

Regulatory Committee Agenda

13 February 2020 at 7pm

**Marconi Room, Civic Centre,
Duke Street, Chelmsford**

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. Frasca, I.D. Fuller, P.V. Hughes, A.M. John, G.B.R. Knight, R.J. Lee, L.A. Millane, I.C. Roberts, T.E. Roper, R.J. Shepherd and C.R. Tron

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. 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, call in at the Civic Centre, or write to the address above. Council staff will also be available to offer advice in the Civic Centre for up to half an hour before the start of the meeting.

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REGULATORY COMMITTEE

(Under the provisions of the Local Government Act 1972)

13 February 2020

AGENDA**PART 1**

1. APOLOGIES FOR ABSENCE

2. MINUTES

To consider the minutes of the meeting held on 21 November 2019.

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.

5. VEHICLE COMPLIANCE WITH EURO 6 EMISSIONS STANDARDS

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.

7. REVIEW OF A HACKNEY CARRIAGE/ PRIVATE HIRE DUAL DRIVERS LICENCE

Public interest statement: It is not in the public interest to disclose the content of this 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.

8. REVIEW OF A HACKNEY CARRIAGE/ PRIVATE HIRE DUAL DRIVERS LICENCE

Category: Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (Information relating to any individual)

Public interest statement: It is not in the public interest to disclose the content of this 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.

9. REVIEW OF A HACKNEY CARRIAGE/ PRIVATE HIRE DUAL DRIVERS LICENCE

Category: Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (Information relating to any individual)

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10. REVIEW OF A HACKNEY CARRIAGE/ PRIVATE HIRE DUAL DRIVERS LICENCE

Category: Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (Information relating to any individual)

Public interest statement: It is not in the public interest to disclose the content of this 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.

11. REVIEW OF TWO PRIVATE HIRE OPERATORS LICENCE

Category: Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (Information relating to any individual)

Public interest statement: It is not in the public interest to disclose the content of this 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.

MINUTES

of the

REGULATORY COMMITTEE

held on 21 November 2019 at 7pm

Present:

Councillor L.A. Mascot (Chair)

Councillors, L. Ashley, D.J.R. Clark, A.E. Davidson, J.A. Frasca, P.V. Hughes, D.G. Jones, A.M. John, R.J. Lee, L.A. Millane, T.E. Roper, R.J. Shepherd and C.R. Tron

1. **Apologies for Absence**

Apologies for absence were received from Councillors Ambor, Fuller and Roberts.

2. **Minutes**

The minutes of the meeting on 17 October 2019 were confirmed as a correct record and signed by the Chair.

3. **Public Question Time**

No questions were asked, or statements made.

4. **Declarations of Interests**

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

5. **Urgent Business**

There were no items of urgent business to consider.

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 6 & 7 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.

6. **Review of a Hackney Carriage/ Private Hire Vehicle Dual Driver's Licence – Mr. A**

Public interest statement: It is not in the public interest to disclose the content of this 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. A 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 add any conditions to the licence they feel necessary
- To allow Mr A to continue to hold a Hackney Carriage/ Private Hire Dual Drivers licence

The Committee was informed that a complaint had been received from a member of the public about Mr A's behaviour. The Committee heard that a customer had booked a taxi which arrived late, therefore the customer decided to use the train instead. The Committee was informed that the customer ("the complainant") alleged that the driver (Mr A) then demanded a cancellation fee, became aggressive and then racially abused the customer. It was further alleged by the complainant that Mr A had then followed her to the railway station, had shouted at her and asked for money again, and then used further racially offensive language towards her. The Committee was also informed that since the incident, Mr. A had phoned the complainant and explained that he had lost his job and had a family to support. The Committee heard that under interview, Mr. A admitted to using racist language and asking for a cancellation fee, but that he had been racially abused first. During an interview with licensing officers, Mr A said he had not contacted the complainant but did subsequently admit to doing so.

