

Regulatory Committee Agenda

28 February 2019 at 7pm

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

Membership

Councillor L.A. Millane (Chairman)
Councillor J. De Vries (Vice-Chairman)

and Councillors

E.A. Ahmed, R.A. Alcock,
L.P. Denston, R.F. Denston, P.V. Hughes,
R.A. Madden,
F.B. Mountain, S.W. Pontin, S.J. Scott, G.H. Smith Y.M. Spence,
D.W. Stevenson, R.A. Villa and L.M. Ward

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.

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REGULATORY COMMITTEE

(Under the provisions of the Local Government Act 1972)

28 February 2019

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

To consider the minutes of the meeting held on 22 November 2018.

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 Chairman 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 Chairman, should be considered by reason of special circumstances (to be specified) as a matter of urgency.

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.

6. 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.

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

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MINUTES

of the

REGULATORY COMMITTEE

held on 22 November 2018 at 7pm

Present:

Councillor L.A. Millane (Chairman)

Councillors R.A. Alcock, L.P. Denston, R.F. Denston, J. De Vries, F.B. Mountain, S.J. Scott, G.H. Smith, D.W. Stevenson, R.A. Villa and L.M. Ward

1. Apologies for Absence

Apologies for absence were received from Councillors E.A. Ahmed, P.V. Hughes, R.A. Madden and Y.M. Spence.

2. Minutes

The minutes of the meeting on 13 September 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. Introduction of a Driver and Vehicle Penalty Point Scheme Update

The Committee received a report updating them on progress of the proposed introduction of a penalty points scheme for licensed drivers. The Committee was reminded of the report to its last meeting in September where a period of consultation with the taxi trade was approved in respect of the proposed scheme. The Committee heard that the consultation period ran for a month and a number of varied responses had been received. It was noted that there were concerns regarding the scheme and that officers considered it important to resolve or alleviate these ahead of approving a new policy and its implementation.

The Committee was asked by officers to agree to allow them to continue to work with the engaged parties and stakeholders and to then bring back a final scheme to a meeting of the Committee in early 2019. The Committee agreed with this approach. It was also agreed that a short consultation period on the final scheme be undertaken at the relevant time.

RESOLVED that;

1. officers continue to work with engaged parties and stakeholders before presenting a final scheme to the Committee in early 2019 and;
2. to undertake a short consultation period on the final scheme at the relevant time.

(7.01 pm to 7.07 pm)

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 Items 7 & 8 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. Application for the Renewal of a Hackney Carriage 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 an application for the renewal of a Hackney Carriage licence made by Mr. M significantly after the expiration of the one year licence period. The Committee was informed that the licence issued had expired in September 2018 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 M 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 M attended the Committee and informed them that the error had been an oversight on his part and that due to the matter being complicated with the temporary replacement vehicle he had discounted the letters sent to him as they had made reference to a number plate he did not recognise. In response to questions from the Committee Mr M also stated that he had visited the Council's main reception to discuss the issue. Mr M also confirmed to the Committee that the vehicle in question had not been used as a taxi during this time.

It was agreed by the Committee to make an exception to the pre – licensing conditions be made and that the vehicle in question be granted a new licence.

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

(7.08pm to 7.26pm)

8. **Application for the Grant of a Hackney Carriage/Private Hire Vehicle Dual Driver's Licence – Mr. H**

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 Chairman informed the Committee that there had been a small typing error at paragraph 1.2 of the report. Members were provided with a new page for this part of the report with the correct details.

The Committee was informed that Mr. H applied for the grant of a Hackney Carriage/Private Hire Vehicle Dual Driver's Licence on 9th July 2018. As part of the application process Mr. H disclosed three previous convictions for sexual assault, the DBS certificate applied for also detailed those three convictions. Members were informed that a full copy of the DBS was available to them at Appendix B of the report. The Committee was directed to the 'Guidelines relating to the relevance of convictions'. It was noted that the policy stated that, 'Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as: Sexual assault'.

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

- To grant the licence as applied for.
- To grant the licence as applied for, but for a shorter period than the normal three years.
- To refuse the application.

The Committee was informed that Mr. H had voluntarily come to the Council offices to explain his version of events to licensing officers regarding his convictions. Mr. H also attended the meeting and reiterated his version of events to the Committee and stated that he was not guilty of the offences and that they had not taken place. Mr H also stated that he had tried to plead not guilty to the offences at the time but he had been advised otherwise by his solicitor.

The Committee stated that they did not feel Mr. H was a fit and proper person to hold a licence and therefore could not grant him a hackney carriage/private hire vehicle dual drivers licence. The Committee informed Mr. H that they could not look beyond the three convictions recorded against him. These were convictions for offences of a sexual nature and therefore had direct relevance to the issue of his suitability as a taxi driver. In the circumstances, the Committee could not be satisfied that he was a fit and proper person. The Committee was required by law, therefore, to refuse the application. Mr. H was advised by the Committee that he could appeal the decision to the Magistrates Court.

RESOLVED that Mr. H's application be refused as the Committee was not satisfied that he was a fit and proper person to hold such a licence.

(7.27pm to 7.46pm)

The meeting closed at 7.47pm

9. **Urgent Business**

There were no items of urgent business to consider.

The meeting closed at 7.47pm

Chairman