

MINUTES

of the

REGULATORY COMMITTEE

held on 13 June 2019 at 7pm

Present:

Councillor L.A. Mascot (Chair)

Councillors 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, R.J. Shepherd and C.R. Tron

1. Apologies for Absence

Apologies for absence were received from Councillors R.H. Ambor, G.B.R. Knight and T.E. Roper.

2. Minutes

The minutes of the meeting on 28 March 2019 were confirmed as a correct record and signed by the Chair.

3. Public Question Time

No questions were asked, or statements made.

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. Election of Vice Chair

The Chair proposed that Cllr Jones be elected as Vice Chair for the Committee. This was seconded by Cllr Tron.

RESOLVED that Councillor D.G. Jones be elected as Vice Chair for the Committee.

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 7, 8, 9, 10 & 11 on the grounds that they involve 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. R**

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 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. R to determine whether or not he is a fit and proper person to hold the licence.

The Committee was informed that Mr. R had been involved in a road traffic accident whilst driving his taxi with a pedestrian that was crossing the road. The Committee was told that CCTV obtained of the incident showed Mr. R staying at the scene for a short while before leaving the scene. The Committee heard that Mr. R reported this to the Council the following day and officers confirmed Mr. R was the driver with the proprietor of the vehicle. The Committee was informed that Mr. R stated under interview that he got out of his taxi and stayed at the scene for a short while before waiting in a layby nearby.

The Committee was informed however that a CCTV operator working on the night observed Mr. R leaving the scene with a damaged vehicle and then going to collect another customer before being stopped and arrested by the police. The Committee heard that Mr. R was arrested on suspicion of failing to stop after an accident, 2x drive a mechanically propelled vehicle on a road/in a public place without due care and attention and drive a mechanically propelled vehicle while unfit through drink or drugs.

At this point the Committee was shown the CCTV footage of the incident that showed Mr. R leaving the scene, this was watched twice by the Committee.

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

- To revoke the licence
- To add any conditions to the licence felt necessary
- To allow Mr. R to continue to hold a Hackney Carriage/ Private Hire Dual Driver's Licence

Mr. R attended the Committee meeting to answer questions from the Committee. Mr. R informed the Committee that he had tried to swerve to avoid the pedestrian who had stepped out onto the road but was unable to do so. He informed the Committee that the pedestrian was speaking and that one of the witnesses confirmed it was the pedestrian who had stepped out in front of traffic.

Mr. R told the Committee that one of the witnesses called the ambulance and that due to feeling very anxious due to the growing crowd he decided to park in a nearby layby. Mr. R stated that when he tried to return to the scene the road was shut by police and that he was then later arrested by police.

The Committee discussed whether Mr. R was a fit and proper person to hold a licence and agreed that his actions had shown a complete disregard for the safety of the general public. The Committee carefully considered a representation made by Mr. R but felt that sufficient mitigating circumstances had not been demonstrated which may have persuaded them to reach a different conclusion.

RESOLVED that

- i) the dual drivers licence held by Mr. R be revoked pursuant to section 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 for other reasonable cause: namely; that because of Mr. R's conduct and failure to stop after an accident the Committee was no longer satisfied that Mr R was a fit and proper person to hold such a licence.
- ii) that the revocation shall have immediate effect - as it appears to the Committee, pursuant to section 61 (2B) of the 1976 Act, that it is in the interests of public safety that this be the case. (Mr R's licence is to remain suspended until he is sent the decision notice formally notifying him of the immediate revocation of his licence.)

(7.03 pm to 7.19 pm)

8. **Application for a New Hackney Carriage Vehicle Licence – Mr. B**

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 asked to consider an application for a new Hackney Carriage licence made by Mr. B after the expiration of the existing one-year licence period. The Committee was informed that the licence issued had expired in May 2019 and that no application to continue the licence had been received. The Committee heard that an application was then received almost three weeks after the expiration of the licence.

The Committee was informed that as the licence had expired it could not be renewed and that Mr B would have to make a new application to licence the vehicle. As the vehicle, did not fit the pre-licensing conditions of being 'a hackney carriage vehicle presented for the first time, it shall be registered to the applicant, any in any case, be no more than one year old', the Committee was informed that they would have to make an exception in this case to allow the grant of a new licence.

It was noted by the Committee that if the application had of been received on time that it would have been granted automatically and that the matter was before them due to the application being received late.

