

Committee: Licensing and Environmental Health

Agenda Item

Date: 20 November 2015

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Title: **Determination of Private Hire Operator licence**

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

Item for decision:

Summary

This report has been submitted for members to consider the application of a private hire operator licence.

Recommendations

The committee determine this application.

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 operators.
 - 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.
 - f. Notes of IUC with Mr Bland.
 - g. Records of bookings from Mr Bland.

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	Members are also obliged to grant a licence to an applicant for a private hire

Implications	<p>operator licence unless they consider that they are fit and proper.</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> <p>If members refuse the applications the applicant has a right of appeal to the Magistrates Court.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

1. Colin Bland of 19 Tower Avenue, Laindon, Basildon, Essex, SS15 5PE has applied to this Authority for the grant of a private hire operator licence on 30 October 2015.
2. He intends to run under the names Sky Transfers, Shultz, CC Cabs and the operating address would be Blue Chip Business Centre, The Old Exchange, Mill Lane, Great Dunmow, CM6 1BG. The application form has stated that the business would have two telephone numbers 01371 606999 and also 01279 260220.
3. Mr Bland was the sole Director of a company called Sky Transfers Limited. This company held a private hire operator licence (PHO039) that was operating from Takeley. 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 Sky Transfers 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 and he said the business 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. Upon return to the office Sky Transfers Limited's private hire operator licence (PHO039) was cancelled by the Council with immediate effect.
6. 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

6. 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

All six vehicles were 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.

7. Mr Bland has six licensed driver's employed by him in addition to himself that are currently licensed and were carrying out private hire work.
8. 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.
9. Mr Bland attended the Council Offices on 10 November 2015, for an interview under caution that was conducted by an Enforcement Officer and the Enforcement Team Leader. Mr Bland said that the company secretary was arrested and convicted in 2013 for stealing from the company. Mr Bland was aware that the company was due to be struck off Companies House and explained that it kept being suspended because HMRC objected to it as they were requiring information which the company secretary had stolen. Mr Bland claimed that he was not aware that it had been dissolved until the Enforcement Officer's visit on 30 October 2015. Mr Bland did admit that transfers had taken place since 27 January 2015, in private hire vehicles by

private hire driver's in the name of Sky Transfers Limited and provided a list of bookings since 01 January 2015. He said that if he was aware he would have applied for a new private hire operator licence.

10. Therefore, this report has been brought before members for them to determine whether Mr Bland should be granted a private hire operator as he appears to have operated private hire vehicles without a private hire operator licence, in contravention of 46(1)(d) Local Government (Miscellaneous Provisions) Act 1976.

11. Members should be aware that Mr Bland's four private hire vehicle's are also being presented for members to consider their suspension or revocation due to Mr Bland's conduct whilst he was operating them under Sky Transfers Limited.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unfit person is authorised to operate licensed private hire vehicles in the district.	1- Members have an awareness of what constitutes a fit and proper vehicle to be licensed.	4- Permitting unfit persons to drive and operate licensed vehicles.	Members consider whether Mr Bland should be issued with a private hire operator licence due to his conduct as Director of his previous company.

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.