

MINUTES

of the

REGULATORY COMMITTEE

held on 28 February 2019 at 7pm

Present:

Councillor L.A. Millane (Chairman)

Councillors E.A. Ahmed, R.A. Alcock, L.P. Denston, R.F. Denston, J. De Vries, P.V. Hughes, R.A. Madden, F.B. Mountain and R.A. Villa.

1. Apologies for Absence

Apologies for absence were received from Councillors S.J. Scott, G.H. Smith, Y.M. Spence and L.M. Ward.

2. Minutes

The minutes of the meeting on 22 November 2018 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. 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 Items 6 & 7 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.

6. Review of a Hackney Carriage/ Private Hire Vehicle Dual Driver's Licence – Mr. K

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 asked to consider a review of a Hackney Carriage/ Private Hire Vehicle Dual Driver's Licence held by Mr. K since August 2018.

The Committee was informed that Mr. K had been identified as driving on the wrong side of the carriageway. He had proceeded on the wrong side of the road towards the exit lane of a roundabout, driving over a zebra crossing before turning into a side road.

The Committee heard that Mr. K had been invited to the Council offices and could not initially recall the incident. The Committee also heard that after being shown a map of the area by officers Mr. K recalled the incident and confirmed he had driven on the incorrect carriageway and entered the road incorrectly to get another fare. The Committee was also informed that Essex Police had been made aware of the incident and Mr. K had received a conditional offer of a fixed penalty.

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

1. To terminate the licence on the grounds that the licence holder is not a "fit and proper" person to be so licensed.
2. To allow the continuation of the licence.

Members were reminded that the applicant had the right of appeal to the Magistrates' Court, against a revocation of the licence.

Mr. K did not attend the meeting and had not contacted officers before the meeting to ask for an adjournment. The Committee therefore agreed to still consider the review in his absence.

The Committee expressed major concerns over the incident that had taken place and as a result did not feel Mr. K was a fit and proper person to continue to hold a licence. The Committee provided the below reasons for revoking the licence;

The Committee gave careful consideration to this matter and concluded that Mr K's licence of a dual hackney carriage licence should be revoked pursuant to s.60 (1)(c) of the Local Government (Miscellaneous Provisions) Act 1976, for other reasonable cause namely that because of Mr K's driving conduct on the 8th December 2018, the Committee is no longer satisfied that he is a fit and proper person to continue to hold a taxi licence.

In particular the following aspects of Mr K's driving gave the Committee cause for serious concern:

- 1) It appears on the evidence that Mr K's driving was a deliberate and wilful flouting of the road traffic rules
- 2) He did this despite it being a major roundabout
- 3) The Committee noted and took into account that despite having the opportunity to attend the meeting, Mr K failed to attend and provide any explanation or express any remorse for his actions
- 4) The Committee considered that by driving on the wrong side of the carriageway and entering the exiting junction of a busy roundabout was risky, dangerous and fell below the standard reasonably expected by the Council of one of its taxi drivers.

RESOLVED that Mr K's licence be terminated on the grounds that he is not a 'fit and proper' person to be so licensed.

(7.02pm to 7.16pm)

7. **Review of a Hackney Carriage/ Private Hire Vehicle Dual Driver's Licence – Mr. R**

This item was adjourned until a future meeting at the request of Mr R.

RESOLVED that Mr. R's licence review be adjourned.

(7.16pm to 7.17pm)

The meeting closed at 7.17pm