

<b>DECISION-MAKER:</b>	<b>LICENSING COMMITTEE</b>
<b>SUBJECT:</b>	<b>PRIVATE HIRE OPERATOR LICENCES</b>
<b>DATE OF DECISION:</b>	<b>14<sup>TH</sup> FEBRUARY 2024</b>
<b>REPORT OF:</b>	<b>Ian Collins, Director - Place</b>

<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>	
N/A	
<b>BRIEF SUMMARY</b>	
Report to consider if Cab My Ride Ltd and its directors, management and associates are fit and proper to hold operator licences in the name of Cab My Ride, Bitterne Cars and Aryvo.	
<b>RECOMMENDATIONS:</b>	
	(i) To consider the contents of this report, appendices and any comments made.
	(ii) To decide if the company "Cab My Ride Ltd" and its directors and management are fit and proper to hold their operator licences.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	The Sub-Committee is bound by the rules of natural justice.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	Officers have delegated powers to suspend, revoke or refuse licences, however this matter, due to the nature of the case, is considered better served being dealt with by way of a formal hearing.
<b>DETAIL (Including consultation carried out)</b>	
3.	Cab My Ride have been a licensed operator, owned by the Limited company of the same name since 27 <sup>th</sup> April 2010.
4.	On 4 <sup>th</sup> January 2022, following the collapse of the operator Bitterne Cars, Cab My Ride Ltd were granted an operator licence in the name of Bitterne Cars.
5.	On 12 <sup>th</sup> April 2023 Cab My Ride Ltd were granted a licence in the name of Aryvo, bringing the number of licences held by them at Southampton to three.

	It is also understood that Cab My Ride Ltd hold operator licences with Eastleigh Borough Council and the New Forest District Council.
6.	Since licensing we have received a volume of complaints regarding Cab My Ride. There is a schedule of these complaints in appendix 1. Notable complaints are detailed in paras 7 to 11.
7.	On 16th July 2019 we received a complaint that Cab My Ride were charging a premium for wheelchair accessible vehicles. This was in breach of the Equalities Act 2010. They were sent a written warning for this. (Appendix 2).
8.	On 28 <sup>th</sup> September 2020 we received five complaints that a director of Cab My Ride, Harjit Singh SAHOTA posted on social media a statement regarding Cab My Ride, claiming that other taxi drivers do not use PPE and rip people off. Two letters were sent requesting their comments. (Appendix 3 and 4). This concluded in Harjit Singh SAHOTA stepping down from being a director and receiving a four-week driver suspension.
9.	On 1 <sup>st</sup> March 2021 we received a complaint from SCC school transport department that Cab My Ride were using an unlicensed and damaged vehicle for school contract work. This resulted in an investigation and numerous visits led by Enforcement Officer Kyran O'NEILL (see appendix 5) during which new measures were put in place. A report to manager on this was submitted (Appendix 6) and it was decided that the matter be dealt with by written warning. (Appendix 7).
10.	On 15 <sup>th</sup> December 2022 a complaint received via SCC school transport regarding ex-Director Harjit SAHOTA being unprofessional with school run escorts. Asking to come in for a cup of tea or to use the bathroom at escort's own residence. All recent other matters were looked at and addressed by an advice letter. (Appendix 8).
11.	Because of the high volume of complaints received and poor responses from Cab My Ride, a second advice letter was sent later in 2023. (Appendix 9).
12.	On 6 <sup>th</sup> November 2023 we received a complaint that a vehicle displaying the plate PHV0776 was displaying incorrect livery. The vehicle was pictured with an Aryvo sticker on the rear doors and the old SCC door sticker design on the front doors displaying the operator Cab My Ride. This is in breach of our conditions for livery and advertising. A check of our records revealed that the vehicle was DK17 VND, a Ford Galaxy 6 seater licensed as PHV0776 from 20 <sup>th</sup> September 2022 until 31 <sup>st</sup> August 2023 when the licence expired. An investigation was commenced by Enforcement Officer Russell BONIFACE. It was investigated under the initial assumption that the owners and operators of the vehicle were aware of its licensed status and the vehicle was just being used privately or for advertising purposes. Mr BONIFACE raised with Arjan SAHOTA if the vehicle had carried out private hire bookings after 31 <sup>st</sup> August 2023. This question went unanswered, even when chased up. (Appendix 10).
13.	On 22 <sup>nd</sup> November 2023, Private Hire Driver Mr Alfred LAKUDZALA came into the Licensing office with the expired plate 0776 from the rear of DK17 VND. This vehicle belonged to Cab My Ride Ltd. He stated that he had been using this vehicle to carry out private hire work for Cab My Ride from 30 <sup>th</sup> October until 8 <sup>th</sup> November when following his regular morning school run, he was told to stop driving it and to park it up. He parked the vehicle at his home address. On 22 <sup>nd</sup> November he was instructed by Debbie at the Cab My Ride

