

MINUTES

of the

REGULATORY COMMITTEE

held on 17 October 2019 at 7pm

Present:

Councillor L.A. Mascot (Chair)

Councillors R.H. Ambor, L. Ashley, D.J.R. Clark, A.E. Davidson, J.A. Frasca, I.D. Fuller, P.V. Hughes, D.G. Jones, A.M. John, R.J. Lee, L.A. Millane, I.C. Roberts and R.J. Shepherd.

1. **Apologies for Absence**

Apologies for absence were received from Councillor Tron.

2. **Minutes**

The minutes of the meeting on 4 July 2019 were confirmed as a correct record and signed by the Chair.

3. **Public Question Time**

A Member of the public asked a question on Item 6. It was confirmed by officers that the report was just providing information to members and did not entail any changes being made in the Chelmsford area.

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.

6. **The Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019**

The Committee received a report making them aware of the new requirement placed upon the Council by the Air Quality Regulations 2019. The Committee were informed that the new regulations placed a duty on local authorities to provide certain information to DEFRA with respect to Taxis and Private Hire Vehicles that have been licensed to operate in their respective areas. It was noted that the details would include the registration, date the licence took effect and the expiry date. The information would allow a database to be created for the purposes of enforcing local air quality measures, in particular locally introduced clean air zones. Members were made aware that the Council was not currently considering introducing a clean air zone.

RESOLVED that the contents of the report be noted.

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

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. C 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 you feel necessary
- To allow Mr C to continue to hold a Hackney Carriage/ Private Hire Dual Drivers licence
- To issue Mr C with a final warning.

The Committee was informed that in early August an allegation was received from another taxi driver that he had been punched by Mr C. The Committee heard that after interviewing both parties, officers established that both drivers had admitted to taking part in a fight between themselves. The Committee were also informed that no CCTV footage of the incident was available.

Mr C attended the meeting and provided his version of events to the Committee. Mr C stated that the altercation had taken place due to a misunderstanding with the other taxi driver allegedly refusing a fare despite having his hire light on in a taxi rank. Mr C stated that as a result of this he advised a member of the public about how they could complain to the Council. Mr C then informed the Committee that as a result of this himself and the driver did have an altercation between themselves before being broken up by other drivers. Mr C also advised the Committee that he had since received an apology from the other driver and had dropped the case he had raised with the police. Mr C informed the Committee that he had accepted the apology and they had since put the matter behind them.

The Committee expressed their concern over the incident and decided to issue Mr C with a final warning. The Committee agreed that this behaviour was not expected from licenced drivers and that they had considered the matter to be very serious.

The Committee considered this to be unacceptable behaviour and damaging to the reputation of the taxi trade and Council that licences the drivers. The mitigating circumstances noted by the Committee were that Mr C had not been before the Committee before and no members of the public were involved.

The Committee noted that on this occasion, and having had regard to the representation made, were prepared to view this as an isolated incident. The Committee did state however, that if there was an occurrence of similar behaviour, Mr C would have to attend the Committee again and would then be very likely to have his licence revoked.

RESOLVED that Mr C be issued with a final warning.

(7.10 pm to 7.24 pm)

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

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. V to determine whether or not he is a fit and proper person to continue to hold the licence. The Committee were also asked to note a typing error in the report and that Mr V had held his licence since June 2016 rather than June 2019.

The Committee was informed that in early August an allegation was received from another taxi driver that he had been assaulted by Mr V. The Committee heard that after interviewing both parties, officers established that both drivers had admitted to taking part in a fight between themselves. The Committee were also informed that no CCTV footage of the incident was available.

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

- To revoke the licence
- To add any conditions to the licence you feel necessary
- To allow Mr V to continue to hold a Hackney Carriage/ Private Hire Dual Drivers licence
- To issue Mr V with a final warning.

Mr V attended the meeting and expressed his remorse for the incident which was out of his normal character. He stated that he was sorry for the incident and for the work it had caused as a result. Mr V informed the Committee that he had learnt from the incident and would not get involved in an incident of a similar nature again. Mr V stated that his licence was very important to him and that he had apologised to the other driver.

