

Committee: Licensing and Environmental Health

Agenda Item

Date: 20 November 2015

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Title: **Determination of Private Hire Vehicle Licences**

Author: Matthew Chamberlain, Enforcement Officer,
(01799 510326)

Item for decision:

Summary

This report has been submitted for members to consider suspension or revocation of five Private Hire vehicle licences in accordance with section 60(1)(b) Local Government (Miscellaneous Provisions) Act 1976 under the heading 'any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver and section 60(1)(b) "for any other reasonable cause'

Recommendations

The committee determine whether the private hire vehicle licences should be 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 licensing standards for private hire vehicles.
 - b. Companies House information on Sky Transfers Limited.
 - c. List of licensed private hire vehicles.
 - d. Section of records of private hire bookings.
 - e. Email from Sue Latchford.

Impact

Communication/Consultation	None.
Community Safety	The authority has a duty only to licence private hire vehicle which are considered to be fit and proper.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	Under section 60 of the LG(MP)A district councils may suspend or revoke a private

	<p>hire operator's licence for:</p> <p>(a)that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;</p> <p>(b)any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or</p> <p>(c)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

- Mr Colin Bland is the proprietor of 6 vehicles. Four of these are licensed by the Council as private hire vehicles. Two other vehicles were so licensed but the licenses expired on 31 October 2015 and no application has yet been received for their renewal. The four licensed vehicles are:-
 - Blue Citroen Berlingo registration number SHZ 9026 – PHV 825 – expiry date 30 September 2016
 - White Peugeot Boxer registration number SHZ 5024 – PHV 1496 – expiry date 31 July 2016
 - Silver Citroen Berlingo registration number SH11 VZS – PHV 201 – expiry date 31 May 2016
 - Grey Renault Megane registration number YH61 HGF – PHV 406 – expiry date 31 March 2016
- The 2 vehicles the licences of which have expired are:
 - Black Citroen C4 Picasso registration number PE07 ZMY – PHV 206
 - White Citroen Relay registration number LX54 GRF – PHV358

The vehicles were all operated by Sky Transfers Limited which held an operator's licence from the Council. The operator's licence was first granted on 7 December 2010 and was renewed annually since.
- The Council recently became aware that the company was formally dissolved at Companies House on 27 January 2015, therefore the company no longer existed at that point. As a consequence the operator's licence granted to it lapsed.

4. An Enforcement Officer made an unannounced visit to the operating address for the company in Takeley at 09.05 hours on Friday 30 October 2015. The address is a domestic dwelling and the Officer met Sue Latchford, the booking clerk who initially requested that he return on Monday. Mrs Latchford eventually let the officer in to inspect the records of private hire bookings as required. Mrs Latchford showed the officer records of private hire bookings for 2015 and the officer cautioned her at 09.12 hours. She confirmed that bookings had been accepted since January 2015, and emailed a sample of these private hire bookings to the Enforcement Officer. The Officer advised Mrs Latchford not to accept any further bookings from now. She did put the Enforcement Officer on the phone to Mr Bland who he operated as CC Cabs T/A Sky Transfers. Neither Mr Bland nor CC Cabs hold a private hire operator's licence from Uttlesford District Council.
5. Members are reminded that to carry out private hire work there must be three licences in place all granted by the same Authority which are a private hire driver's licence, private hire vehicle licence and private hire operator licence. If private hire work is carried out without any one of these licences in place then offences are committed. As Sky Transfers Limited were dissolved in January 2015, and Mr Bland has continued to invite and accept private hire work using Sky Transfers as a trading name then he appears to have committed offences.
6. Therefore, this report has been brought before members for them to determine whether the private hire vehicle licences should be suspended or revoked as they are not being operated by a person holding an operator's licence in contravention of 46(1)(d) Local Government (Miscellaneous Provisions) Act 1976.
7. Should Mr Bland apply to re-licence the two vehicles which are currently unlicensed members will be asked to consider those applications also, the Assistant Chief Executive – Legal having indicated that he would not be minded to grant licenses under delegated powers where there is no indication that the vehicles would be operated by a licensed operator.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Licensed private hire vehicles may be used by person/persons who do not hold a private hire operator licence.	1- Members have an awareness of what constitutes a fit and proper vehicle to be licensed.	4- Permitting private hire vehicles to be licensed without a private hire operator may put the public at risk and should private hire work be carried out an offence would be committed.	Members consider whether the private hire vehicles should continue to be licensed due to the conduct of the private hire operator.

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.