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## Consideration of a Private Hire Operator Licence

Executive Member(s): Cllr Federica Smith-Roberts

Local Member(s) and Division: All

Lead Officer: Alan Weldon, Licensing & Fraud Manager

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### Summary / Background

1. The Sub-Committee is required to determine the status of a Private Hire Operators Licence for Fairview Minibuses and Taxis, based in Highbridge, following the company being convicted in Bath Magistrates Court for taxi related offences.
2. The offences relate to the company allowing an unlicensed driver to conduct a booking and use a currently licenced vehicle that was not displaying a plate. This came to light following a standard police traffic stop at Bristol Airport in October 2022.

### Recommendations

3. The Licensing Sub-Committee must resolve to do one of the following:
  - a. Consider that the prosecution by the police was sufficient and take no further action.
  - b. Consider if further action is required in relation to the operators licence, for example, a suspension or revocation of the licence.

### **Reasons for recommendations**

4. Allowing an unlicensed driver to conduct bookings in respect of fare paying passengers has public safety implications, which include both they and the passenger would not be insured in the case of an accident.
5. The Sub-Committee must consider whether these actions make the licence holder “fit and proper” to hold the licence.
6. The police agreed to take the matter to court on our behalf, with a sub-committee reviewing the status of the operator licence.

### **Other options considered**

7. Not applicable.

### **Links to Council Vision, Business Plan and Medium-Term Financial Strategy**

8. The Council must carry out its functions in accordance with the Taxi Licensing Policy with a view to promoting the importance of public safety and this remains the prime consideration of this report.

### **Financial and Risk Implications**

9. There are no financial implications.

### **Legal Implications**

10. In reaching a decision the Panel must consider whether the breaches of the Council’s Taxi Policy by Fairview minibuses and taxis compromised the need to ensure public safety and therefore casts doubt on them to be considered a fit and proper person to hold a hackney carriage operator’s licence. If so the Panel must determine what sanction, if any, is appropriate given the breaches identified and the criminal conviction already received.
11. This licensing authority takes public safety very seriously in respect of taxi licensing.

## **HR Implications**

12. None.

## **Other Implications:**

13. None.

## **Equalities Implications**

14. None.

## **Community Safety Implications**

15. Public Safety has already been referred to in points 4 and 8 of this report.

## **Climate Change and Sustainability Implications**

16. None.

## **Health and Safety Implications**

17. None.

## **Health and Wellbeing Implications**

18. None.

## **Social Value**

19. As the contents of this report do not relate to a procurement process, there are no social value implications.

## **Scrutiny comments / recommendations:**

20. None.

## Background

21. In October 2022, we were made aware of an incident at Bristol Airport, involving one of our licenced vehicles, seemingly being driven by an unlicenced driver. A copy of the witness statement from Simon Guest confirming this and a summary of events throughout is attached as **Appendix A**.
22. Attached as **Appendix B**, is a witness statement from Driver A, taken by PC Patrick Quinton, giving her version of events. Attached as **Appendix C** is a witness statement from Patrick Quinton giving details of the outcome of the case in Bath Magistrates Court. Fairview have held a Private Hire Operator Licence with us since at least as far back as our current computer system goes (2011). We have no record of any formal complaints against their drivers or the company. **Appendix D** is an extract from our current taxi policy whereby all convictions for all licence holders, must be declared within 5 working days. This has not been done so is therefore a breach of policy. It is also important to note that if a licence were to be suspended or revoked, none of the existing Private Hire vehicles licenced to Fairview would be able to operate for the company for the relevant period. This includes conducting school transport contracts.

## Background Papers

23. Councils Guidance and statement of policy for licensing of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

## Appendices

- A. Witness Statement of Simon Guest.
- B. Witness Statement of Driver A.
- C. Witness Statement.
- D. Extract from current taxi policy regarding declaration of convictions.