

MINUTES OF THE
REGULATORY COMMITTEE

held on 18 November 2021 at 7pm

Present:

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

Councillors R.H. Ambor, D.J.R. Clark, J.A. Frasca, P.V. Hughes, R.J. Lee, I.C. Roberts
and T.E. Roper

1. Apologies for Absence

Apologies for absence were received from Councillors Ashley and Davidson.

2. Minutes

The minutes of the two meetings held on 17 June 2021 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

Members of the taxi trade made statements and asked questions on Items 5,6,7 and 8. These had all been submitted in advance to the Committee members who had read and reflected upon them prior to the meeting. A summary of the topics raised by members of the public on each item is detailed below. [The submitted statements and questions in full can also be viewed online.](#) The Chair also referred to a submission from the GMB Union on Item 6, which had been sent directly to Members of the Committee and had also been taken into consideration by them.

Item 5 – Taxi Policy Amendments

- *Why is there a limit on the number of tests that can be taken?*
- *How will the Licensing Authority protect the loss of income for those failing the test and having to wait to reapply?*
- *The test should be available in a driver's first language rather than just English.*

Item 6 – Proposal to Private Hire Drivers Licence & Taxi Policy Amendment

- *The creation of a separate PH Licence should not be approved by the Committee.*
- *The proposal had already been rejected by the Committee twice in the last 15 years.*

- *The removal of the geographical route testing would lead to accidents, delays and higher journey prices.*
- *If drivers were reliant on Satellite Navigation systems then journeys would take longer if there were roadworks etc.*
- *The current high standards that have to be reached to hold a licence in Chelmsford would simply be diminished by introducing an easier to obtain PH licence.*
- *Customers would pay more for fares due to PH drivers not having the same detailed knowledge of Chelmsford.*
- *A single PH licence would devalue the work and effort put in by Hackney Drivers in the past.*
- *An easier to obtain PH licence would lead to an imbalance in the workforce and financial pressures for existing drivers.*
- *It is vital to have a strong geographical knoweldge, especially when helping vulnerable customers get home.*
- *Congestion and pollution will increase if it is easier to obtain a PH licence.*
- *Sat Nav systems often use the quickest rather than shortest route, therefore potentially leading to higher costs for customers.*
- *Private Hire vehicles from other areas are already operating in Chelmsford and will likely increase in the future anyway, therefore it doesn't need to be made more open already in Chelmsford.*

Item 7 – Proposed additional condition to a Hackney Carriage or Private Hire Vehicle Licence – Contactless Payments

- *Card payments lead to a 2.5% loss for the driver and it should be up to individual drivers/companies if they wish to take card payments.*
- *A self employed taxi driver should be allowed to receive payment in a form of their choice.*
- *Too many drivers have already been scammed by fraudulent card payments.*

Item 8 – Taxi Licensing – Proposed condition to require details of the driver to be displayed in the vehicle

- *Potential abuse if name provided in vehicle, number is enough information already.*
- *There is enough information inside and on the outside of a taxi to allow customers to identify their driver to the Council after a journey.*

5. Taxi Policy Amendments

The Committee considered a report which highlighted necessary changes to the Taxi Licensing Policy now that the taxi training requirements had taken effect. It was noted that since the new policy, two separate tests were required and therefore paragraph 2.8 of the policy needed to be updated accordingly.

In response to statements from the public and questions from the Committee, officers clarified that in the past there had been issues with drivers, constantly resitting the test, hence the requirement to wait until retaking had previously been introduced. It was also noted that this had been carried over from the existing policy.

RESOLVED that the amendments as proposed in paragraph 1.3 of the report be approved.

(7.40pm to 7.50pm)

6. Proposal to Private Hire Drivers Licence & Taxi Policy Amendment

The Committee considered a report which detailed a proposal to offer a Private Hire Drivers Licence, in addition to the Hackney Carriage and Private Hire dual drivers licence. It was noted that this had been consulted on before the new taxi policy was agreed in June 2021 and objections had been received. Therefore at the June meeting the Committee agreed to consider the issue separately at a future meeting.

The Committee heard that during the initial consultation a large number of licence holders commented against the proposal. It was noted that concerns had been raised in respect of safety, but no evidence had been provided. The Committee also heard that the proposed Private Hire Licence would not include a topographical test and that this would just be an additional requirement for Dual Driver Licence applicants. It was noted by the Committee, that officers felt this would lessen the effect of Private Hire drivers operating in Chelmsford on licences from elsewhere, it was felt that if they were instead licensed by Chelmsford then disciplinary matters would be easier to resolve.

Officers also informed the Committee that an error had been made when compiling the table in Paragraph 2.9 of the report and that it should have stated ' the exception of Basildon *and Tendring*.'

In response to the public statements made and questions from the Committee, officers noted that;

- The change would encourage a greater take up of Private Hire Licences.
- It is not necessary for Private Hire licence holders to undertake a topographical test due to the nature of the jobs they do in comparison to Hackney vehicles.
- Private Hire Licence holders from outside of Chelmsford, currently operate but the Licensing Authority are unable to deal with any disciplinary matters if needed.
- There is likely to be a greater need for Private Hire vehicles as the economy continues to recover from the pandemic.
- There is currently a national shortage of taxi drivers.
- The use of Satellite Navigation systems would not be a safety issue and it was also noted that their operation now forms part of the national driving test.

Three members of the Committee, requested a recorded vote on the item being considered. Members were asked, in turn, whether they wanted to approve the proposal and therefore offer a separate PHV drivers licence from 1st April 2022, without the need for a topographical test and to amend policy accordingly.

