

MINUTES

of the

REGULATORY COMMITTEE

held on 8 October 2020 at 7pm

Present:

Councillor L. Mascot (Chair)
Councillor D.G. Jones (Vice-Chair)

Councillors R.H. Ambor, L. Ashley, D.J.R. Clark, A.E. Davidson, J.A. Frascona, P.V. Hughes, A.M. John, R.J. Lee, L.A. Millane, S. Rajesh and I.C. Roberts

1. Apologies for Absence

No apologies for absence were received.

2. Minutes

The minutes of the meeting held on 10 September 2020 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 questions were asked or statements made.

5. Urgent Business

There were no matters of urgent business.

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. Review of a Hackney Carriage/Private Hire Dual Drivers Licence – Mr J

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 Mr. J 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 suspend the licence
- To allow Mr J to continue to hold a Hackney Carriage/ Private Hire Dual Drivers licence

The Committee heard that since 2016 five complaints had been received against Mr J in relation to his language and behaviour which called into question his status as a fit and proper person. The Committee was informed that these complaints had been dealt with by advice and one formal letter from the Licensing department, but that the most recent in September 2020 had led to the matter being brought to them. The Committee heard that a complaint had been received by a member of public who had been at home after an altercation with Mr J over a parking matter. The complainant had supplied a statement and partial video evidence which showed Mr J swearing at him. Members of the Committee also received appendices covering Mr J's view on the altercation, character references, a picture of where the altercation took place and other reviews of his service.

Mr J attended the meeting to address the Committee. Mr J apologised to the Committee, officers and the complainant for the incident. He admitted to losing his temper and that the video did not portray him in a good light. He informed the Committee that the video did not show the whole picture though and that he had been intimidated first. He stated however that he now understood he needed to be calmer in the face of aggression and the incident had acted as a wake-up call to him. Mr J also stated that he had been a licensed driver for many years with to his knowledge no complaints from fare paying customers.

Mr J told the Committee that due to Covid-19 he had seen a reduction in work and therefore had started delivering parcels as had many other drivers. Mr J stated that he always tried to park legally and on the occasion in question, one wheel had slightly been on the complaints property whilst he quickly delivered a parcel to a neighbouring property. Mr J asked if the Council could provide guidance as to what was expected of licensed drivers in the course of alternative employment and how to react to intimidating situations. Mr J concluded that the altercation and process since had been a strong reminder to him and he would follow all rules and guidance going forward.

The Committee did not have any questions for Mr J and retired to deliberate on the matter.

The Committee gave careful consideration to the officers' report and to the representations made by Mr J at the meeting. The Committee considered Mr J's behaviour to be unacceptable and damaging to the reputation of the taxi trade and Chelmsford City Council that licensed drivers. The mitigating circumstances however were that no passengers had made complaints and that he did not have a passenger at the time of the incident. Therefore, the Committee decided on this occasion and having regard to his representations/references that he that he would continue to hold his licence, with a strong recommendation to undertaking anger management training, to be agreed in advance by the Licensing authority within three months. The Committee noted that if there was an occurrence of similar behaviour, he would come before the Committee again with it being very likely his licence would be revoked. It was noted that this should be regarded as a final warning and a reminder that when driving a licensed vehicle you are always on duty.

RESOLVED that the dual drivers licence held by Mr J be allowed to continue with a strong recommendation that he undertook anger management training within the next three months.

(7.06pm to 7.55pm)

The meeting closed at 7.56pm

Chair