

MINUTES OF THE  
REGULATORY COMMITTEE

held on 29 February 2024 at 7.00pm

Present:

Councillor R.J. Lee (Chair)

Councillors N. Chambers D. Clark, A. Davidson, S. Davis, J. Frasca, A. John, S. Rajesh, S. Scott and P. Wilson

1. **Apologies for Absence**

Apologies for absence were received from Councillors Bugbee and Pappa.

2. **Minutes**

The minutes of the meeting held on 25 January 2024 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**

No public questions were asked or statements made.

**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 5,6 & 7 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.

5. **Application for a new 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 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 the age of one year old before its first registration as a Hackney Carriage Vehicle.

Members were advised that they could either grant the application as applied for or refuse it.

The owner of the vehicle attended the meeting to explain to the Committee, why they felt the vehicle should still be licensed. They explained to the Committee that the delay in applying for the licence had been due to one of the suppliers of vehicle parts going into liquidation and they referred to the correspondence between them and the supplier in Appendix B.

The Committee felt that as the situation had been one out of control of the applicant and that the vehicle was acceptable to be licensed as a Hackney Carriage Vehicle.

RESOLVED that the Hackney Carriage Vehicle Licence be granted.

### **Reasons for Decision**

The Committee had regard to the fact that the delay in applying for the licence had been due to one of the suppliers of vehicle parts going into liquidation and felt that the situation had been out of the control of the applicant and that the vehicle was acceptable to be licensed as a Hackney Carriage Vehicle.

*(7.02pm to 7.12pm)*

## **6. [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 Driver 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 Committee were informed that in cases of a vehicle having special characteristics, a case could be presented to the Committee.

The owner of the vehicle attended the meeting to explain to the Committee, why they felt the vehicle should still be licensed and was of special characteristics. They informed the Committee that new taxi prices were very high and they only worked as a taxi driver part time to support their family, during the cost of living crisis. They informed the Committee that a small extension of 6 months to a year would allow them the time required to earn money for a newer taxi.

In response to questions from the Committee, the applicant confirmed that they knew the vehicle was soon to be over 12 years old when it was purchased and they understood that they would need to make a request to the Committee to extend its licence.

**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.

(7.13pm to 7.33pm)

## 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 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 review 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;

- Take no action (allow the licence to continue).
- Issue a warning.
- Require the licence holder to undertake specific actions in order to keep the licence.
- Apply additional conditions to the licence.
- Suspend the licence.

Officers introduced the matter to the Committee. The Committee heard that Driver X had recently been convicted of a speeding offence, which had added six penalty points to their DVLA licence. It was noted that in addition to an existing three penalty points for speeding, they now held over six points and therefore their status as a fit and proper person needed to be reviewed by the Committee. The Committee heard that in line with their conditions, Driver X did notify the Licensing Authority in

adequate time of the additional points they had obtained. Members were also referred to a complaint in 2019 that had been received regarding Driver X's driving conduct, but no further action had been taken at the time.

Driver X attended the Committee to answer questions and had provided the Committee in advance with a character reference and a letter explaining the regret for their actions and why they felt they were still a fit and proper person to hold their licence. Driver X apologised to the Committee and acknowledged that they should not speed and regretted their actions. They stated that their licence was vital to support their family and they had held it for 8 years, with no complaints or offences in the first 5 years but acknowledged that the recent 9 points were not acceptable.

In response to questions from the Committee, Driver X stated that the recent six points were for speeding on a dual carriageway and had been a minor lapse of concentration in a reduced speed limit area after just dropping off passengers. They also stated that they had completed a speed awareness course many years ago and for the recent two offences, they had accepted the points. They informed the Committee that the recent offence had involved them being followed and stopped by the Police for speeding. They acknowledged that they had been driving in the area for the evening and should have been aware of the reduced speed limit, but they had unfortunately had a minor lapse in concentration. They also confirmed that when receiving points they had informed the Council.

**RESOLVED** that no further action be taken by the Committee and the licence be allowed to continue.

### **Reasons for decision**

The Committee acknowledged the regret shown by Driver X, the character reference supplied and the fact that they had correctly notified the Council of the penalty points. They therefore were content that they remained a fit and proper person to hold a licence and acknowledged that if they received any more points they were in danger of losing both their DVLA licence and taxi licence.

*(7.34pm to 8.09pm)*

## **8. Urgent Business**

There were no matters of urgent business.

The meeting closed at 8.09pm

Chair