

Report to: **Licensing Committee**

Meeting date: **Friday 16 November**

Time: **10.00**

Venue: **Council Chamber**

Members: **Cllr Asitha Ranatunga (Chair)**
Cllr Chelsea Thomas
Cllr Naomi Bridge

AGENDA

1. **Declarations of interest**
Members must any Disclosable Pecuniary Interests in matters on this agenda.

2. **Application to renew Operator's Licence**
To consider an application to renew an Operator's Licence under section 62 of the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") by Virginia Woolf (trading as Bloomsbury Taxis)

Report by: **Josef Cannon**
Senior Licensing Officer

REPORT TO LICENSING COMMITTEE

SUMMARY

1. The Council is the licensing authority for hackney carriages and private hire vehicles in the district. Virginia Woolf (trading as Bloomsbury Taxis) has applied to renew her Operator's Licence. The Licensing Committee is asked to consider this application and decide whether or not to renew the Operator's Licence.

OPERATOR HISTORY

2. Ms Woolf was first granted an Operator's Licence 2 years ago. Officers understand that she had not previously held an Operator's Licence. For the first 9 months, she operated just two private hire vehicles. However, 9 months ago she bought the business of another operator and has since been operating at least 12 vehicles under the name Bloomsbury Taxis.
3. In March officers inspected Bloomsbury Taxis' booking records at their offices on Bloomsbury Square. Officers found that Ms Woolf was keeping paper records and that these records were incomplete. Officers found information was illegible in places and that some information was missing from the records of bookings which is required by the conditions of Ms Woolf's Operator's Licence including: the identity of the person taking the booking; the full name of the hirer; the number of persons to be carried on each journey; full pick-up and drop off addresses; the plate number of the vehicle allocated to the booking; and the date and time the booking was completed or cancelled.
4. Additionally, one of the booking logs had been lost, which meant that officers could only inspect records going back 6 months, whereas the Operator's Licence requires records to be kept for at least 12 months.
5. Officers considered that the dispatcher employed by Ms Woolf had not been properly trained and there were no records of training, which is a requirement of the Operator's Licence.
6. Given these failings, Ms Woolf was issued with a written warning on 30 March. In particular, as she was operating more than 11 vehicles, the Council's standard

Operator's Licence conditions require her to install an electronic booking system and she was advised to install an appropriate system by the end of June.

7. In April the Council received a complaint from another driver that a Bloomsbury Taxis vehicle driven by Len Woolf had refused to collect a passenger with a guide dog. Officers investigated the complaint and upheld it. The driver did not have an exemption certificate at the time but has now been granted one (he has an allergy to dogs) and so was given a final written warning.
8. On 3 May Ms Woolf published a Facebook post on her personal page, in which Ms Woolf referred to Council officers (albeit not naming them) and said "*they are all out of order and better get off my f***ing back.*" The post was brought to officers' attention and is a cause for concern.
9. On 2 July officers inspected Bloomsbury Taxis' offices and found that an electronic booking system had recently been installed.
10. On 10 August, Nessa Bell, a hackney carriage driver licensed by the Council, was waiting behind a Bloomsbury Taxis vehicle which was parked on a hackney carriage rank outside Bloomsbury Books. Len Woolf came out of the bookshop with a bag of books and met Ms Bell by her car. Mr Woolf told Ms Bell that he had dropped off a passenger nearby and then spent longer chatting in the bookshop than he should have done. This is potentially a criminal offence. As Mr Woolf was already on a final written warning, the Licensing Committee will be asked to consider whether to take action against Mr Woolf's driver's licence next month.
11. On 21 September Ms Woolf was invited to attend a meeting with officers to discuss the various concerns about her Operator's Licence. Ms Woolf attended the meeting, was apologetic and promised that she would not repeat her earlier failings. She said that she had stopped employing Len Woolf and that she was planning to bring in a more business partner, Kate Mansfield, to help her address some of the problems over the last 9 months.
12. On 15 October the Council received two reports from the police relating to Ms Woolf:
 - (a) during the course of a journey, a passenger being driven by one of her vehicles was involved in a road rage incident with a driver of another vehicle. The police

contacted Ms Woolf and asked her to provide a statement but she refused to provide that information. Although she had no legal obligation to assist the police, officers would expect its operators to assist the police in these circumstances;

- (b) she had been the suspect in an alleged theft of a mobile phone left on the counter of Joyce's Café but the police had decided to take no further action because the CCTV was not working at the time of the alleged offence.

DECISION

13. Ms Woolf's Private Hire Operator's licence is due to expire on 30 November. She has submitted an application to renew the licence for a further 3 years. **The Licensing Committee is asked to consider whether to grant the licence or refuse to renew it.**

14. The Licensing Committee may refuse to renew the licence on any of the following grounds:

- (a) that the operator has been convicted of an offence under, or has failed to comply with, the Local Government (Miscellaneous Provisions) Act 1976;
- (b) any conduct on the operator's part which appears to the Council to render her unfit to hold an operator's licence;
- (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;
- (d) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (e) any other reasonable cause.

15. Officers note that Ms Woolf has not been convicted of any offences but that:

- (a) her conduct since the grant of the licence, as described above, is a cause of concern to officers;

- (b) she has significantly expanded her business from 2 to 12 vehicles despite never having held an operator's licence before.

16. The Council's Taxi and PHV Licensing Policy contains the following relevant sections:

1.5 *Operators ... will be expected to work positively and co-operatively with the Council at all times.*

2.2 *The Council will ensure that the following objectives are promoted:*

- *protecting and safeguarding the public*
- *all persons holding a licence are "fit and proper" to do so and do not pose a threat (in any form) to the public and are not dishonest*
- *vehicles used to transport passengers are safe, comfortable and fit to be used as a licensed vehicle*
- *a high quality, professional and respected taxi and PHV service which has the confidence of members of the public*

39.1 *Issuing of warnings*

The Council will generally deal with minor or first-time transgressions by issuing a warning. The warning may be oral or in writing. Repeated or serious transgressions are likely to be dealt with by a final written warning.

39.4 *Refusal to renew a licence*

As an alternative to revocation, the Council may decide that it is appropriate to refuse to renew a licence which is shortly due to expire and where an application for renewal has been made. This action will be considered when the Council has serious concerns about a driver or private hire operator and whether they are a fit and proper person to continue to hold a licence.

17. If the Licensing Committee decides to refuse to renew Ms Woolf's Operator's Licence, she has the right to appeal to the magistrates' court within 21 days. The decision will not take immediate effect and she may continue to operate while her appeal is pending.

RECOMMENDATION

18. The Licensing Committee is asked to consider whether or not to renew Ms Woolf's Private Hire Vehicle Operator's Licence.