

MINUTES OF THE  
REGULATORY COMMITTEE

held on 27 March 2025 at 7pm

Present:

Councillor R. Lee (Chair)

Councillors D. Clark, H. Clark, A. Davidson, J. Frasca, J. Hawkins and P. Wilson

1. Apologies for Absence

Apologies for absence were received from Councillors Chambers, Mascot, Pappa and Scott.

2. Minutes

The minutes of the meeting held on 27 February 2025 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

Two public questions were asked at the meeting on Item 5, [which can be viewed via this link](#). The details of the questions and the responses can be seen under Item 5.

5. Beaulieu Park Train Station - Taxi Rank Permit Scheme

The Committee received a report, asking them to consider the consultation responses on the introduction of a Taxi Rank Permit Scheme at Beaulieu Park Station and to make a recommendation to Cabinet for a decision. The Committee had initially considered the proposal on 23rd January 2025 and a consultation had then been carried out between 24th January and 7th March 2025. The Committee were informed that 19 responses had been received, a number of which had been identical submissions and that members of the taxi trade had been consulted, in addition to other interested parties such as Greater Anglia, Essex Highways and the South Essex Parking Partnership. The Committee heard that the majority of the responses were against the principle of being charged to use the rank, amongst concerns about the level of fee and likelihood of short journeys from the station.

The Committee noted that the key issue in setting up the scheme was to ensure a sufficient number of taxis were available for rail passengers to use and therefore a balance had to be struck in terms of the fee to be charged and the appeal for drivers. It was noted that a lower annual fee of £500 had been recommended with regard to

this and it was acknowledged that there would be some risk associated with signing up, due to some unknowns about taxi demand at the new station. It was also noted any income generated from the scheme would be used to cover the costs of administering the scheme, along with the ongoing management and maintenance of the rank and other City Council owned parts of the station complex.

The Committee noted that the proposal was for 30 initial permits, with applicants selected at random and that the scheme would be kept under continuous review so that demand, use and operations could be assessed. The Committee were also informed that they were only being asked to make a recommendation to Cabinet and that a final decision on the scheme, would be for Cabinet to make.

The Committee heard concerns from two members of the public, that the proposed scheme was financially motivated and that it did not comply with the key principles of Taxi Licensing. The Committee heard that a seamless end to end service in terms of public transport was crucial and that the services should not be subject to restrictions or financial burdens, that could compromise the ability to effectively serve the public. The Committee also heard that the proposal was short sighted and might result in rail users being unable to access taxi services. The Committee were also reminded of the difficulties for the taxi trade in recent years, due to the pandemic, rising costs and were asked to reject the proposals.

In response to the concerns raised, the Committee was informed by officers that the proposal was about permitting access to City Council land and not in relation to the role of the Council as a Licensing Authority. The Committee also heard that the priority was to ensure a sufficient number of taxis and that was why views had been sought and had been a key consideration in setting the fee, along with the fee contributing to the Council's costs in maintaining the areas of the site under their control and administering the scheme. It was noted that the number of taxis accessing the rank needed to be controlled, to ensure the pickup area and nearby public highways were not blocked. The Committee also heard that the scheme was voluntary and the fee had been set at a level that should encourage drivers to apply, with the new station expected to assist in easing passenger congestion at Chelmsford and providing a rail option for residents of Beaulieu Park and other nearby areas.

The Committee discussed the proposal and stated that they agreed with the principle of charging for the rank as it would cost money to maintain the rank and other City Council owned areas of the station. Furthermore, Network Rail itself charged for the use of the taxi rank at Chelmsford station. The Committee felt that the fee should be adjusted however, to encourage drivers to sign up, by offering a 6 month permit for £200 so drivers could assess demand for 6 months, before deciding whether to continue, which if so would then require a £300 payment for the remaining 6 months. It was noted that this would be for the first 30 permits issued and anyone signing up at a later date, would be required to pay the full £500 for 12 months. The Committee agreed that this would act as an incentive to drivers, in turn leading to sufficient provision of taxis at the rank once the station opened, but with less risk involved for taxi drivers. The Committee's legal advisor confirmed that the option was one the Committee could take without re consultation as it was a minor amendment, involving as it did staggered payments and did not result in an increase in the overall cost of the permits.

