

MINUTES OF THE
REGULATORY COMMITTEE

held on 23 February 2023 at 7.00pm

Present:

Councillor L. Mascot (Chair)

Councillors R.H. Ambor, L. Ashley, D.J.R. Clark, A.E. Davidson, J.A. Frasca, A.M. John
D.G. Jones, R.J. Lee, I.C. Roberts and S.J. Scott

1. [Apologies for Absence](#)

Apologies for absence were received from Councillor Roper.

2. [Minutes](#)

The minutes of the meeting held on 23 February 2023 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](#)

There were no questions or statements from members of the public.

5. [Incentivising Electric Vehicles into the Taxi Fleet](#)

The Committee considered a report regarding the allocation of a number of hackney carriage plates for the sole use of electric vehicles. The Committee were reminded of the Licensing Policy that included a condition that stated "the Council may provide incentives, financial or otherwise, to encourage electric vehicles within the fleet. Such vehicles may be exempt from the requirement to be wheelchair accessible taking into account equality and diversity requirements". The Committee were informed that electric vehicles directly impact, in a positive way, local air quality. The Committee heard that the Council operated a mixed fleet in respect of wheelchair accessibility, taking into account users' different preferences. It was noted that the number of non-wheelchair accessible hackney carriage vehicles were currently limited to 76 and any new vehicles must be wheelchair accessible.

The Committee were informed that to encourage electric vehicles into the fleet, it was proposed to allocate up to ten new plates to operators, with no requirement for them to be wheelchair accessible. This was due to the high cost of a wheelchair accessible electric vehicle and that as it was not currently possible to licence new saloon vehicles, these new plates would act as an incentive to operators to use a fully electric vehicle. The Committee heard that plates 1-76 currently held a value

within the trade, as saloon vehicles could no longer receive plates. Therefore, to prevent any potential profiteering any plates issued from the new initiative would not be able to be transferred to another vehicle for ten years, although they could be replaced between electric vehicles owned by the operator.

The Committee were informed that the initiative would form an important part of delivering the Council's commitments within its Climate and Ecological Emergency declaration. It was noted that the release of ten new plates with no requirement for them to be wheelchair accessible, may provide the necessary incentive for operators to incorporate them into their fleet.

In response to a question regarding the transfer of plates, officers informed the Committee that a condition could be added, that the ten new plates had to be for fully electric vehicles, therefore facilitating the transfer between operators if required. The Committee agreed this would be a sensible condition to add onto the ten new plates.

RESOLVED that ten hackney carriage plates be allocated with a condition that they can only be used for fully electric vehicles and that they could be for saloon type vehicles.

(7.01pm to 7.10pm)

Exclusion of the Public

Resolved that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for Item 6 on the grounds that it involved the likely disclosure of exempt information falling within paragraph 1 of Part 1 of Schedule 12A to the Act.

6. [Application for a renewal of a Hackney Carriage/ Private Hire Dual 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 a renewal application of a dual hackney carriage/ private hire drivers licence held by Driver X to determine whether or not they were a fit and proper person to continue to hold the licence.

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

- a) to grant the licence as applied for
- b) to grant the licence as applied for, but for a shorter period than the normal three years
- c) to refuse the application

Officers introduced the matter to the Committee. It was noted that the Licensing department had received information that Driver X had been arrested for an altercation that had happened with a family member and that he had been charged with and subsequently convicted in the Magistrates' court, of the criminal offence of battery as a result. The Committee heard that during investigations, it was established that the conviction had taken place 6 months previously to the Council being informed and therefore Driver X had breached the conditions on his licence by not informing the Council of either the arrest or conviction. The Committee heard that Driver X had been suspended by the Council as a result, with the suspension being lifted after community service had been completed. Officers had determined at that point that the renewal of the licence, would be considered by the Regulatory Committee.

Driver X attended the meeting with a family member (his wife) to answer any questions from the Committee. The Committee heard that there had been confusion at the time of arrest and at the subsequent court hearing and that Driver X wanted to apologise to the Committee for not keeping them informed. It was noted that this had been the first incident of its type and that Driver X and his wife had been under significant stress at the time. The Committee heard that the source of income from being a taxi driver was important for the family.

In response to questions from the Committee, Driver X informed the Committee that no legal advice had been taken after the arrest. It was also noted that the family member had informed the Council of the arrest, in an effort to meet the licensing conditions and not in an attempt to report Driver X.

The Committee gave careful consideration to all of the evidence and to the representations made at the meeting on behalf of by Driver X.

RESOLVED that Driver X's (renewal) application for a dual Hackney Carriage and Private Hire Vehicle driver's licence be refused, on the basis that Committee is not satisfied that he is a fit and proper person to hold such a licence. ;

Reasons for decision

(1) By law, the Council (acting through its Regulatory Committee) can only grant a Hackney Carriage and Private Hire Vehicle driver's licence if it is satisfied that the applicant is a 'fit and proper' person to hold such a licence. (Sections 51(1)(a) and 59(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976. If the Committee is not satisfied that the applicant is a fit and proper person, then it must refuse the application. In short, if there is doubt the applicant cannot be given the benefit of that doubt where the safety of the travelling public is concerned.

(2) Driver X had been convicted of the criminal offence of battery. This was an offence which involved the committing of an act of physical violence towards another person. The Committee had due regard to the Council's 'Guidelines

Relating to the Relevance of Convictions' which advise that an applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has a conviction for an offence of this nature. However, the Committee also took into account, when determining the application, the requirement that each case should be considered on its own merits.

(3) Whilst not relevant to the gravity or seriousness of the offence (which remained the same irrespective of where it had been committed), the Committee did take into account and give some weight to the fact that the offence had taken place in the domestic context rather than in the context of Driver X working as a taxi driver. However, the fact remained that this was an offence involving physical violence where, clearly, Driver X had lost his temper and lost control. In all the circumstances, the Committee considered that it could not rule out the possibility that this offence may be indicative of a propensity on the part of Driver X to lose his temper and strike out. The role of a taxi driver involved almost constant contact and interaction with travelling members of the public and could, from time to time bring the driver into challenging situations. The safety of the public was paramount.

(4) The Committee also considered it be a serious matter that Driver X had failed to notify the Council's Licensing Section when he was arrested for the offence. This was in breach of the standard conditions attached to his dual driver's licence. This failure went to Driver X's integrity and gave the Committee further cause to have doubts as to whether he was a fit and proper person to hold a driver's licence.

6. Urgent Business

There were no matters of urgent business.

The meeting closed at 7.57pm

Chair