

Committee: Licensing and Environmental Health

Agenda Item

Date: 13 November 2014

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Title: **Determination of a Private Hire Operators Licence – SHFT Ltd**

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)(d) Local Government (Miscellaneous Provisions) Act 1976 under the heading “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. Companies House search for SHFT 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.
Health and Safety	None.
Human Rights/Legal Implications	Under section 62 of the LG(MP)A district councils may suspend or revoke an operators licence for (a) any offence under, or non-compliance with, the provisions of this Part of this Act;

	<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. SHFT Limited (Stansted Hassle Free Transfer) is a licensed private hire company and its operating address is Body Worx, Hales Farm, High Cross Lane East, Great Dunmow, Essex, CM6 1TQ. It was first granted a private hire operator's licence on 16 June 2014.
2. The Company is registered with Companies House (registration number 09070021) and the company became active on 4 June 2014. A Companies House search has revealed that the Company has one sole Director called Jodie Hamby. The status of the company is still listed as active.
3. SHFT Limited currently has no licensed vehicles and four licensed drivers with this Authority one of which is Miss Hamby. Miss Hamby's licence was granted on 29 May 2014, and the other driver's licences were granted on 16, 22 and 28 July 2014.
4. During July 2014, the Licensing department had been trying to contact Miss Hamby as they had not received all the required documentation or fee for a silver Ford Transit registration number EX04 KWA, which SHFT Limited was trying to get licensed. The Council did receive the vehicle test sheet for the vehicle on 11 July 2014 where the vehicle had passed its Council test. The Council has still not received any of the required documents or fee as yet.
5. At the end of July 2014 the Licensing department had been trying to contact Miss Hamby as the Council had not received any documentation or fee for a white Vauxhall Astra registration number LN06 RTV which SHFT Limited was trying to get licensed. The Council did however receive a vehicle test sheet for the vehicle on 23 July 2014 where the vehicle passed its Council test but once again the Council has still not received all the required documents and fee.

6. On Monday 30 June 2014 two Enforcement Officers visited the private hire operator address of SHFT Limited which was a mechanics garage. The Officers asked if Miss Hamby was present and a male who identified himself as the manager of the garage said “no he was not.” The manager explained that he has a key and he comes and goes as he pleases. There were no licensed vehicles on site to indicate a private business was based there.
7. On 6 August 2014, two Enforcement Officers went to the operating address of SHFT Limited to inspect the record of private hire bookings. One officer asked one of the mechanics was Miss Hamby present and the mechanic responded to say that he had never heard of her but to go to the office (inside the mechanics). The Officers went to the office and spoke to a lady called Nicola who explained that she works for the mechanics but has nothing to do with Miss Hamby's business. She said that Miss Hamby had been there that morning but was gone for the day. She took the Officer's contact details and said she would get Miss Hamby to call the Officer, however no communication was received from Miss Hamby.
8. On 26 September 2014, the Council's Enforcement Officer wrote to Miss Hamby at the operating address of SHFT Limited and requested her to produce within seven days all records of private hire bookings since 16 June 2014 (when the licence was granted). The Enforcement Officer has not had any form of response from Miss Hamby or SHFT Limited in relation to his request.
9. As the company has failed to obtain any private hire vehicle licences, contact Council officers after visits or produce records of private hire bookings upon request by an authorised officer it appears that the company does not appear to be trading or having any intention to trade.

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 private hire operator.	4- Permitting unfit persons to operate a private hire company with unlicensed drivers may put the public at risk.	Members consider whether Car Service Travel Limited remains fit and proper to retain their private hire operator's licence as they have no licensed vehicles and are failing to comply with authorised officer's requests.

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.