Convicting Court code	Date of conviction			Offence code	Date of offence			Fine £	Disqual. period	Other	Penalty points
	Day	Month	Year		Day	Month	Year				

NOTE: < means "earlier than"

You may only drive the above if you hold current entitlement for a higher category.

Official Use

Changes to your permanent address, please write clearly in the boxes using CAPITAL LETTERS IN BLACK INK. (See Section 5 overleaf)

New house No. _____ New Post Code _____

New address _____

RECEIVED

13 DEC 2013

Licensing
Uttersford DC

This document must not be used for change of name. For change of name please fill in and send us a 'Application for a driving licence' (D1) form, which is available to order from www.direct.gov.uk/motoringforms and to pick up at Post Office® branches.

Send the filled in form with your photocard and counterpart licence to DVLA, Swansea, SA99 1BN

Sign in the white box to confirm changes

Signature box

Date _____

An executive agency of the Department for Transport

COMPANY APPOINTMENTS

Registered No.: 08209137
Name: VECTIO LIMITED

Address: 19 YORK ROAD
 NORTHAMPTON
 NORTHAMPTONSHIRE
 NN1 5QG

Company Appointments: 1 / Resignations: 2

Exclude Resignations

To view details of other appointments held, click on the appropriate underlined name.

(Charge : £1.00 per officer selection)

OCKENDEN, MEGAN ANN MRS

Redacted

DIRECTOR
Appointed: 05/03/2014
Nationality: BRITISH
Occupation: ADMINISTRATOR

UNITED KINGDOM

Appointments: 2

KAHAN, BARBARA MRS

Redacted

DIRECTOR
Appointed: 11/09/2012
Resigned: 11/09/2012
Nationality: BRITISH
Occupation: CONSULTANT

UNITED KINGDOM

Appointments: 16541

LAWSON, CLAIRE AMELIA MISS

Redacted

DIRECTOR
Appointed: 11/09/2012
Resigned: 05/03/2014
Nationality: BRITISH
Occupation: DIRECTOR

UNITED KINGDOM

Appointments: 3



Companies House

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Company Details

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Name & Registered Office:

VARGO TRANSPORT SERVICES LIMITED
 UNIT 10 HEATH VIEW POND LANE
 HATFIELD HEATH
 BISHOPS STORTFORD
 HERTS
 ENGLAND
 CM22 7AB
 Company No. 08936505

Status: Active

Date of Incorporation: 12/03/2014

Country of Origin: United Kingdom

Company Type: Private Limited Company

Nature of Business (SIC):

None Supplied

Accounting Reference Date: 31/03

Last Accounts Made Up To: (NO ACCOUNTS FILED)

Next Accounts Due: 12/12/2015

Last Return Made Up To:

Next Return Due: 09/04/2015

Previous Names:

No previous name information has been recorded over the last 20 years.

UK Establishment Details

There are no UK Establishments associated with this company.

Overseas Company Info

There are no Overseas Details associated with this company.

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Have you got a question?

COMPANY APPOINTMENTS

Registered No.: 08936505
Name: VARGO TRANSPORT SERVICES LIMITED

Address: UNIT 10 HEATH VIEW POND LANE
HATFIELD HEATH
BISHOPS STORTFORD
HERTS
ENGLAND
CM22 7AB

Company Appointments: 1 / Resignations: 0

Exclude Resignations

To view details of other appointments held, click on the appropriate underlined name.

(Charge : £1.00 per officer selection)

OCKENDEN, MEGAN ANN MRS

DIRECTOR

Appointed: 12/03/2014

Nationality: BRITISH

Occupation: COMPANY DIRECTOR

Redacted

UNITED KINGDOM

Appointments: 2
