

Committee:	Licensing and Environmental Health Committee	Date:	Monday, 4 June 2018
Title:	Determination of 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 shall not be granted unless they are 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. Rainbow Travel Limited private hire application form dated 27 March 2018.
 - e. Information from Companies House.
 - f. Copy of tenancy agreement for Rainbow Travel Limited.
 - g. Emails with Rainbow Travel 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. Imtiaz Ahmed of 72 Chambersbury Lane, Hemel Hempstead, Herts, HP3 8BH has made application to this Authority on 27 March 2018 for the grant of a private hire operator licence. A potential licence would carry on under the name of Rainbow Travel Limited which according to Companies House is located at 5-7 Rainbow Travel Limited, Rear of 5-7 College Road, Abbots Langley, Hertfordshire, WD5 0NR
2. The address that this Company has stated that they will operate from is Regus Building Stansted, CM24 1SJ. They initially put on their application form that they will operate from Apsley Station, London Road, Hemel Hempstead, Herts, HP3 9SX but then crossed this out.
3. Companies House have three current directors listed for the Company who are Nuzhat Ahmed who holds the role of a secretary and director and also Imtiaz Ahmed who is the other Director. Companies House also shows that the Company was due to be struck off on 05 July 2017 but this was discontinued on 20 July 2017.
4. Mr Ahmed stated on the application that he intends to employ 10-15 licensed drivers.

5. When Mr Ahmed came into see the Licensing Officer he paid the application fee, completed his right to work check and provided his basic Disclosure and Barring Service check. He also provided a tenancy agreement from Regus which commenced from 26 March 2018 and is due to expire on 30 September 2018. He also 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.
6. 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.
7. Mr Ahmed has supplied the Enforcement Officer with some copies of the schedules of contracts he would use his potential Uttlesford operator licence with. All of the contracts are for school contract work outside of Uttlesford and Essex. All of the contracts were made at Mr Ahmed's address of 172 Chambersbury Lane, Hemel Hempstead, Herts, HP3 8BH.
8. 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.
9. 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 contracts are not 'invited' or 'accepted' via the Uttlesford office. 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.