



Uttlesford District Council

Chief Executive: John Mitchell

Licensing and Environmental Health

Date: Monday, 20 April 2015
Time: 14:00
Venue: Town Hall, Market Square
Address: [Venue Address]

Members: Councillors H Asker, J Davey, J Freeman, E Hicks, J Loughlin, D Morson, D Perry (Chairman) V Ranger, J Salmon, A Walters and L Wells.

AGENDA PART 1

Open to Public and Press

- 1 Apologies for absence and declarations of interest.
- 2 Determination of a Private Hire Operator's Licence - Concept Chauffeurs Limited 3 - 20

PART 2 Exclusion of the Public and Press

Consideration of an item containing exempt information within the meaning of paragraphs 1 and 2 of schedule 12A of the Local Government Act 1972

- 3 Determination of a Private Hire/Hackney Carriage Driver's Licence
- 4 Determination of a Private Hire Driver's Licence
- 5 Determination of a Private Hire/Hackney Carriage Driver's Licence

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Website: www.uttlesford.gov.uk

Committee: Licensing and Environmental Health

Agenda Item

Date: 20 April 2015

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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 operator's licence. The suspension or revocation for the operator's licence is in accordance with section 62(b) and (d) Local Government (Miscellaneous Provisions) Act 1976 under the headings "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 "for any other reasonable cause" respectively.

Recommendations

The committee determine whether the company should have their private hire operator 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's standards.
 - b. Companies House check.
 - c. Change of registered office address.
 - d. Copy of logbook for licensed vehicle.
 - e. Copy of insurance document for licensed vehicle.
 - f. Letter to Company Director dated 12 February 2015.
 - g. Letter to Company Director dated 12 March 2015.

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 61 of the LG(MP)A district councils may suspend or revoke an operator's licence for:</p> <p>(1) (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 an operator has the right of appeal to a Magistrates Court.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

1. Concept Chauffeur Limited currently holds a private hire operator (PHO077) which is due to expire on 31 July 2015. The Company was first granted this licence on 4 February 2013.
2. The Company has one sole Director. The current licence is due to expire on 31 July 2015.
3. According to the current records held by the licensing department Concept Chauffeurs Limited has one licensed private hire vehicle, and one licensed driver.
4. The Enforcement department first investigated Concept Chauffeurs Limited in January 2015 after the private hire vehicle test expired on 6 January 2015, after the Company had not arranged a new test. It did however pass a vehicle test on 19 January 2015.

5. The licensing records for Concept Chauffeurs Limited state that the address of the holder of the licence and operating address is Goddard House, 86 High Street, Great Dunmow, Essex, CM6 1AP.
6. Concept Chauffeur Limited is registered on Companies House as an active company (Company number 08586131) which is registered at 5 Ducketts Wharf, South Street, Bishops Stortford, Hertfordshire, CM23 3AR. Companies House records also indicate that this became the new registered address for the company on 24 November 2014 after leaving Goddard House, 86 High Street, Great Dunmow, Essex, CM6 1AP.
7. Concept Chauffeurs Limited has obtained the private hire vehicle licence for its vehicle (PHV329) at the address of Goddard House, 86 High Street, Great Dunmow. The Company reapplied for its renewal on 12 December 2014 and the new licence is not due to expire until 31 December 2015. The company also registered the car with the DVLA at this address on 24 November 2014. The company director obtained a temporary insurance policy for the vehicle commencing on 1 December 2014 in his name at 86 High Street, Great Dunmow instead of the Company name which it is registered in.
8. At approximately 14.00 hours on Friday 6 February 2015 an Enforcement Officer carried out a visit to the operating address of Concept Chauffeur Limited at Goddard House, 86 High Street, Great Dunmow to inspect the record of private hire bookings. The Enforcement Officer spoke to an employee of another company at the address who confirmed that the building houses a number of small offices to let and his office is the only one there at present. He showed the Company's old office which was empty with no belongings in and he said the Company moved out about six months ago and he did not have a forwarding address. The Director of the Company did apparently go back occasionally to pick up post from the address.
9. A letter was sent to the Company Director on 12 February 2015, asking requesting the Company supply the new address for the Company to the Council for the private hire operator licence and for the Private Hire vehicle licence, of which the Company is the proprietor of. The letter also asked the Company to explain why they did not inform the Council within seven days of these changes taking place. The letter also gave the Company Director until 23 February 2015 to supply the Council with his record of private hire bookings from 1 January 2015 to present. This letter was sent to Goddard House, 86 High Street, Great Dunmow.
10. No response was received by the Company and another letter was sent on 12 March 2015, giving the Company a further seven days (until 19 March 2015) to supply the required information. At the date of this report no information has been forthcoming from the Company.
11. Under the Council's policy for the private hire and hackney carriage trade it is a condition of the proprietor of the private hire vehicle and private hire operator licences that they notify that Council of any change in residential or operator address within seven days. It is clear that the Company has failed to do this.

