

1 June 2023 at 7.30pm

Marconi Room, Civic Centre, Chelmsford

Membership

To be confirmed after Annual Council on 24th May

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 email daniel.bird@chelmsford.gov.uk or telephone (01245) 606523

Regulatory Committee

1 June 2023

AGENDA

1. Apologies for Absence

2. Election of a Vice Chair

3. Minutes

To consider the minutes of the meeting held on 23 February 2023.

4. 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.

5. 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 20 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 at least 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.

6. Taxi Licensing Policy Amendments (Euro 6 Compliance)

7. Taxi Policy Amendments

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.

8. Application for 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. 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.

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



Chelmsford City Council Regulatory Committee

DATE: 1st June 2023

TAXI LICENSING POLICY AMENDMENTS

Report by: Director of Public Places

Officer Contact: Daniel.winter@chelmsford.gov.uk. Licensing Lead Officer
01245 606317

Purpose

The Committee is requested to consider an exemption from the requirement for all vehicles to be Euro 6 Compliant as from the 1st April 2024.

Recommendations

Members are recommended to consider amendments to the Taxi Licensing Policy.

1. Background & 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.
- 1.2 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...

- 1.3 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.
- 1.4 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.
- 1.5 On the 13th February 2020 members of the regulatory committee resolved that:
 - the licensing conditions for taxis and private hire vehicles be amended to require them to be Euro 6 compliant by 1st April 2024 and;
 - the licensing conditions for any replacement taxis or private hire vehicles replaced after 31st March 2020 be amended to require them to be Euro 6 compliant.
- 1.6 These conditions are contained in Section 3.4.4 of the Taxi Licensing Policy. The Policy can be viewed at the following link
<https://www.chelmsford.gov.uk/media/hnyifts2/taxi-licensing-policy.pdf>

2. Requests for Exemption

- 2.1 On March 20, 2023, a licensed taxi driver submitted a request for an exemption from the requirement that all vehicles be Euro 6 compliant by April 1, 2024. A further 3 requests/representations have been received, at the time of writing this report, from 3 other licensed drivers. All requests are attached to the report as Appendix A.
- 2.2 Rather than deal with individual requests for exemption the Committee are asked to consider whether to keep, remove or amend the condition relating to Euro 6. The Committee's decision will then apply to all Euro 5 vehicles.

3. Impact

- 3.1 The Licensing department have checked all licenced vehicles first registered before 2017 through a company called Solera which is an HPI Euro Emission Standards Checker. If section 3.4.4 remains in the policy, a total of 76 out of 175 hackney carriages will be impacted, with 51 of them being wheelchair accessible, and 13 out of 85 private hire vehicles.
- 3.2 If the condition in the policy is removed, all licensed vehicles will achieve Euro 6 compliance by 2027. This is in accordance with the policy's requirement that licensed vehicles must not exceed 12 years since their initial registration.

4. Options

4.1 Members have the following options:

- 4.1a Remove the requirement for all licensed vehicles to be euro 6 compliant by 1st April 2024
- 4.1b Keep the requirement that requires all licensed vehicles to be Euro 6 compliant by 1st April 2024
- 4.1c Amend the date for when all licensed vehicles are to be euro 6 compliant

Appendices:

- Appendix A – Representations for exemption from requirement for all vehicles to be Euro 6 compliant

Background reading:

Taxi Licensing Policy

Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: If the requirement is removed there will be a negative impact on the environment, this will be negligible due to the low number of vehicles affected compared to the overall number of vehicles in use.

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

Personnel: None.

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Appendix A - Requests for Exemptions

Dear Mr Brookes,

Firstly please excuse me if i ramble, go off point so to speak.
I am not the most eloquent of People, but will endeavour to do my best.

I purchased my current vehicle in 2015 in the belief that i could licence it for 12 years.
I am now (with others) faced with the prospect of having 3 years of my vehicles working
useful life taken away, this is not right and fair and i object most strongly.

I draw your attention to a comment you made in a letter you sent to Vicky Ford MP.
" **THE CITY COUNCIL ARE DECLARING A CLIMATE AND ECOLOGICAL
EMERGENCY**"

so this would suggest the council is more concerned with a few Euro 5 Taxis trying to make an honest
living,
than the devastation caused by the Beaulieu and Channels Estates to the environment, building on a
Golf Course...
really!??