The Committee expressed their concern over the incident and decided to issue Mr V with a final warning. The Committee agreed that this behaviour was not expected from licenced drivers and that they had considered the matter to be very serious.

The Committee considered this to be unacceptable behaviour and damaging to the reputation of the taxi trade and Council that licences the drivers. The mitigating circumstances noted by the Committee were that Mr V had not been before the Committee before and no members of the public were involved.

The Committee noted that on this occasion, and having had regard to the representation made, were prepared to view this as an isolated incident. The Committee did state however, that if there was an occurrence of similar behaviour, Mr V would have to attend the Committee again and would then be very likely to have his licence revoked.

(7.25 pm to 7.49 pm)

9. **Application for the Renewal of a Hackney Carriage/ Private Hire Vehicle Dual Driver's Licence and Review of an Operator Licence – Mr. J**

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 two separate issues. Firstly, an application from Mr J to renew his dual hackney carriage/private hire drivers licence to determine whether or not he was a fit and proper person to hold the licence. Secondly, a review of the two private hire operator's licence held by Mr J and to determine whether or not he was a fit and proper person to hold those licences. Members were directed to a green sheet which confirmed Mr J held two separate operator's licence, rather than just the one mentioned in the report.

The Committee was informed that when applying to renew his driver's licence, in August 2019, Mr J declared that he was being investigated for the offence of Assault by beating. The Committee was informed that Mr J was found guilty of the offence in September 2019 and charged with 120 hours of supervised community service. The Committee noted that the incident took place whilst Mr J was working as a taxi driver. The Committee considered the details of the incident and were informed that in August, Mr J met with licensing officers for an informal interview to discuss the issue. As a result of officers receiving the information Mr J was immediately suspended, pending the result of the Magistrate Court.

The Committee heard that due to the conviction, it was now up to them to decide if Mr J was a fit and proper person, to hold the dual driver or operators' licences.

Mr J attended the meeting and explained he had been a taxi driver for over a decade and had recently obtained an operator's licence too. He stated that he wanted to be the best taxi driver he could be and had let himself down badly. He stated that he fully accepted his actions were unacceptable and had pled guilty in court. He stated this his business provided a valuable transport service and he employed a number of drivers and office staff. Mr J informed members that he had never received a complaint via his company or the council during his time as a driver and had a clean record until the incident. Mr J referred the Committee to letters of support from customers, who recommended his professional character. Mr J asked that the incident be treated as an isolated event, which was completely out of his normal character. He also stated that losing his licences, would be detrimental to him and his business financially.

The Committee gave careful consideration to the application and the representation made at the hearing. However, the Committee had to be satisfied that Mr J was a fit and proper person to hold a taxi driver's licence. The Committee noted that due to his recent conviction and the nature of the offence committed (which engaged s.61 of the Local Government (Miscellaneous Provisions) Act 1976) the Committee was simply not satisfied that this was the case. Therefore, the Committee decided to refuse the application to renew the dual driver's licence.

The Committee was concerned at the conduct of Mr J in becoming involved in a violent altercation with a member of the public whilst on duty as a taxi driver. This indicated to the Committee violent tendencies. The Committee noted that a person with violent tendencies was not considered to be a fit and proper person and that the safety of the public was of paramount importance to the Committee.

The committee had also considered whether or not to revoke the two operator's licences but after careful consideration decided on balance not to do so on this occasion. Having had regard to the fact that an operator's licence does not permit Mr J to drive members of the public around and therefore, would not involve interaction with the public as a driver.

RESOLVED that;

1. the application for the renewal of a Hackney Carriage/ Private Hire Vehicle Dual Driver's Licence be refused, as the Committee were not satisfied that he was a fit and proper person to hold such a licence;
2. the operator's licences held by Mr J be allowed to continue.

(7.50 pm to 8.19pm)

The meeting closed at 8.19 pm