

Regulatory Committee Agenda

10 September 2020 at 7.15pm (or upon the rising of the Licensing Committee, whichever is the later)

Remote Meeting

Membership

Councillor L.A. Mascot (Chair)
Councillor D.G Jones (Vice Chair)

and Councillors

R.H. Ambor, L. Ashley, D.J.R. Clark, A.E. Davidson, J.A. Frascona,
P.V. Hughes, A.M. John, G.B.R. Knight, R.J. Lee, L.A. Millane, S.
Rajesh, I.C. Roberts and T.E. Roper

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please telephone Daniel Bird in the Democracy Team on Chelmsford (01245) 606523 email Daniel.bird@chelmsford.gov.uk

Regulatory Committee

10 September 2020

AGENDA

1. Apologies for Absence

2. Minutes

To consider the minutes of the meeting held on 9 July 2020

3. Declaration of Interests

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

4. Public Question Time

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 15 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible.

The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Any member of the public who wishes to submit a question or statement to this meeting should email it to committees@chelmsford.gov.uk 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting, provided they have indicated that they wish to do so and have submitted an email address to which an invitation to join the meeting and participate in it can be sent.

5. Application for an increase in the fares charged by Hackney Carriage Vehicles

6. Urgent Business

To consider any other matter which, in the opinion of the Chair, should be considered by reason of special circumstances (to be specified) as a matter of urgency.

Part II (Exempt Items)

To consider whether the public (including the press) should be excluded from the meeting during consideration of the following agenda items on the grounds that they involve the likely disclosure of exempt information specified in the appropriate paragraph or paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 indicated in the Agenda item

MINUTES

of the

REGULATORY COMMITTEE

held on 9 July 2020 at 7.35pm

Present:

Councillor L. Mascot (Chair)
Councillors D.G. Jones (Vice-Chair)

Councillors R.H. Ambor, L. Ashley, D.J.R. Clark, A.E. Davidson, J.A. Frascona, P.V. Hughes, A.M. John, R.J. Lee, L.A. Millane, S. Rajesh and I.C. Roberts

1. Apologies for Absence

No apologies for absence were received.

2. Minutes

The minutes of the meeting held on 11 June 2020 were agreed as a correct record and signed by the Chair.

3. Declaration of Interests

All Members were reminded to declare any Disclosable Pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda. None were made.

4. Public Question Time

No questions were asked or statements made.

5. Application for an increase in the fares charged by Hackney Carriage Vehicles

The Committee were asked to consider a request submitted for an increase in the Hackney Carriage fares. The Committee were asked to determine whether or not to approve the proposed fares and tariffs in Appendix B for wider consultation. It was noted that if any objections were received these would be considered at the next meeting of the Committee in September 2020. Members were also asked if they approved the increase, to consider that during the recalibration process a switch to calendar meters and to accept a certificate from the calibration engineer in lieu of the current manual checks by Licensing officers.

The Committee heard that a request had been received, requesting an increase along with supporting information that was available in the report before members. It was noted that the fares had last been increased in July 2016. The report also detailed a petition that had been carried out by the person making the request which indicated significant support from the trade for the increase. Members were informed that if the increase was approved, the

proposals would be published in a local newspaper and online for a minimum period of 14 days to allow objections to be received.

The Committee heard from the individual who had submitted the request, who noted that the last increase was in 2016 and that due to ever rising costs in operating a vehicle an increase was now required. The Committee heard that the request had been submitted earlier in the year before Covid-19 and that the current timing was not ideal, but along with many other areas of the economy, taxi drivers were now earning less due to a much lower demand. It was noted that the increase requested would help drivers with their higher costs etc.

The Committee agreed to approve the proposals and for the 14-day consultation period to start soon. It was also agreed for the Director of Public Places to set a commencement date for the replacement/recalibration of meters and a suitable date for the implementation of any revised tariff. The Committee also agreed to set taximeters to 'calendar' or be replaced to allow this, along with a change in policy allowing certificates to be submitted by the meter calibration engineer, removing the need for officers to test them.

RESOLVED that;

1. the fares and tariff in Appendix B be approved, with the Director of Public Places being authorised to take the necessary steps to commence the consultation period and;
2. the Director of Public Places be approved to agree a commencement date for the replacement/recalibration of meters and a suitable date for any revised tariff and;
3. the proposal for Taximeters be set to 'calendar' or be replaced to allow this be approved and;
4. a change in policy be approved allowing certificates to be submitted by the meter calibration engineer, removing the need for officers to test them.

6. Urgent Business

There were no matters of urgent business

Exclusion of the Public

Resolved that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for Items 7 and 8 on the grounds that they involved the likely disclosure of exempt information falling within paragraph 1 of Part 1 of Schedule 12A to the Act.