Cllr Ambor – **Against**

Cllr Clark – **Against**

Cllr Frasca – **Against**

Cllr Hughes – **Against**

Cllr Jones - **Against**

Cllr Lee – **Against**

Cllr Mascot - **Against**

Cllr Roberts – **Against**

Cllr Roper - Against

RESOLVED that the current approach not be amended and that only the Hackney Carriage and Private Hire Dual Drivers Licence should continue to be offered.

(7.51pm to 8.06pm)

7. **Proposed additional condition to a Hackney Carriage or Private Hire Vehicle Licence – Contactless Payments**

The Committee considered a report asking them to consider the inclusion of a condition requiring drivers of all licensed vehicles to accept contactless payments. Officers clarified that the report should have read 'card' rather than contactless payments, as it was intended that any type of card payment should be accepted. The Committee heard that Licensing Officers had dealt with an increasing number of complaints over the past year. These had included issues such as fares being refused and card payments being declined for various reasons, leading to safeguarding issues for vulnerable customers trying to get home. There had also been reports of journeys being accepted but then on arrival the driver taking the customer to an ATM and charging them for the additional aspect of the journey. The Committee heard that whilst this seemed to be widespread practice it did not reflect the majority of licence holders who already accepted card payments.

The Committee heard that the proposal was to replace condition 1.1 as cheque payments were now very rare and to replace it with the following condition instead.

'Hackney Carriages, Private Hire vehicles and drivers licensed by Chelmsford City Council shall ensure that where fares are collected at the conclusion of a journey payment by credit, debit and pre-payment card will be accepted. Each vehicle is required to clearly display on the nearside of the vehicle that the driver has the ability to accept card payments.'

Members of the Committee agreed there were safeguarding issues regarding card payments not being accepted and that the proposal would reduce this risk. Members of the Committee did also however express some concern about the lack of phone signal in certain areas which may make processing some card payments difficult.

RESOLVED that the proposal to remove the condition at paragraph 1.1 and to replace it with the suggested condition at paragraph 2.2 be agreed.

(8.06pm to 8.21pm)

8. **Taxi Licensing – Proposed condition to require details of the driver to be displayed in the vehicle**

The Committee were asked to consider an amendment to the Council's Taxi Licensing Policy, detailed at paragraph 2.1 of the report which would require licensed vehicles to provide further information about the driver inside of the vehicle via a headrest sign. It was noted by officers that the proposal would support the objective as recommended by the DFT Statutory Standards.

In response to the statements made by members of the public, officers noted that they would be happy to amend the proposal so the driver's name was not included as detailed in the report. It was noted that the other information such as the licence number would be enough for customers to identify the driver after contacting the Council. Members of the Committee also stated that a phone number for the Council should also be included rather than just online contact methods. It was noted that this would enable those without smartphones to still utilise the information.

RESOLVED that the proposal be accepted, with the amendments detailed below.

- *The removal of the driver's name from the notice.*
- *The inclusion of a phone number for the Council on the notice.*

(8.21pm to 8.43pm)

The Chair adjourned the meeting for a short period at this point to allow members of the public to leave ahead of the confidential business that was due to be considered.

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 9 & 10 on the grounds that they involved the likely disclosure of exempt information falling within paragraph 1 of Part 1 of Schedule 12A to the Act.

9. Review of a Hackney Carriage and 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;

- a) To advise no further action be taken other than the report remains on his record
- b) To issue a formal written warning
- c) To suspend the licence for a period to be determined
- d) To suspend the licence until compliance with any other requirement as required by the committee (e.g. undergo the formal training)

e) To revoke the licence

Officers introduced the matter to the Committee, it was noted that a complaint had been received by a taxi operator which resulted in an investigation by officers. The confidential report before the Committee, took them through the full details of the complaint and dashcam footage of the incident was also viewed. In summary, a vulnerable customer was made to feel uncomfortable by Driver X's conduct during a journey. Upon further investigation, the dashcam footage also revealed that Driver X had been driving whilst using his mobile phone, therefore leading to a safety issue as well as the initial safeguarding concern. It was noted by the Committee, that no previous complaints were on Driver X's record.

Driver X attended the meeting to answer any questions from the Committee. They stated their version of events which were different to that of the complainant, but due to the dashcam footage not including audio, it was not possible to clearly identify what conversation had taken place between themselves and the passenger. It was also noted by the Committee, that Driver X's version of events, which included them passing their phone to the passenger, did not correspond with the dashcam footage watched twice by the Committee. Driver X apologised to the Committee for the use of their mobile phone whilst driving and stated that they would not use their phone behind the wheel again.

The Committee gave careful consideration to all of the evidence and the representation made by Driver X.

RESOLVED that; there was reasonable cause (pursuant to section 61(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976) to suspend Driver X's dual driver's licence for a period of 1 month, and also to require them to complete the Green Penny training course within 3 months.

Reasons for Decision

- 1) It is in the interests of the public that you take corrective measures to address your conduct whilst driving and your safeguarding awareness of vulnerable people. The passenger found your conduct and conversation to be inappropriate and frightening, which led them to question their safety. This is unacceptable.
- (2) The completion of the Green Penny course will help to satisfy the Licensing Authority that you continue to be a fit and proper person to hold a dual driver's licence.
- (3) Suspension is also intended to be a deterrent against further misconduct, which in this case was the use of a mobile phone whilst driving, which is a criminal offence and is unacceptable for a licensed taxi driver.

10. [Review of a Hackney Carriage and Dual Drivers Licence](#)

This item was adjourned until the next meeting of the Committee on 27th January 2022.

11. [Urgent Business](#)

There were no matters of urgent business.

The meeting closed at 9.53pm

Chair