

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.