7. Review of a Hackney Carriage/Private Hire Dual Drivers Licence – Mr B

Public interest statement: It is not in the public interest to disclose the content of the report because the information in it concerns the interests and circumstances of an individual who has an expectation that such information would not normally be released to the public. To do otherwise would establish a precedent for the future treatment of personal information.

The Committee was informed that under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, a district council should not grant a licence to drive a

hackney carriage or private hire vehicle unless it was satisfied that the applicant, amongst other criteria, is a fit and proper person to hold such a licence. It was noted by the Committee that there is no statutory definition of what constitutes a fit and proper person, but that Chelmsford City Council had established its own guidelines which the Committee was required to have regard to when determining applications.

The Committee was informed that they were being asked to consider a review of a dual hackney carriage/ private hire drivers licence held by Mr. B to determine whether or not he is a fit and proper person to continue to hold the licence.

Members were advised that the following options were available to them;

- To revoke the licence
- To suspend the licence
- To add any conditions to the licence they feel necessary
- To allow Mr B to continue to hold a Hackney Carriage/ Private Hire Dual Drivers licence

The Committee was reminded that Items 7 and 8 were to be considered as one item and any questions or comments from Mr B would be considered at the end of Item 8.

The Committee received a report detailing various incidents in March 2020 regarding the conduct of Mr B that raised concerns as to whether he was still a fit and proper person to hold a licence. The Committee were taken through the incidents which begun with a vehicle renewal issue and supporting information on them had been provided in the appendices to the report. In summary, it was felt by Licensing Officers that during their correspondence with Mr. B both in person and over the phone that he had been argumentative, hostile, intimidating and abusive. Various statements from Licensing officers and a member of the customer services team were available as appendices to the report.

8. Review of a Hackney Carriage/Private Hire Dual Drivers Licence – Mr B

Public interest statement: It is not in the public interest to disclose the content of the report because the information in it concerns the interests and circumstances of an individual who has an expectation that such information would not normally be released to the public. To do otherwise would establish a precedent for the future treatment of personal information.

The Committee was informed that under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, a district council should not grant a licence to drive a hackney carriage or private hire vehicle unless it was satisfied that the applicant, amongst other criteria, is a fit and proper person to hold such a licence. It was noted by the Committee that there is no statutory definition of what constitutes a fit and proper person, but that Chelmsford City Council had established its own guidelines which the Committee was required to have regard to when determining applications.

The Committee was informed that they were being asked to consider a review of a dual hackney carriage/ private hire drivers licence held by Mr. B to determine whether or not he is a fit and proper person to continue to hold the licence.

Members were advised that the following options were available to them;

- To revoke the licence
- To suspend the licence
- To add any conditions to the licence they feel necessary
- To allow Mr. B to continue to hold a Hackney Carriage/ Private Hire Dual Drivers licence

The Committee received a report which was to be considered in line with Item 7. The report detailed a further incident regarding the behaviour and attitude of Mr B. This matter had been reported by a member of the public and a redacted copy of the complaint was available for members. The allegation made concerned a dispute with another road user over a right of way, ending with Mr B stopping in the carriageway, hanging out of the window and shouting expletives at the complainant. It was noted by the Committee that Mr B had admitted to driving the relevant Hackney Carriage at the time, but disputed the complainant's version of events.

Therefore, it was noted by members, that Licensing officers felt this demonstrated further a concern in relation to the behaviour and driving of Mr B.

Mr. B attended the meeting to speak to the Committee and he had also provided a statement just prior to the meeting which was also considered by members during their deliberation on the matters raised in Items 7 and 8. Mr. B stated that there had been various issues whilst trying to renew his vehicle licence but that he had followed all of the usual processes as he had done for many years previous. Mr. B stated that he had not received the usual reminders and that this had led to delays with the mechanical inspection on his vehicle. Mr. B informed the Committee that throughout the process he felt he had been rudely spoken to and had therefore raised a complaint regarding the conduct of officers. Mr. B strongly disputed the view that he had been abusive towards various members of staff and stated that he had acted calmly when dealing with various officers both in person and over the phone. Mr. B also disputed the complaint made by another road user and that he had been tailgated by the other road user who had caused the incident. In summary Mr. B said he felt victimised and that his status as a 'fit and proper' person should not be under consideration by the Committee.

In response to questions from members, officers clarified that CCTV of the incidents raised in the Civic Centre reception was not available as it had gone past the three-month retention period. One Licensing Officer had seen the footage however previously and confirmed that the actions of Mr. B collaborated with the statement from the Customer Services staff member, in that Mr. B appeared intimidating and abusive to staff.

The Committee gave careful consideration to the officers' reports and to the representations made by Mr. B at the meeting.