What about the Buses and Trades peoples vehicles what punitive measures do you have in store for
them?

The irony is of course that i could still drive around for years in this vehicle privately with the plates
and roof sign off.

I have been driving a licensed taxi in Chelmsford for over 30 years, and have an unblemished
disciplinary record,
and have provided a professional and courteous service to many happy customers who have become
friends and would
be unhappy if i couldn't continue for the full 12 years. I can provide you with their testimonials if you
think fit.

I hope that i have made a compelling case and that " **EXTENUATING CURCUMSTANCES**" apply
in my matter.

Lastly i understand that a cohort lead by the inimitable *redacted* will be making their own
representations for you
to consider.

I hope i didn't meander too much and look forward to your comments.

With Kind Regards,

Redacted

My name is *redacted* and I live in *redacted*. I am a taxi driver and I purchased my taxi around 5 years ago (Euro 5) which was licensed until 2026. However, since purchasing the taxi, the licensing policy in Chelmsford has changed - I can only use my taxi until 2024, which means that I lose 2 years of driving a licensed taxi and consequently lose my work which I've been doing for 15 years.

Under the new licensing policy, only Euro6 will be licensed. The licensing department in Chelmsford told me that they wouldn't allow me to retro fit my Euro5 taxi to fit Euro6 specifications as "I could spend that money on a new taxi". To retro fit a taxi to Euro6 standards would cost around ~£2,000 and a new taxi costs around ~£50,000.

I totally agree with having vehicles that produce lower emissions, however there are many taxi drivers in Chelmsford who are missing out on 2 years of taxi driving under the new licensing policy. When we bought our taxi's, we were told by licensing that we would have our license until at least 2026. Government policy is that all diesel vehicles are to be scrapped by 2030 and there are incentives such as the diesel scrappage scheme that has allowed diesel drivers to switch to a lower emission vehicle. I am not sure why Chelmsford council has decided that 2024 for my taxi to be scrapped when government policy gives 7 more years for diesel cars to be phased out.

There needs to be some mitigation in place for the drivers who are going to lose out and cannot afford (or want) to buy a new Euro6 taxi, especially those who have taxis who were originally permitted until 2026. Many taxi drivers will simply not be able to afford to buy a new taxi that fits the new licensing requirements and therefore be out of work, this points towards discrimination on the basis that individuals cannot continue to work simply because they cannot afford to spend a considerable amount on a new taxi.

Perhaps a scrappage scheme for diesel taxis or allowance to retro fit existing taxi's to Euro6 standards would assist taxi drivers greatly.

I am happy to discuss this further with you.

Thank you for your time. I look forward to hearing from you.

Kind regards,

Redacted

Good morning,

i am writing to you to make a representation against the introduction of requiring all taxis/private hire vehicles to be euro 6 compliant by April 2024. When this ruling was introduced, although disappointed that the possible 12 years usage of my vehicle *redacted* had been reduced by 3 years, it would only probably effect the resale value of the vehicle as I was intending to replace it sooner than 12 years. In fact my plans were to replace it in the summer of 2020.

As the result of the Covid pandemic, new taxis are not readily available, waiting time was approximately 12 months dependant on make/model etc, It is impossible to get any discounts on new vehicles keeping the purchase price high.

I have had to keep my vehicle longer than I intended. Also added to that is the current cost of living crisis I will not be in a position to replace my vehicle in April 2024.

I recently had communication from TFL, through my congestion charge account, that they have introduced a scrapage scheme for private residents and businesses, I think its £9000 for my type of vehicle? If this was introduced for Chelmsford then I think that I would be in a position to order a brand new Euro 6 compliant vehicle sooner.

If you are unable to assist in the scrapage scheme idea? then I request that the April 2024 deadline be removed and changed to any new/used vehicles replacing current vehicles need to be Euro 6 compliant. Although this would in theory mean that i could run my vehicle to 2027 I would be looking to change it as soon as it is financially viable for me to do so.

