

Committee:	Licensing and Environmental Health Committee	Date:	Monday, 4 June 2018
Title:	Determination of a private hire operator application		
Report Author:	Matthew Chamberlain, Enforcement Officer mchamberlain@uttlesford.gov.uk	Item for decision:	Yes

Summary

This report has been submitted for members to consider the application for a private hire operator application. The grant or refusal of an operator's licence is in accordance with section 55 Local Government (Miscellaneous Provisions) Act 1976 on the basis that a licence must not be granted unless the Authority is satisfied that the applicant is fit and proper.

Recommendations

That the committee determine whether the applicant should have their private hire operator licence granted or refused.

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 operators.
 - b. Uttlesford District Council conditions of licence for operators.
 - c. Licensing of operators section of the Uttlesford private hire/hackney carriage policy.
 - d. Emails regarding Company's application to the Council in 2016.
 - e. Application form for applicant dated 21 March 2018.
 - f. Companies House details for the applicant.
 - g. Tenancy agreement for applicant.
 - h. Email with Reachers Cars and Minibus 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	<p>Under section 55 of the LG(MP)A district councils shall not grant a licence unless they are satisfied</p> <p>(a)that the applicant is a fit and proper person to hold an operator’s licence; and</p> <p>(b)if the applicant is an individual, that the applicant is not disqualified by reason of the applicant's immigration status from operating a private hire vehicle.</p> <p>In the event of a licence being suspended or revoked a driver has the right of appeal to a Magistrates Court.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

1. Reachers Cars and Minibus Limited of 163 Uxbridge Road, Rickmansworth, Hertfordshire, WD3 7DW has applied to this Authority on 21 March 2018 for the grant of a private hire operator licence.
2. The address that this Company has stated that they will operate from is Regus, Endeavour House, Stansted Airport, CM24 1SJ.
3. Companies House shows that Asif Iqbal is the sole Director and Secretary of the Company. In October 2016 and October 2017 the Company was due to be struck off Companies House but this was later discontinued.
4. This applicant applied to the Council in 2016 to obtain a licence but when they were notified that the applicant would have to be referred to the Licensing and Environmental Health Committee as they were planning to carry out work predominantly outside the District they withdrew their application. Mr Iqbal was not happy with this and wrote an email to the Council questioning the reasons for their decision which members can see attached.
5. Reachers Cars and Minibus Limited have stated that they wish to licence 40 drivers and 40 vehicles with Uttlesford to do school contract work in Hertfordshire.

6. When Mr Butt, a manager from the Company came into see the Licensing Officer and the Enforcement Officer he paid the application fee, completed the right to work check and provided a basic Disclosure and Barring Service check. He also provided a tenancy agreement from Regus dated 21 March 2018 which is due to run until 30 September 2018. The address for Reachers on the tenancy agreement is their old registered address on Companies House. Mr Butt notified the Officer that he had won school contracts from Hertfordshire County Council and was intending to use a potential Uttlesford operator licence for this. Mr Butt told the Officers that he wanted to be honest and stated that the Office would not be manned.
7. At 15.25 hours, on 12 April 2018, the Enforcement Officer at the request of the licensing department visited Endeavour House, Coopers End Road, Stansted Airport which is where the Regus offices are based. The Officer spoke to the receptionist and she said no-one for the Company was in and the contracts had recently been signed. She stated that they were not a virtual office. The Officer was not allowed entrance to the office for the company as the Officer had no warrant.
8. Mr Butt sent the Enforcement Officer some of the contracts that they intend to run under an Uttlesford private hire operator licence. They were all school contract work to last until 2021 and none of which took place in Uttlesford or Essex. There was no evidence that these contracts were made at the address in Stansted.
9. The Council's policy surrounding the licensing of private hire operators states (number 3.5) 'in addition to the Licensing Standards – Operators, following the decision in R. (on the application of Newcastle City Council) v Berwick-upon-Tweed BC it is the policy of the Council not to licence any operators who do not carry on business predominantly in the District of Uttlesford.
10. Therefore, this application comes before members to determine whether to grant or refuse the application. To grant it would be a departure from the Council's policy and good reasons would need to be given to do this. Also members will need to bear in mind in their decision making that this applicant has told the Licensing Officer that they will not be operating in Uttlesford and the Council have no evidence that the work is 'accepted' or 'invited' (under section 80 Local Government (Miscellaneous Provisions) Act 1976) at the address in Stansted. Therefore, the applicant would be likely to struggle to comply with the conditions of licensing for operators should they be granted a licence.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unsuitable person may be licensed to operate licensed vehicles.	1- Members have an awareness of what constitutes a fit and proper person.	4- Permitting unfit persons to operate private hire vehicles may put the public at risk.	Members consider whether the applicant is a fit and proper person to be granted a private hire operator licence as there are concerns over where they will be operating.

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.