The Committee found that on the balance of probabilities, they preferred the account of events given by the other taxi driver (the complainant) and the Chelmsford City Council staff.

The Committee agreed that the actions of Mr. B, described by officers were of serious concern. The Committee felt that there was a significant issue with the behaviour of Mr. B in the way he dealt with the incident with the other taxi driver (complainant) whilst he had a passenger in the car and the way he dealt with Council staff and therefore they were not satisfied that he was a fit and proper person to drive a licenced vehicle, in turn providing a service to members of the public.

RESOLVED that the dual drivers licence held by Mr. B be revoked pursuant to Section 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 for “other reasonable cause”; namely that due to his conduct the Committee is no longer satisfied that he is a fit and proper person to hold such a licence.

The meeting closed at 9.10pm.

Chair

Chelmsford City Council Regulatory Committee

Thursday 10th September 2020

APPLICATION FOR AN INCREASE IN THE FARES CHARGED BY HACKNEY CARRIAGE VEHICLES

Report by:

Director of Public Places

Officer Contact:

Lead Licensing Officer, Nigel DERMOTT, Email: nigel.dermott@chelmsford.gov.uk Tel: 01245 606341

Purpose

To further consider a request submitted by Mr Terry Michel for an increase in the Hackney Carriage Fares following consultation and three responses.

Recommendations

It is recommended that the decision of Regulatory Committee on 9th July to support the proposed tariff be reviewed in the light of three responses that were received during the 14 day public consultation period which followed that decision and:

- a) make further decision as whether to implement those changes or not;
- b) if the decision remains in support of those increases to direct officers to make those arrangements to implement as soon as it is possible in a manner that is safe to so whilst the current risks posed by the pandemic remain.

1. Background and Introduction

- 1.1 At a meeting of the Regulatory Committee on 9th July 2020 it was decided to support a motion proposed by Mr Terry Michel to increase the tariff charges for the hire of Hackney carriages as presented at that meeting.
- 1.2 Following the decision to support the proposal officers have consulted widely with licence holders, posted details in the most appropriate local newspaper and on Chelmsford City Council website as well as publicly available at the main reception of the Civic Offices.
- 1.3 At the conclusion of that consultation period, officers have received only 3 responses; two from taxi drivers in agreement with the increases and one against. Whilst those who agree have added nothing further the licence holder and contributor to the consultation who disagreed gave stated reasons. A copy of that email response is attached at Appendix A.

2 Options

- 2.1 Members are invited to read the response and are advised that the following options are available to them:
 - a) To dismiss the petition in the light of the representation made against the decision to increase tariffs
 - b) To modify the proposal to the extent that the representation might be mitigated;
 - c) To continue to support the petition as previously agreed by the Committee

Appendices

- A. Copy of email making representation against the petition

Background reading

Minutes of meeting held on 9th July 2020

Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: Implementation will require the attendance of all the licensing team to coordinate the petitioner, meter calibration mechanic and licence holders to make the necessary changes to the calibration of meters and in some cases fit new meters where older models cannot accept the new tariff charges.

Risk Management: The changes would need to be made in an environment that is COVID secure to staff and licence holders

Equality and Diversity: None

Health and Safety: As risk assessment

Digital: None

Other: None

Consultees: Hackney Carriage licence holders and the local Community

Relevant Policies and Strategies: General Policy in respect of licensed hackney Carriages

From: Web Team <noreply@chelmsford.gov.uk>

Sent: 18 July 2020 17:06

To: Licensing <Licensing.Email@chelmsford.gov.uk>

Subject: Chelmsford City Council Taxi Fares Consultation feedback acknowledgment - ref CFLC 4279273

Thank you for making a comment.

When the consultation closes, we will review the feedback and decide if we need to make changes to the proposal.

You will need to quote the reference number in the subject of this email if you contact us about this enquiry.

If you want to provide more information, you will need to complete another contact form.

We do not monitor this email address, so we will not see your message if you reply to this email.

Regards,

Chelmsford City Council

www.chelmsford.gov.uk

Submitted On: 18/07/2020

Submitted From: <https://www.chelmsford.gov.uk/business/licensing/taxi-fares-consultation/contact-licensing/>

Submitted By:

First name: XXX

Last name: XXX

Building number or name: XXX

Town or city: XXX

Postcode: XXX

Phone number: XXX

Email address: XXX

Your comments: I am Hackney Carriage licensed driver, badge XXX, plate XXX. I strongly feel that there should not be an increase in fares at present, particularly for Tariff 2. Customers have complained to me on many occasions about tariff 2 fares being too expensive. I do not believe that increasing fares particularly during this unfortunate time would be wise or justifiable. Thanks Mr XXX.

Date of enquiry: 18/07/2020