

Licensing and Regulatory Sub-Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Monday 8 January 2018** at **10.00 am** in **Conference Chamber West, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Frank Warby

Margaret Marks

Sara Mildmay-White

Substitutes attending:

Bob Cockle was not required to act as substitute, but remained in the meeting.

77. **Apologies for Absence**

There were no apologies for absence.

78. **Substitutes**

There were no substitutes at the meeting.

79. **Election of Chairman**

With the vote being unanimous, it was

RESOLVED:

That Councillor Frank Warby be elected Chairman.

80. **Exclusion of Press and Public**

With the vote being unanimous, it was

RESOLVED:

That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972 and indicated against each item.

81. **REVIEW OF PRIVATE HIRE OPERATOR'S LICENCE P0049**

The Business Partner (Litigation/Licensing) welcomed all present to the Review Hearing, reported that no declarations of interest had been received and introductions to the Sub-Committee were made by the Chairman.

The Chairman then outlined the procedure for the conduct of the Review Hearing.

The purpose of the report was for the Sub-Committee to review a Private Hire Operator's Licence under the provisions of Section 62 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Team Leader, being the "applicant" informed the Sub-Committee that neither the operator or other interested parties that had submitted written representations were in attendance and therefore no oral representations would be heard. Members acknowledged that the operator had been informed that the review hearing had been arranged for Monday 8 January 2018, and the Sub-Committee considered it acceptable to conduct the review hearing in the absence of the operator.

The Licensing Team Leader then presented her evidence and explained that officers had requested a review of the operator's licence based on information obtained from concerned members of the public. The taxi company first came to the attention of officers when two of their licenced vehicles were seen on council owned land. Following this notification, officers were contacted by a resident who provided information that the taxi company was continuing to do school runs and work on the rank in their London hackney vehicle with expired vehicle licence plates. When officers followed up the information, different vehicles were found to be doing private hire runs to Colchester, also with expired vehicle licence plates (expired in February 2017). A visit was made to their office the next day when the plates were seized from three vehicles whose plates had expired, but were still being used. Officers had invited the operator in for interview to find out why this had happened and to allow him to provide an explanation/any mitigating circumstances, but the operator failed to attend two appointments. The operator's son had been overseeing the business since this had come to light, and had applied for his own operator's licence whereby his father would not be participating in the running of the private hire/taxi business, and this would be processed as a separate application.

Report No: LSC/SE/18/01 drew attention to the various Exempt appendices attached to the report:

- Exempt Appendix 1: Statement from the Licensing Team Leader
- Exempt Appendix 2: Statement from the Licensing Enforcement Officer
- Exempt Appendix 3: Email from the Senior Estates Surveyor
- Exempt Appendix 4: Photograph of Expired Hackney Plate
- Exempt Appendix 5: Record of Interview
- Exempt Appendix 6: Letter of Invitation to the Operator
- Exempt Appendix 7: Photograph of Seized Expired Plates.

The Hackney Carriage and Private Hire Handbook, page 17, Point 6 states:

"An operator shall ensure that all drivers and vehicles owned, controlled or operated by them shall be licensed and comply with all the conditions of their driver's licence and or private hire vehicle licence".

In view of allegations set out in the report, the Sub-Committee needed to be satisfied that the Operator was a fit and proper person to hold an Operator's licence issued by St Edmundsbury Borough Council. The Operator had allowed his drivers to use unlicensed vehicles, putting members of the public at risk.

The Sub-Committee questioned the Licensing Team Leader on the process for renewing operator/vehicle licences, to which comprehensive responses were provided.

Following the summing and having considered all the evidence before it the Sub-Committee felt the operator had been irresponsible and had neglected his duties in ensuring that all drivers and vehicles owned, controlled or operated by him were licensed and complied with all the conditions of the driver's licence and or private hire vehicle licence. Therefore, it felt the operator was not a fit and proper person to hold an operator's licence to run the business. Members also had concerns with regards to the safety and welfare of the public/customers.

With the voting being unanimous, it was

RESOLVED:

That the operator's license be **REVOKED** with immediate effect.

The operator would be advised on the right of appeal to the Magistrates' Court by the Licensing Team Leader outside of the meeting.

The Meeting concluded at 10.16am

Signed by:

Chairman