The Committee heard from two members of the taxi trade, who appreciated the reduced fee, but their concerns still remained about the scheme, including if it would be utilised and that due to the location of the station it would be more logical to fully open up access to drivers. In response to a question about similar schemes from other Local Authorities, officers confirmed that they were not aware of any similar and that most taxi ranks were privately owned, similar to the one at Chelmsford station by Network Rail.

RECOMMENDED to Cabinet that the details of the scheme be endorsed by the Committee and that it should be approved with the below amendments;

1. The scheme be amended to include an initial £200 payment for 6 months, with the option to extend for a further 6 months for £300 for the first 30 permits issued.
2. Any permits issued after the initial 30, to be charged the full £500 for 12 months.

*(7.02pm to 7.35pm)*

6. [Business and Planning Act 2020 – Application to appeal the decision of a pavement licence](#)

The Committee were requested to consider an application to appeal the decision made by the Licensing Authority, in relation to the refusal of a pavement licence. The Committee heard that the initial application had been refused in accordance with the Council's Pavement licence policy, after receiving representations from the Council's Planning department, City Centre Management and the Markets and Shop mobility Manager.

The Committee heard that the application had been rejected because of high footfall in the area, navigation challenges and the proximity to nearby bus stops. It was also noted that the unique positioning of the premises, high pedestrian usage and the constraints posed by existing street infrastructure made the location unsuitable for the proposals and granting as applied for would have compromised public safety, accessibility and the character of the City Centre.

The Committee heard from the planning agent representing Gail's, who asked the Committee to reconsider the decision made by officers. They stated that Gail's had made a commitment to the local economy and that outside seating was an integral part of their business model and would enhance the viability of the City Centre. The Committee also heard that the concerns were understood, but the revised application now being considered had included a reduction on the New London Road side, allowing 2.8m of pedestrian passing space, compared to the required 2.5m which they felt would be sufficient to allay concerns. The Committee also heard that if both frontages of the shop were unacceptable, an alternative option agreeable to Gail's, would be for 5 tables along Conduit Street with none on New London Road. They also reiterated that community safety and accessibility was of course important, but that it should be balanced against business needs and that they felt their application was policy compliant.

The Committee also heard from the City Council's City Centre Manager, who reiterated their concern about seating along New London Road as it would create a

pinch point for those with mobility issues, but that they were less concerned about the Conduit street element of the application. The Committee also heard from the City Council's Market's Manager, who reiterated their concerns about seating on Conduit Street, due to the high footfall, the narrow nature of the street and concerns regarding access for those with disabilities accessing that part of the High Street.

The Committee discussed the merits of the application and views were expressed about the unsuitability of the location to have a Pavement Licence, due to the high footfall at such a busy section of the City Centre. The Committee agreed that it was important to support businesses and that a potential compromise for a smaller amount of tables and chairs could be a solution. The applicant also highlighted that when their client had looked at the policy, they understood that the location was viable as it was not included on the separate area of the High Street with specific designations and that a minimum of 2.5m from the frontage was acceptable. They also highlighted other branches of Gail's in busy parts of London that had outside seating.

Officers confirmed that the policy was a guide and that there would be examples where 2.5m might not be sufficient in certain areas of the City Centre, it was also clarified that the policy said licences would not be granted where there was less than 2.5m, not that they would explicitly be allowed otherwise.

A proposal was made and seconded to permit a lesser application providing for one table with two chairs to the left of the entrance doors and one table and two chairs to the right of the entrance doors. The Committee's legal advisor confirmed that by virtue of section 3(4) of the 2020 Act this was an option that was open to the Committee. The legal advisor further advised the Committee that it was appropriate for officers to be given delegated authority to confirm/settle any finer points of the application (e.g. precise location) and the applicant confirmed they could supply a drawing on that basis, to be included as part of the granted licence and they also stated that due to the smaller areas being granted, their preference would be to not have barriers around the seating which would introduce extra clutter. The City Council's City Centre Manager and the Markets Manager, confirmed they were both content with the amended proposal.

**RESOLVED** that;

1. The Director of Public Places be granted delegated authority to approve the application with a reduced area, to provide one table with two chairs, either side of the entrance doors and to agree any finer points involved e.g. the precise location points.
2. The applicant be requested to provide a drawing on the above basis that would be incorporated as part of the licence.