12. It appears that the Company made false statements to obtain a private hire operator licence and private hire vehicle licence upon renewal regarding its addresses. The Company also failed to provide the Council with its record of private hire bookings on two occasions under section 56(3) Local Government (Miscellaneous Provisions) Act 1976. The Company now appears before members for them to determine whether it remains a fit and proper to retain its private hire operator due to the failure to notify the Council of a change of address and lack of co-operation with the Enforcement Officer's requests.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unfit person is authorised to operate the transport of members of the public in a licensed private hire vehicle.	1- Members have an awareness of what constitutes a fit and proper private hire operator.	4- Permitting unfit persons to operate licensed vehicles.	Members consider whether Concept Chauffeurs Limited remains fit and proper to retain its private hire operator licence as it failed to comply with the conditions of its licence and has not co-operated with the Council's investigations.

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.

APPENDIX B

LICENSING STANDARDS – OPERATORS

1. No criminal convictions for an offence of dishonesty in respect of which a custodial sentence (including a suspended custodial sentence) was imposed
2. No criminal convictions for an offence of dishonesty in respect of which a non-custodial sentence was imposed or convictions under Part II Local Government (Miscellaneous Provisions) Act 1976 within the last 5 years
3. No other criminal convictions which are not deemed to be spent within the meaning of the Rehabilitation of Offenders Act 1974.
4. No pending prosecution for any criminal offence (other than motoring offences not referred to in paragraph 5 below).
5. 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.
6. Not to have had a hackney carriage proprietor's licence or private hire operator's licence revoked within the last 3 years.



Companies House

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Name & Registered Office:
CONCEPT CHAUFFEURS LTD
 5 DUCKETTS WHARF
 SOUTH STREET
 BISHOP'S STORTFORD
 HERTFORDSHIRE
 CM23 3AR
Company No. 08586131

Status: Active**Date of Incorporation:** 26/06/2013**Country of Origin:** United Kingdom**Company Type:** Private Limited Company**Nature of Business (SIC):**
49390 - Other passenger land transport**Accounting Reference Date:** 30/06**Last Accounts Made Up To:** 30/06/2014 (TOTAL EXEMPTION SMALL)**Next Accounts Due:** 31/03/2016**Last Return Made Up To:** 26/06/2014**Next Return Due:** 24/07/2015**Mortgage: Number of charges:** (0 outstanding / 0 satisfied / 0 part satisfied)**Last Members List:** 26/06/2014**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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Change of Registered Office Address

Company Name: **CONCEPT CHAUFFEURS LTD**

Company Number: **08586131**



X3LC9LPE

Received for filing in Electronic Format on the: **24/11/2014**

New Address Details

New Address: **5 DUCKETTS WHARF SOUTH STREET
BISHOP'S STORTFORD
HERTFORDSHIRE
ENGLAND
CM23 3AR**

Please Note:

The change in the Registered Office does not take effect until the Registrar has registered this form. For 14 days, beginning with the date that a change of Registered Office is registered, a person may validly serve any documentation on the company at its previous Registered Office.

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Liquidator, Administrator, Administrative Receiver, Receiver, Receiver Manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.

4. Vehicle details

A Registration number **F18 CPT** 2 [A.1] Validation character **V** 3

B Date of first registration **15 11 2013**
 [B.1] Date of first registration in the UK **15 11 2013**

D.1 Make **MERCEDES-BENZ**
 D.2 Type **639/2**

Variant **LAA31305N**
 Version **3A2G2U28**

D.3 Model **VIANO AMBIENTE 2.2 CDI BLUE-CY**
 D.5 Body type **MPV**
 [D.6] Taxation class **DIESEL CAR**
 [D.8] Suspension Type
 [Y] Revenue weight **3050 KG GROSS**
 P.1 Cylinder capacity (cc) **2143 CC**
 V.7 CO₂ (g/km) **214 G/KM**
 P.3 Type of fuel **HEAVY OIL**
 S.1 Number of seats, including driver **8**
 S.2 Number of standing places (where appropriate)

