

Regulatory Committee Agenda

13 June 2019 at 7pm

**Marconi Room, Civic Centre,
Duke Street, Chelmsford**

Membership

Councillor L.A. Mascot (Chairman)

and Councillors

R.H. Ambor, L. Ashley, D.J.R. Clark, A.E. Davidson, J.A. Frascona, I.D. Fuller, P.V. Hughes, D.G. Jones, A.M. John, G.B.R. Knight, R.J. Lee, L.A. Millane, I.C. Roberts, T.E. Roper, R.J. Shepherd and C.R. Tron

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. If you would like to find out more, please telephone Daniel Bird in the Democracy Team on Chelmsford (01245) 606523 email Daniel.bird@chelmsford.gov.uk, call in at the Civic Centre, or write to the address above. Council staff will also be available to offer advice in the Civic Centre for up to half an hour before the start of the meeting.

If you need this agenda in an alternative format, please call 01245 606923. Minicom textphone number: 01245 606444.

Recording of the part of this meeting open to the public is allowed. To find out more please use the contact details above.

REGULATORY COMMITTEE

(Under the provisions of the Local Government Act 1972)

13 June 2019

AGENDA**PART 1****1. APOLOGIES FOR ABSENCE****2. MINUTES**

To consider the minutes of the meeting held on 28 March 2019.

3. 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 15 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.

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. 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.

6. ELECTION OF VICE CHAIR

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 it involves 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.

7. REVIEW OF A HACKNEY CARRIAGE/ PRIVATE HIRE VEHICLE DUAL DRIVER'S 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.

8. APPLICATION FOR A NEW HACKNEY CARRIAGE VEHICLE 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. APPLICATION FOR A NEW HACKNEY CARRIAGE VEHICLE 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.

10. APPLICATION FOR A RENEWAL OF A PRIVATE HIRE VEHICLE 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.

11. **REVIEW OF A HACKNEY CARRIAGE/ PRIVATE HIRE VEHICLE DUAL DRIVER'S 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.

MINUTES

of the

REGULATORY COMMITTEE

held on 28 March 2019 at 7pm

Present:

Councillor L.A. Millane (Chairman)

Councillors E.A. Ahmed, R.A. Alcock, L.P. Denston, R.F. Denston, P.V. Hughes, S.J. Scott and R.A. Villa.

1. Apologies for Absence

Apologies for absence were received from Councillors J. De Vries, F.B Mountain, G.H. Smith, Y.M. Spence, D.W. Stevenson and L.M. Ward.

2. Minutes

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

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. Taxi and Private Hire Licensing: Protecting Users Consultation

The Committee was asked to produce a draft response to a consultation by the Department for Transport on proposed statutory guidance designed to protect users of hackney carriage and private hire vehicles. The Committee was informed that a draft consultation response had been produced by officers and was available at Appendix B to the report. The Committee was taken through the draft response by officers and certain questions were discussed in further detail.

Councillor Scott arrived at 7.10pm

Question 5 – The Committee agreed that this proposal would be difficult to enforce and would be easier on a rolling case by case basis rather than any change to the licensing policy.

Questions 7 & 8 – The Committee was informed that officers had contacted the Disclosure & Barring Service. It had been confirmed that via a disclaimer and condition on licences, regular checks would be possible. The Committee agreed that this would be advantageous.

Question 17 – The Committee agreed that training on safeguarding would be beneficial and should be explored. The Committee also agreed with officers that without detailed guidance on what training should be provided the training may lack benefits. The Committee stated that more information on the training would need to be provided and potential benefits demonstrated.

Question 19 – The Committee was informed that this would be a very difficult and time-consuming process to participate in. The Committee heard that other arrangements were being developed with other authorities and they were happy with the response as drafted.

Question 20 – The Committee noted that the Council already requests enhanced DBS checks rather than just basic checks. The Committee agreed that this should be noted in the consultation response.

The Committee was informed by officers that most of the content of the proposed statutory guidance was considered to very beneficial and would be welcomed by officers. Officers noted that a future report amending conditions related to areas in the consultation would be prepared.

The Committee agreed that the draft response as amended be submitted as the Council's response to the consultation.

RESOLVED that the draft response in Appendix B as amended by the Committee be submitted as the Council's response to the consultation.

(7.06pm to 7.42pm)

6. **Urgent Business**

There were no items of urgent business to consider.

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 on the grounds that it involves 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**

The Committee considered a request from Mr. R to adjourn this item to a future meeting. The Committee noted that this was the second time it had received a last-minute request for adjournment. The Committee noted that as Mr. R's Hackney Carriage/Private Hire Vehicle driver's licence was currently suspended (and thus he was unable to drive a taxi) a delay in Committee considering the matter would not put the public at any risk. The Committee therefore agreed to adjourn the item a second time round - until its meeting on 13th June 2019. The Committee stipulated, however, that it could not allow non-determination of this matter continue indefinitely. The Committee would therefore proceed to consider the matter on 13th June 2019 irrespective of whether Mr R was present or not.

RESOLVED that Mr. R's licence review be adjourned until the next meeting of the Committee where it would be considered irrespective of whether Mr. R attended the meeting.

(7.01pm to 7.05pm)

The meeting closed at 7.42pm