Mr. A attended the meeting to address the Committee. Mr. A stated that he was very sorry for the incident and had learnt from his mistake. Mr. A explained that he phoned the complainant to say he would be late. However, when he arrived, they decided to use the train instead as the quoted fare was also too expensive. The Committee heard that after asking for a cancellation fee the complainant racially abused him and he responded by saying 'how would you feel if I called you a...' followed by racist comments. Mr. A explained that he phoned the complainant after the incident to apologise and resolve the issue, but the complainant still wanted to uphold her complaint. Mr. A was also asked by a member of the Committee about a previous complaint referenced in the report at paragraph 3.13 (unrelated to the complainant) and he explained that he had been tailgated himself, rather than as described.

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

The Committee recognised that the complainant and Mr A had given different versions of events. However, on balance the Committee was inclined to give more weight to and prefer the complainant's version of events over that of Mr A's.

In particular, the Committee had taken into account the following matters -

(i) Mr A's assertion that he followed the complainant to the station because he thought that she was getting some money out to pay the "cancellation fee" lacked plausibility. The Committee considered it more likely than not that the complainant had refused outright to pay the cancellation fee when at Mr A's vehicle and that Mr A (knowing that the complainant had refused to pay) then followed her to the station to remonstrate with her and to try to persuade her to pay. The Committee considered that Mr A's conduct (i.e. following a lone female customer to the station and trying to get her to pay) was unacceptable and could even be construed as menacing or harassment by the female concerned.

(ii) The complainant telephoned Mr A's employer to make a complaint without delay, as soon as she was on the train. The spontaneity of her complaint was, in the Committee's view, indicative of her having experienced behaviour on the part of Mr A that had given her genuine cause for concern.

(iii) Mr A telephoned the complainant after she had complained to his employer / the Council with a view to persuading her to withdraw her complaint. This was completely inappropriate behaviour.

(iv) Furthermore, Mr A had initially lied to Council licensing officers when interviewed over the matter. Mr A had told them that he hadn't contacted the complainant after the incident, but after further questioning admitted that he had done so. This dishonest conduct gave the Committee cause to question Mr A's credibility in relation to the account of the incident that he had given to officers and the Committee.

The Committee considered that the behaviour of licensed taxi drivers should always be above reproach. The racist language used by Mr A towards the complainant, together with his other conduct, was unacceptable and the Committee was no longer satisfied that he was a fit and proper person to continue to hold a Private Hire Vehicle / Hackney Carriage driver's licence. Furthermore, even if Mr A's own version of events were to be correct, the Committee would still take the view that he was not a fit and proper person to hold a driver's licence, on the basis that: (a) the language used by him in his response to the complainant was nonetheless racist in content and unacceptable, and (b) the conduct outlined in (i), (iii), and (iv) above gave cause for serious concern.

RESOLVED that the dual drivers licence held by Mr. A 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 Mr A is a fit and proper person to hold such a licence.

(7.01 pm to 7.29 pm)

7. **Application for the Renewal of a Hackney Carriage/ Private Hire Vehicle Dual Driver's Licence – Mr. L**

Public interest statement: It is not in the public interest to disclose the content of this 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 an application for the renewal of a dual Hackney Carriage/ Private Hire drivers licence held by Mr. L and to determine whether or not he was a fit and proper person to hold the licence.

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

- To grant the licence as applied for.
- To grant the licence as applied for, but for a shorter period than the normal three years.
- To refuse the application.

The Committee were informed that in June 2019, Mr. L applied to renew his licence. The Committee heard that as part of the process, applicants had to complete an enhanced Disclosure and Barring Service form. The Committee heard that using the tracking service, officers could see it had been dispatched to Mr. L in July 2019. Officers informed the Committee that they attempted to contact Mr. L by phone, email and in writing but no response had been received. The Committee also heard that Mr L was advised to request a reprint of his DBS in the event he had not received the first copy. He was also advised that failure to produce it would lead to his licence being suspended. In September 2019, Mr. L was suspended and advised to return his badges, he was informed by letter, email and attempted to be contacted by phone. The Committee heard that in October, Mr. L contacted the Council and said he would drop in the certificate, but it had not been produced to date.