[D.4] Wheelplan **2-AXLE-RIGID BODY**
 J Vehicle category **M1**
 K Type approval number **e1*2007/46*0457*06**
 P.2 Max. net power (kW) **120**
 E VIN/Chassis/Frame No. **WDF63981523839747**
 P.5 Engine number **65194031884645**
 F.1 Max. permissible mass (exc. m/c) **3050**
 G Mass in service **2343**
 Q Power/Weight ratio (kW/kg) (only for motorcycles)
 R Colour **SILVER**
 Technical permissible maximum towable mass of the trailer:
 O.1 braked (kg) **2000**
 O.2 unbraked (kg) **750**
 U Sound level:
 U.1 stationary (dB(A)) **76**
 U.2 engine speed (min-1) **2850**
 U.3 drive-by (dB(A)) **72**
 V Exhaust Emissions:
 V.1 CO (g/km or g/kWh) **0.041**
 V.2 HC (g/km or g/kWh)
 V.3 NOx (g/km or g/kWh) **0.189**
 V.4 HC+NOx (g/km)
 V.5 particulates (g/km or g/kWh) **0.550**

5. Registered keeper If any details are wrong enter the correct details in section 6, sign section 8, and return to DVLA.

C.A.c- This document is not proof of ownership.

C.1.1 **CONCEPT CHAUFFEURS LTD**
 C.1.3 **GODDARDS HOUSE
 86 HIGH STREET
 DUNMOW
 CM6 1AP**

I ACQUIRED VEHICLE ON 22 11 2013
 Please write in black ink and CAPITAL LETTERS.

6. New keeper or new name/new address details
 Please see section 12

Mr 1 Mrs 2 Miss 3 Please tick the appropriate box **W** 4

Title (for example, Ms, Rev and so on) or business name:
 First names:
 Surname:
 For company use only DVLA/DVA Fleet number 7
 Date of birth (not required by law) 8 Postcode: Please help us to help you by giving your postcode. 9

House No:
 Address:
 Post town:
 New keeper? If so tick this box **K** 12 Date of sale or transfer: 13
 Driving licence number of the new keeper (not required by law)
 Present mileage (not required by law) 15
R 16 **S** 17

7. Changes to current vehicle Only enter corrected or altered details **H** 19

Wheelplan / Body type 20
 VIN / Chassis / Frame Number 21
 New revenue weight 22 Date of change 23 Cylinder capacity (cc) 24
 No. of seats inc. driver 25 No. of standing places 26 Type of fuel 27
 Engine number 28
 New colour 29 Date of change 30 CLR
 Tax class* 31 **Y** 32

The tax class shown in section 4 can only be changed when taxing. Please apply at your nearest Post Office.

8 Declaration - You MUST sign, date and return this page to DVLA, Swansea, SA99 1BA when you notify any changes.

Registered keeper: I declare that the new details I have given are correct to the best of my knowledge.
 Signature: _____ Date: _____
 New keeper: I declare that this vehicle was sold or transferred to me on the date shown in section 6 and my name and address are correctly shown.
 Signature: _____ Date: _____

Law: If the vehicle is sold or transferred, both the registered keeper and the new keeper must sign this Certificate.

TEMPORARY MOTOR COVER NOTE



Cover Note Number: 03097/00341727 Policy Number: TWCV0066489
 Period of Cover: 12:55 hours on 01/12/2014 until 12:55 hours on 15/01/2015
 Time of Issue: 12:54 hours on 01/12/2014 Issued By: WEB
 The Proposer: *Redacted*
 Address: 60 High Street Occupation: Chauffeur
 Dunmow
 Essex
 CM6 1AP

This Temporary Motor Cover Note is evidence that the cover indicated in the Schedule below is provided to the Proposer for the Period of Cover stated above. The cover is provided in accordance with the wording of the Underwriters' applicable policy, subject to any Special Conditions indicated below. The Underwriters may cancel this insurance prior to the expiry of the Temporary Motor Cover Note by sending written notice to the Proposer at the above address. This Temporary Motor Cover Note is not evidence of an annual contract or that the Underwriters will enter into an annual contract.