	office to take the plate off and give it to Licensing. A statement from this driver can be found at Appendix 11.
14.	I immediately requested the records for this vehicle for the time that this driver was using the vehicle. I received them later that day from a member of Cab My Ride staff, Debbie as it was apparent that the Sahota family had gone away on holiday. After deleting the personal data of pickup and drop off details, I produce the list of bookings as Appendix 12. Each of these journeys constitutes an offence committed by Cab My Ride under Section 46 (1)(e) of the Local Government (Miscellaneous Provisions) Act 1976.
15.	I contacted Adams Morey, our vehicle examiners and obtained a failure sheet from 15 <sup>th</sup> August 2023 when Cab My Ride attempted to go through the renewal process for the same vehicle, DK17 VND. It is notable that the vehicle failed on brakes and a tyre. I produce this as appendix 13. The vehicle has never been presented to Adams Morey for re-test since the 15 <sup>th</sup> August 2023.
16.	<p>On 14<sup>th</sup> December 2023 Mr Arjan SAHOTA attended interview on behalf of Cab My Ride. The following things were established at this interview:</p> <ul style="list-style-type: none"> <li>• The vehicle that the driver was supposed to use had been involved in a crash and so he was given DK17 VND by mistake.</li> <li>• He had no answer as to why he did not respond to Russell BONIFACE's email asking if the vehicle had been used unlicensed.</li> <li>• Debbie was in control of the running of the business while he was away on holiday but they were in regular communication.</li> <li>• I had personally gone to inspect the vehicle when it was still outside Alfred LAKUDZALA's house. I noted that it had 168031 miles on the odometer. I asked what the vehicle had been doing to cover 2,500 since the middle of August. Arjan SAHOTA said he would get back to me on this.</li> <li>• Harjit SAHOTA was in charge of managing their fleet of 10 cars that they own as a company.</li> <li>• There were few, if any checks carried out when cars were handed over to drivers.</li> <li>• There was no current system for stopping a vehicle working when its licence expires if it is already on their platform.</li> <li>• He could re-instate a system to deal with this later that same day or over the next few days.</li> </ul> <p>See Appendix 14.</p> <p>I sent a copy of these notes by email to Arjan SAHOTA asking if he had any comment or anything to add. He responded by saying that this is fine. See Appendix 15.</p>
17.	On 18 <sup>th</sup> December I received an email from Cab My Ride with a breakdown of mileage covered by DK17 VND since it failed its compliance test with worn out brakes in August. It is notable that it covered over 1000 miles working as a PHV until the end of August, before it had the brakes mended on 5 <sup>th</sup> September. See Appendix 16.
18.	On 16 <sup>th</sup> January 2024, an application for a new operator licence was received from Ms. Amandip Kaur Sahota under the operator name Swyft, based at the same address as Cab My Ride. Ms Sahota is a licensed driver at Eastleigh

	Borough Council and it appears that she works for or is employed by Cab My Ride. This application is not being determined as part of this report.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
19.	N/A
<b><u>Property/Other</u></b>	
20.	N/A
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
21.	Section 62 (1) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may suspend or revoke a licence to operate a private hire vehicle if they are not satisfied that the applicant is a fit and proper person to hold a Driver's Licence or they have committed certain offences. There is no mechanism under this act to revoke or suspend a Private Hire Operator Licence with immediate effect. A suspension or revocation can only take effect after 21 days, provided no appeal is lodged with the magistrates court.
<b><u>Other Legal Implications:</u></b>	
22.	Human Rights Act 1998 The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the council to act in a way that is incompatible (or fail to act in a way that is incompatible) with the rights protected by the Act. Any action undertaken by the council that could have an effect upon another person's human rights must be taken having regard to the principle of proportionality – the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.
23.	Crime and Disorder Act 1998 Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
24.	Equality Act 2010 Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act. It also requires the Council to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means having due regard to the need to removing or minimising disadvantages suffered, taking steps to meet the needs of persons, encouraging persons to participate in public life, tackling prejudice and promoting understanding. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

<b>RISK MANAGEMENT IMPLICATIONS</b>	
25.	In making decisions Committees should act in accordance with relevant legislation, reasonably and in good faith. The decision could be the subject of judicial review proceedings or statutory appeal.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
26.	The authority has adopted the Hackney Carriage and Private Hire Policy statement (Appendix 17). This document provides 'Guidance on Determining the Suitability of Applicants in the Hackney Carriage and Private Hire Trades'.

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Complaint History
2.	Equality Act Written Warning
3.	Letter considering suspension or revocation
4.	Second letter considering suspension or revocation
5.	Statement of Kyran O'NEILL
6.	2021 report for managers determination
7.	Officer considerations on consultation feedback
8.	Advice letter 1
9.	Advice letter 2
10.	Statement of Russell BONIFACE
11.	Statement of Alfred LAKUDZALA
12.	Booking Records when PHV0776 was not licensed
13.	Mechanical fail sheet for PHV0776
14.	Notes from Interview
15.	Cab My Ride agreeing notes from interview
16.	Vehicle usage account
17.	Current taxi policy

**Documents In Members' Rooms**

<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>No</b>
<b>Data Protection Impact Assessment</b>	

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>		<b>No</b>
<b>Other Background Documents</b>		
<b>Other Background documents available for inspection at:</b>		
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>	
1.		
2.		