Mr. L did not attend the meeting and officers had not been contacted by him regarding the issue. The Committee agreed that there was no possibility to renew the licence as Mr. L had not followed the correct procedures. The Committee noted that without a DBS it could not ascertain whether he was a fit and proper person. The Committee was also concerned that Mr. L had failed to engage with the Council and had not delivered the DBS certificate to officers despite saying that he would.

The Committee therefore concluded that it had no option but to refuse the application for renewal of the licence. By law, the Committee had to be satisfied that Mr. L continued to be a fit and proper person to hold a driver's licence and in the circumstances the Committee simply could not satisfy itself on this point.

The Committee also asked officers to contact taxi companies to inform them that Mr. L's licence had not been renewed and was no longer valid. This was due to it not being clear whether Mr. L had received recent correspondence suspending his licence.

RESOLVED that;

1. the application for renewal of the licence be refused pursuant to 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 for "other reasonable cause" namely that the Committee is not satisfied that Mr L is a fit and proper person to hold such a licence; and
2. officers contact local taxi companies, to inform them that Mr. L was no longer licensed.

(7.30 pm to 7.36 pm)

The meeting closed at 7.36 pm

REGULATORY COMMITTEE

13TH February 2020

AGENDA ITEM 5

Subject	VEHICLE COMPLIANCE WITH EURO 6 EMISSIONS STANDARDS
Report by	DIRECTOR OF PUBLIC PLACES

Enquiries contact: Paul Brookes, Tel (01245) 606436, paul.brookes@chelmsford.gov.uk

Purpose

To recommend to the Committee that the licensing conditions relating to the age of licensed taxis and private hire vehicles be amended to bring forward the date when the taxi and private hire fleet will be compliant with the Euro 6 emission standard that reduces harmful emissions from vehicles.

Options

1. To approve proposed changes to the licensing conditions for taxis and private hire vehicles.
2. To approve with amendments proposed changes to the licensing conditions for taxis and private hire vehicles.
3. To not approve proposed changes to the licensing conditions for taxis and private hire vehicles.

Recommendation(s)

1.	To amend the licensing conditions for taxis and private hire vehicles to require them to be Euro 6 compliant by 1 st April 2024.
2.	To amend the licensing conditions for taxis and private hire vehicles to require any vehicle replaced after 31 st March 2020 to be Euro 6 compliant.

Corporate Implications

Legal:	None
Financial:	None
Potential impact on climate change and the environment:	Euro 6 compliance will reduce harmful vehicle emissions and contribute to improving air quality
Contribution toward achieving a net zero carbon position by 2030:	None
Personnel:	None
Risk Management:	None

Equalities and Diversity: (For new or revised policies or procedures has an equalities impact assessment been carried out? Y/N)	None
Health and Safety:	None
IT:	None
Other:	None

Consultees	Cabinet Member for Safer Chelmsford
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Policies and Strategies

The report takes into account the following policies and strategies of the Council:

Air Quality Strategy 2019

1. Introduction

- 1.1 On 16th July 2019 Chelmsford City Council declared a Climate and Ecological Emergency, to deliver the commitments set out within the declaration it was recognised that the Council must work with public service transport providers and regulated transport providers, such as taxis, to ensure that wherever possible vehicles used in Chelmsford are low emission and/or compliant with at least Euro 6 emission standards.

2. Euro 6

- 2.1 In 1992 EU-wide standards on vehicle emissions were introduced. The first standard was known as Euro 1 with subsequent standards named Euro 2, Euro 3 etc...
- 2.2 Euro 6 was introduced for all vehicles that were registered on or after 1st September 2015. The biggest difference between the Euro 5 and Euro 6 standard was the limit on the amount of nitrogen oxides diesel vehicles could produce. The Euro 6 limit of 0.08g/km of nitrogen oxides was a significant reduction of the Euro 5 limit of 0.18g/km.
- 2.3 Nitrogen dioxide is the only statutory air quality limit that the UK is currently failing to meet and has caused many local authorities, including Chelmsford City Council, to declare air quality management areas at pollution hotspots.