Schedule

Description	Reg	GW	Value
MERCEDES-BENZ VIANO AMBIENTE 2.2 CDI BL	F18CPT	1	£40,000.00
Cover: Comprehensive Use: Private Hire	Endorsements Operative and Special Conditions (CV4) Accidental damage excess £500.00. (CV5) Fire and theft excess £500.00. (CV153) Private Hire. (CV30) Protected no claims bonus. (CV45) Immobiliser warranty applying to F18CPT. (CV46) Tracker system applying to F18CPT.		
Persons Entitled to Drive <i>Redacted</i> described above, holds a licence to drive the vehicle or has held and is not disqualified from holding or obtaining such a licence.			

TEMPORARY CERTIFICATE OF MOTOR INSURANCE

I hereby certify that the policy to which this Certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Island of Guernsey, the Island of Jersey and the Island of Alderney. For and on behalf of Tradewise Insurance Company Ltd and authorised Co-Insurers. Under this policy the proportionate liability of each insurer to the policyholder does not extend to the liability of any other insurer.

Issued through: Tradewise Insurance Services Ltd

Signature:



Authorised Insurer

ADVICE TO THIRD PARTIES: Nothing contained in this certificate affects your right as a Third Party to make a claim

Redacted
Concept Chauffeurs Limited
Goddard House
86 High Street
Great Dunmow
Essex
CM6 1AP

12 February 2015

Your ref:

Our ref: ENF 3799

Please ask for Matthew Chamberlain on 01799 510326
email: mchamberlain@uttlesford.gov.uk

Dear *Redacted*

BREACHES OF CONDITIONS

I visited your operating address of Goddard House, 86 High Street, Great Dunmow on Friday 6 February 2015 to inspect your record of private hire bookings of which I am authorised to do under the Local Government (Miscellaneous Provisions) Act 1976.

You were not present at this address and I am led to believe moved out approximately six months ago and only occasionally return to pick up post. As I have no forwarding address for you I can only write to you at this aforementioned address.

You have failed to notify the Council within seven days of any change in his business address which is a breach of your private hire operator conditions. Please can you confirm your new address where the business is operating from, when it moved there and confirm why you failed to notify the Council of this within seven days.

I note that you have supplied the Council with the above mentioned address as your residential address which is obviously not the case. The private hire/hackney carriage driver's conditions require a licensed driver to notify the Council within seven days of a change of address which you have evidently failed to do so. Please can you confirm your current home address, when you moved in and explain why you failed to notify the Council of your change of address.

I as an authorised officer am formally requesting you to produce to me your records of private hire bookings in full from 1 January 2015 to present. I will give you until Monday 23 February 2015 to produce these records to me. If you fail to produce these records to me then you will be committing an offence under section 56(3) Local Government (Miscellaneous Provisions) Act 1976 and the Council may seek to prosecute you for this offence.

I look forward to hearing from you on these matters.

Yours sincerely

Matthew Chamberlain
Enforcement Officer
Uttlesford District Council



Redacted

Concept Chauffeurs Limited
Goddard House
86 High Street
Great Dunmow
Essex
CM6 1AP

12 March 2015

Your ref:

Our ref: ENF 3799

Please ask for Matthew Chamberlain on 01799 510326
email: mchamberlain@uttlesford.gov.uk

Dear Redacted

BREACHES OF CONDITIONS

I wrote to you on 12 February 2015, at the above address to notify you that I had visited your operating address on 6 February 2015, and was told that you were no longer there.

I explained in my letter that you had failed to notify the Council of the change of your address for your private hire/hackney carriage driver's licence and also your private hire operator licence which are both still at the above address. I asked you to confirm your new addresses, when you moved to them and the reasons you failed to notify the Council but I have not heard from you.

The letter that I sent on 12 February 2015 has not been returned to me so I can only assume that you have received the letter and failed to act upon it.

My original letter also required you to provide me with your record of private hire bookings. You have not supplied them to me and I will give you a further seven days from the date of this letter (by 19 March 2015), to provide your records of private hire bookings in full from 1 January 2015 to present.

Should you fail to act upon this letter then I will refer your case to the Licensing and Environmental Health Committee who will decide whether you remain a fit and proper person to hold the licences granted to you by Uttlesford District Council for your private hire work.

For your convenience I am attaching a copy of my letter that I sent to you on 12 February 2015.

Yours sincerely

Matthew Chamberlain
Enforcement Officer
Uttlesford District Council