Kind Regards

Redacted

I've recently bought my vehicle and merely new to the taxi business. I've purchased my vehicle for £5000, £2000 insurance, £340 road tax and my concern is to give it up the following year due to being Euro 5. I've got my self in debt to have this money as I see a great need for taxi services and disability access vehicles.

I appreciate the councils view for cleaner air, but with all do respect this isn't the time, not only will be a shortage of disability vehicles but also 6 seater.

With the cost of living and prices of new and second hand cars sky rocket, 50k + for a new electric car is just too expensive.

I regret to say but I have to look for a new career if the council decision to replace euro 5 vehicles goes a head.

I sincerely hope the council and the representatives make the right decision.

more years for all euro 5 vehicles due to the war in Ukraine uA due to the cost of living and the uncertainty of the world financial crisis.

Sincerely

Redacted



Chelmsford City Council Regulatory Committee

DATE: 1st June 2023

TAXI POLICY AMENDMENTS

Report by: Director of Public Places

Officer Contact: Daniel.winter@chelmsford.gov.uk, Licensing Lead Officer,
01245 606317

Purpose

The purpose of this report is to review the Taxi Policy with regards to extenuating circumstances when an applicant who is currently licenced with Chelmsford City Council, has failed all attempts of passing the Green Penny Training course. It is also requested that members consider what action they deem appropriate to existing drivers who have not attempted to pass the training.

Recommendations

To consider amendments to the taxi policy in respect of mandatory training.

1. Background & Introduction

- 1.1 The Taxi Policy was approved by the Council on the 17th June 2021 and took effect from 18th June 2021. It remains in force for five years where it will be reviewed but may also be subject to review in response to changes in regulations or guidance or other relevant significant issues which necessitate a review of the policy. The Taxi Policy is available at the following link. Sections 2.8 and 2.10 refer to the training requirement.

<https://www.chelmsford.gov.uk/media/hnyifts2/taxi-licensing-policy.pdf>

- 1.2 The Public Health and Protection Services Manager has specific delegated authority to refuse applications for a 'new' Hackney Carriage and Private Hire Vehicle Driver's Licence in case of four consecutive failed local knowledge tests and advise applicants that no further application is likely to be granted within twelve months.
- 1.3 The training provider, Green Penny, will test the knowledge of delegates before issuing a pass certificate. The test will comprise of all elements contained within the syllabus including equality, diversity, disability, and safeguarding training. In addition, applicants will also need to complete a topographical (or 'geographical') element, testing their knowledge of roads, places of interest and routes within the district.
- 1.4 Existing holders of a driver's licence will have needed to complete the training within a period of 18 months following the formal adoption of this policy. Where a licence is allowed to expire before re-applying, the full training will be required. A further licence will not be issued until the training has been completed.
- 1.5 Currently the Policy does not detail what action can be taken where a current licensed driver has failed all 4 attempts within the 18 months allocated. In one particular case a driver was issued with a 3-year licence until December 2024, attempted four times to pass the training within the 18 months allowed, but failed all four parts of the topographical element. On two occasions he failed by one point only.
- 1.6 Since the requirement to pass the Green Penny training was introduced for existing drivers 275 drivers have passed. To date there are 22 remaining drivers who have not booked any course to undertake the training with Green Penny. Licensing Officers wrote to these individuals asking them to book a course, only 3 responded to inform the Licensing Authority that they will not be booking their training as they are not intending to renew their licence which are due to expire over the next month.
- 1.7 Members may take the view that those drivers that haven't attempted to undertake the training are not 'fit and proper' and should have their licence suspended

2. Options

2.1 Members are asked to:

- Delegate authority to the licensing officers to suspend or apply any other action that members see fit, where a licenced driver has failed four attempts at passing the training by some margin.

- To allow the Public Health & Protection Services Manager to apply exemptions to the taxi driver licence test where there are extenuating circumstances and where the failure of such test is marginal.
- Delegate authority to the Public Health & Protection Services Manager to suspend or apply any other action that Members see fit, where a licensed driver has not made any attempt to pass the Green Penny training course and geographical exam with immediate effect.

Appendices:

None

Background reading:

None

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: None.

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None