

Committee: Licensing and Environmental Health Committee
Title: Determination of a private hire operator's licence
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Date: Tuesday, 18 December 2018

Summary

This report has been submitted for members to consider suspension or revocation of a private hire operator's licence. The suspension or revocation of the operator's licence is in accordance with section 62(1)(d) Local Government (Miscellaneous Provisions) Act 1976 under the heading 'any other reasonable cause.'

Recommendations

The Committee determine whether the individual 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 operators conditions of licence.
 - b. Companies House information on Stansted Airport Cars 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	Under section 62 of the LG(MP)A 1976

Implications	<p>District Councils may suspend or revoke an operator's licence on the following grounds:</p> <p>(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;</p> <p>(ca) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; 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. Stansted Airport Cars currently have a private hire operator's licence (PHO048) which is due to expire on 31 August 2021. This licence was first granted on 12 September 2016. The operating address for this licence is 12 Stansted House, Stansted Business Park, Stansted, Essex, CM24 1AE.
2. Licensing records indicate that this operator does not currently operate any licensed vehicles.
3. The holder of the licence is Donald Wright whose last known address was 13 Priory Drive, Stansted, Essex, CM24 8NR.
4. Mr Wright no longer has a private hire/hackney carriage driver's licence as this expired on 31 October 2018.

5. A search of Companies House revealed that Stansted Airport Cars Limited (company number 05432687) was dissolved on 20 February 2018. The sole Director of this company was Don Wright of 13 Priory Drive, Stansted.
6. Although the private hire operator licence is not in the limited company name members may wish to draw inferences between the dissolved limited company and the operator licence.
7. According to business rates records Mr Wright was liable for business rates at 12a Stansted House, Stansted Business Park, Stansted, Essex, CM24 1AE between 2 September 2016 to 30 May 2017. They have no record of a new address for him.
8. On the morning of 07 November 2018, the Enforcement Officer carried out a visit to the operating address of Stansted Airport Cars at 12 Stansted House, Stansted Business Park, Stansted, Essex, CM24 1AE. There was no office number 12 as they were split into smaller offices. The Officer to a neighbouring business who stated that Stansted Airport Cars used to have the offices for 12a, 12b and 12c but they left a while ago and new businesses are there now. There was no signage for Stansted Airport Cars at the building.
9. The Officer also visited 13 Priory Drive, Stansted and spoke to the occupier who stated that Donald Wright was her son-in-law but she no longer has a relationship with him. She also stated that she has no contact number for him and that Mr Wright moved out about three years ago.
10. The private hire operator's licence places conditions on the licence holder. Condition 6 states that 'the operator is required to notify the Assistant Chief Executive – Legal in writing within 7 days of:
 - a. Any change in his or her residential address.
 - b. Any change in his or her business address.'
11. Condition 3 of the Conditions of Licence requires the operator to keep a register and records of vehicles and bookings available for inspection. As Mr Wright has clearly breached condition 6 condition 3 cannot be complied with. Currently the Council has no knowledge that Mr Wright is trading, as officers do not know where he is living and/or working from.
12. All licensed private hire operators are required to undergo basic Disclosure and Barring Service (DBS) checks upon application and every three years to assist the Council in ensuring that they are 'fit and proper.' Mr Wright's last DBS check expired on 31 October 2018 and he has failed to supply a new one despite a reminder letter being sent to him on 06 September 2018.
13. Therefore, this operator's licence comes before members for them to consider whether he remains a 'fit and proper' person as Mr Wright has failed to comply with licensing conditions and appears not to be trading anymore. In addition to this his failure to supply a basic DBS check means that the Council cannot ensure that he remains 'fit and proper.'

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unsuitable person may be licensed to operate private hire 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 operator remains a fit and proper person as they do not appear to be trading anymore and has failed to supply a basic DBS check.

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.