3. Licensing Conditions

- 3.1 As Licensing Authority, Chelmsford City Council can apply conditions on the taxi fleet including the maximum age of any taxi. In respect of vehicle age the most applicable conditions are as follows:
 - At first point of licensing any hackney carriage must be less than one year old
 - At first point of licensing any private hire vehicle must be less than four years old
 - No hackney carriage or private hire vehicle must not be older than 12 years
 - Any replacement vehicle must be less than 6 years old
- 3.2 If the current licensing conditions are left unchanged the current taxi and private hire fleet would not be fully Euro 6 compliant until September 2027. Any changes to the licensing conditions to bring that date forward would contribute to an improvement in

air quality and directly contribute to the Council's Climate and Ecological Emergency. However, the Council also needs to be mindful of the cost to taxi and private vehicle operators in having to replace vehicles and needs to give as much notice as possible of any forthcoming changes.

- 3.3 The Council itself has committed to ensuring its own fleet of vehicles is Euro 6 compliant by 1st April 2024, it would seem inequitable if taxi and private hire operators were required to comply prior to this date, and the 4+ years notice that a 2024 compliance date would give is fair and reasonable, so it is proposed that all taxis and private hire vehicles are Euro 6 compliant by 1st April 2024.
- 3.4 The table below shows the approximate number of vehicles potentially affected by the proposed change, it can be inferred from this table that private hire vehicles and saloon hackney carriages are usually replaced prior to the 12 year limit so won't be unduly affected by the changes, and of the wheel chair accessible hackney carriages approximately 45 will be affected.

Date of Registration	Private Hire	Wheel Accessible Hackney Carriage	Chair Hackney carriage	Saloon Hackney carriage	Vehicle replacement year
1962	1	0	0	0	Exempted
1972	1	0	0	0	Exempted
2004	2	0	0	0	Exempted
2006	1	3	0	0	2018
2007	4	11	0	0	2019
2008	0	17	1	1	2020
2009	5	18	4	4	2021
2010	14	9	11	11	2022
2011	7	8	9	9	2023
2012	9	15	9	9	2024
2013	25	7	11	11	2025
2014	19	15	14	14	2026
2015	23	7	9	9	2027
2016	12	3	5	5	Euro 6 compliant
2017	5	6	1	1	
2018	5	8	2	2	
2019	1	3	0	0	

- 3.5 Some specialist vehicle operators have successfully applied to the Regulatory Committee for exemption from the current condition requiring vehicles to be no older than 12 years, this exemption route would be available to them for the new Euro 6 compliant condition if they applied and the Committee felt it was appropriate to grant an exemption.
- 3.6 A replacement vehicle is allowed to be licensed when the original vehicle is not available usually due to being too old, mechanical breakdown or an accident. Currently a replacement vehicle has to be less than 6 years old, this means that any replacement vehicle will be Euro 6 compliant from April 2021. Requiring any replacement vehicle to be Euro 6 compliant from 1st April 2020 will bring this forward by one year and will not be overly costly to the trade.

4. Conclusion

- 4.1 Vehicle emissions are one of the main sources of Nitrogen Dioxide which is the only pollutant in the UK that breaches air quality limits.
- 4.2 As part of the Council's Declaration of a Climate and Ecological Emergency it committed to work with public service transport providers and regulated transport providers, such as taxis, to ensure that wherever possible vehicles used in Chelmsford are low emission and/or compliant with at least Euro 6 emission standards.
- 4.3 It is proposed to make changes to the licensing conditions to ensure all taxis and private hire vehicles are Euro 6 compliant by 2024, and any replacement vehicle is Euro 6 compliant by April 2020.

List of Appendices

Nil

Background Papers