

**Somerset Council – Decisions taken by the Regulatory Sub-Committee on Monday, 5 June 2023**

Agenda Item No	Topic	Decision
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**Part A – Items considered in public**

<p><b>A4</b></p>	<p>Consideration of a Private Hire Operator Licence</p>	<p>The Sub-Committee had been asked today to consider the operator’s licence held by Fairview mini-buses Ltd following their recent conviction for taxi related offences. In reaching its decision the Sub-Committee had considered the Council’s Guidance and Statement of Policy, the Government’s Taxi &amp; Private Hire Vehicle Licensing Best Practice Guidance and current case law.</p> <p>In licensing the taxi trade the Council had a legal duty to protect the public. As public trust and confidence in the overall safety and integrity of the private hire system was vital, the same standards were applied to operators as those applied to drivers. In accordance with section 55 of the Local Government Miscellaneous Provisions Act 1976 the Council should not grant an application for a private hire operator’s licence unless it was satisfied that the applicant was and remained a “fit and proper person” to hold such a licence.</p> <p><b>RESOLVED</b></p> <p>The Panel had considered the evidence against Fairview mini-buses Ltd (Fairview) following their conviction on 24 April 2023 for 3 offences in relation to their private hire operator’s licence.</p> <p>The Department for Transport statutory taxi and private hire standards states “Although private hire vehicle operators may not have direct contact with passengers, they were</p>
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		<p>still entrusted to ensure that the vehicles and drivers used to carry passengers were appropriately licensed and so maintained the safety benefits of the driver licensing regime.”</p> <p>The offences of which Fairview were convicted were serious. Failing to ensure that their driver was properly licensed and driving before their DBS certificate was complete presented a significant risk to the public and risked the confidence and integrity of the licensing system.</p> <p>There could be no excuse for such lapses by a well established and reputable operator. In mitigation the company had stressed that this was an isolated incident arising out of a shortage of drivers and the ability of the company to fulfil their contracts. Notwithstanding the remorse and mitigation put forward by Fairview the Sub-Committee could not ignore the risks that the company were running by their actions. It was accepted that no issues or complaints were received over the conduct of the unlicensed driver. However, it had to be accepted that she drove, unlicensed, on numerous occasions including school transport, hospital and airport runs, many of which involved vulnerable passengers. It was to her credit that as soon as she was made aware of her part in driving an unlicensed vehicle she ceased driving for them. Fortunately, whilst the actions of Fairview did not have any significant consequences, it could have been so much different.</p> <p>In addition, it was concerning that contrary to the Council’s policy, Fairview had failed</p>

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		<p>to formally declare their conviction to the Council, instead relying upon the Police to make the disclosure.</p> <p>The Sub-Committee accepted and acknowledged that Fairview have already been punished for these offences in the criminal court and that they had had an unblemished record for a significant number of years. The Government guidance made clear that “public safety was the paramount consideration in licensing the taxi regime.” The Sub-committee accepted the company’s remorse and that they had amended their policies and procedures and had learnt from their mistake, and that public safety was and remains at the forefront of their business.</p> <p>It was the decision of the Sub-Committee that Fairview mini-buses Ltd were and remained a fit and proper person to hold an operator’s licence. However, the Sub-committee would issue a formal warning as to the company’s future conduct which would include an inspection of the company’s records and procedures, and that any future breach of the Council’s policy would result in a further appearance before this Sub-committee with their licence at risk.</p>