*(7.36pm to 8.08pm)*

### **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 7,8 & 9 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. Local Government (Miscellaneous Provisions) Act 1976 – Application for the renewal of a Hackney Carriage Vehicle Licence

*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 considered a request from Mr X to licence a vehicle as a Private Hire Vehicle, where the specification did not meet with the pre-licensing criteria. The Committee was informed that the vehicle failed to meet the conditions due to it being over 12 years old. Members were advised that they could either grant the licence as applied for, for an additional year or for a shorter period or refuse the application.

The owner of the vehicle attended the meeting to explain to the Committee, why they felt the vehicle should still be licenced and was of special characteristics. They highlighted their own personal circumstances, which had prevented them from saving for a replacement vehicle and asked the Committee, to grant them an extension due to their personal circumstances. They also highlighted that the vehicle in question, was a wheelchair accessible vehicle.

**RESOLVED** that the Hackney Carriage Vehicle Licence be refused.

**Reasons for decision**

The Committee had sympathy for the applicant, but from an objective standpoint the vehicle itself had no special characteristics which might justify a departure from the policy. The applicant was, in effect, asking the Council to make an exception for his vehicle on the basis of his financial circumstances and the current cost of living crisis. The Committee did not feel able to allow this request. To do so would completely undermine the 12 year policy as it would set a precedent for dealing with future similar requests. The Committee had not agreed any similar requests in recent years and reminded the applicant that they were still able to use their driver's licence to drive other licenced vehicles.

(8.09pm to 8.38pm)

8. Local Government (Miscellaneous Provisions) Act 1976 – Application for the renewal of a Hackney Carriage Vehicle Licence

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The owner of the vehicle attended the meeting to explain to the Committee, why they felt the vehicle should still be licenced and was of special characteristics. They highlighted their own personal circumstances, which had prevented them from saving for a replacement vehicle and asked the Committee, to grant them an extension due to their personal circumstances. They also highlighted that the vehicle in question, was a wheelchair accessible vehicle and that previous MOT failures on the vehicle had been emissions based but had been quickly resolved.

**RESOLVED** that the Hackney Carriage Vehicle Licence be refused.

### **Reasons for decision**

The Committee had sympathy for the applicant, but from an objective standpoint the vehicle itself had no special characteristics which might justify a departure from the policy. The applicant was, in effect, asking the Council to make an exception for his vehicle on the basis of his financial circumstances and the current cost of living crisis. The Committee did not feel able to allow this request. To do so would completely undermine the 12 year policy as it would set a precedent for dealing with future similar requests. The Committee had not agreed any similar requests in recent years and reminded the applicant that they were still able to use their driver's licence to drive other licenced vehicles.

*(8.39pm to 9.03pm)*

### **9. [Local Government \(Miscellaneous Provisions\) Act 1976 – Application for a new Hackney Carriage/Private Hire Dual Driver's Licence](#)**

*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 an application for a new Hackney Carriage/Private Hire Dual Driver's Licence by Mr X, who had six penalty points on their DVLA record which they had declared as part of their application. The Committee heard that licences could be granted at officer level, if the applicant had six penalty points or less, but due to the circumstances of the points, officers had felt it was appropriate for a member level decision to be taken.

Mr X attended the meeting to speak to the Committee and answer questions about how they had received the points and they explained the circumstances to the Committee. They acknowledged that they understood they had made a mistake which led to them receiving the points, but reiterated the circumstances and highlighted their extensive experience working as a bus driver for TFL and other bus companies in the past, which would assist them with being a licenced taxi driver in Chelmsford.

**RESOLVED** that the licence be granted as applied for.

### **Reasons for decision**

The Committee considered the representations made by Mr X and accepted their explanation of the circumstances surrounding the six penalty points. The Committee felt that Mr X had learnt a lesson and would not repeat the offence. On balance, therefore, the Committee was satisfied that Mr X was a fit and proper person to hold a driver's licence. A repeat offence, however, would result in Mr X being brought back to the Committee and their licence almost certainly revoked.

*(9.04pm to 9.37pm)*

## **10. Urgent Business**

There were no matters of urgent business.

The meeting closed at 9.37pm

Chair