Mr. B attended the Committee and apologised to members for the oversight that had led to him not renewing the licence on time. He explained that he had not been driving at the time around the renewal and therefore thought he could deal with the renewal once he started driving again. He stated that he did not know the licence plate would in effect expire and not be renewable past its expiration date. Mr. B stated that his vehicle regularly underwent the necessary checks and that this was the first deadline he had missed relating to being a taxi driver.

It was agreed by the Committee to make an exception to the pre – licensing conditions and that the vehicle in question be granted a new licence. The Committee agreed that this had been an oversight by Mr. B but they understood the circumstances.

RESOLVED that an exception to the pre – licensing conditions be made and that vehicle registration in question be granted a new licence.

(7.20 pm to 7.32 pm)

9. **Application for a New Private Hire Vehicle Licence – Mr. S**

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 asked to consider an application for a new Private Hire Vehicle licence made by Mr. S after the expiration of the existing one year licence period. The Committee was informed that the licence issued had expired in April 2019 and that no application to continue the licence had been received. The Committee heard that an application was then received almost two months after the expiration of the licence.

The Committee was informed that as the licence had expired it could not be renewed and that Mr S would have to make a new application to licence the vehicle. As the vehicle, did not fit the pre-licensing conditions of being ‘a private hire vehicle presented for the first time, it shall be registered to the applicant, any in any case, be no more than four years old’, the Committee was informed that they would have to make an exception in this case to allow the grant of a new licence.

It was noted by the Committee that if the application had of been received on time that it would have been granted automatically and that the matter was before them due to the application being received late.

Mr. S attended the Committee and apologised to members for the oversight that had led to him not renewing the licence on time. Mr. S explained that he had been unable to access his property and therefore the vehicle and the corresponding documents. Mr. S stated that as a result of this he was unaware of when the licence expired until regaining access to the vehicle and documents. Mr. S stated that at this point he then contacted Licensing to explain the situation and he had been informed that a decision on the licence would have to be taken by the Committee.

It was agreed by the Committee to make an exception to the pre – licensing conditions and that the vehicle in question be granted a new licence. The Committee agreed that this had been an oversight by Mr. S but they understood the circumstances.

RESOLVED that an exception to the pre – licensing conditions be made and that vehicle registration in question be granted a new licence.

(7.33 pm to 7.44 pm)

10. **Application for the Renewal of a Private Hire Vehicle Licence**

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 asked to consider the application for a renewal of a Private Hire Vehicle Licence which no longer met the pre-licensing conditions. The Committee was informed that the conditions state that “No vehicle shall be licensed once it is more than 12 years old from the date of first registration except in exceptional circumstances and at the discretion of the Regulatory Committee.”

The Committee was informed that the vehicle in question was now over 12 years old and the licence was due to expire on 18th June 2019. Officers informed members that an application to renew the licence had been received in good time but due to the vehicle being over 12 years old it was a member level decision.

The applicant informed the Committee that this was a specialist vehicle capable of accommodating any type of wheelchair or assistance vehicle due to the hydraulic rear lift and ample space inside. The applicant stated that the vehicle covered a small amount of miles per year but provided a very valuable service to the residents of Chelmsford and was an important part of the company’s fleet.

The Committee agreed that the vehicle offered a specialist and valuable service. They also noted that it was of low mileage for its age and were happy for it to be granted a licence. The Committee also agreed that in future years the decision be delegated to the Director of Public Places to avoid the decision coming before them annually.

RESOLVED that;

1. an exception to the pre – licensing conditions be made and that vehicle registration in question be renewed and;
2. the Director of Public Places be given the delegated authority to issue further licences to the vehicle as long as it continues to meet the pre-licensing conditions that are set out apart from the vehicle age.

(7.45 pm to 7.53 pm)

11. **Application for the Review of a Hackney Carriage/ Private Hire Vehicle Dual Driver’s Licence – Mr. H**

The Committee agreed to adjourn this item to a future meeting as Mr. H had not attended. The Committee noted that the driver was already suspended and that by adjourning it would allow Mr. H the opportunity to attend and address the Committee.

The Committee did state however that they were concerned that Mr. H had not handed in his badge and asked officers to be proactive in trying to obtain the badge from Mr. H. Officers confirmed they would continue to do this and that Mr. H had not been seen driving a taxi or on the taxi ranks since his suspension.

RESOLVED that;

1. Mr. H's licence review be adjourned until a future meeting and;
2. officers be proactive in trying to obtain the licence badge back from Mr. H.

(7.54 pm to 7.55 pm)

The meeting closed at 7.55pm