

**MINUTES**

of the

**REGULATORY COMMITTEE**

held on 25 March 2021 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, S. Rajesh and I.C. Roberts

**1. Apologies for Absence**

Apologies for absence were received from Cllr Millane.

**2. Minutes**

The minutes of the meeting held on 25 February 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**

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 H**

*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. H 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 take no further action and allow the licence to continue.
- To revoke the Hackney Carriage/ Private Hire Dual Drivers Licence.
- To amend the licence by adding any appropriate condition.
- Any other reasonable action as considered appropriate might be recommended with a consequence if such recommendation is not completed.
- To suspend the licence for a determined period.

The Committee heard that in January 2021, it was alleged that a taxi driver used foul language towards the Customer Service and Reception manager who was supervising a Covid-19 vaccination clinic. The Committee was informed that the complaint regarded Mr H's language and behaviour and a written copy of the complaint was available as one of the appendices before the Committee. It was also noted that three further witness accounts had been provided from volunteers working at the surgery and were also attached as appendices before the Committee. The Committee were also informed that a further history of other complaints recorded by an operator had been provided upon request.

It was noted by the Committee, that Mr H was remotely interviewed by Licensing Officers in February 2021 and a summary of the conversation was provided as an appendix. The Committee heard that Mr H denied the use of certain swear words as alleged but could have approached the situation in a calmer manner. The Committee also noted that Mr H stated after the interview that he had recorded it and disputed some of the notes made. Mr H was provided with the opportunity to produce a recording or transcript of the interview but he did not do so in advance of the meeting or during it.

Mr H attended the meeting to address the Committee. He informed the Committee he did not intend to argue about the ins and outs of the incident but strongly denied using a specific swear word as detailed in the witness accounts. He referred to various personal issues in recent months and stated that he had learnt from his mistake and changed as a person. Mr H stated that he would no longer react in the way he did and had taken positive steps since the incident. The Committee heard that he had asked his doctor to apologise to the reception manager on his behalf. Mr H asked the Committee to not revoke his licence, which was important for helping to support his family and requested a suspension instead.

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

RESOLVED that the dual drivers licence held by Mr H revoked pursuant to Section 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 for “other reasonable cause”; namely that due to his conduct the Committee is no longer satisfied that he is a fit and proper person to hold such a licence.

The Committee has given careful consideration to the officers’ reports, the statements and Mr H’s representations.

The Committee must be satisfied that Mr H continues to be a fit and proper person to continue to hold a taxi driver’s licence. Due to these recent incidents, the Committee is not satisfied that this is the case, because;

1. The account from the complainant states that Mr H displayed verbally aggressive and abusive behaviour, using offensive language towards the complainant, and that she was concerned with the level of anger and aggression that Mr H was exhibiting. The incident reduced her to tears. The complainant asserts that the verbal attack was unprovoked. This is unacceptable.
2. The 4 witness statements provided by the volunteers present, corroborate the complaint and state (amongst other things) that Mr H was “shouting irrationally”, “verbally abused one of the female volunteers” and displayed “rage and aggressive body language”.
3. When Mr H came before the Committee Mr H did not dispute the accounts of his own behaviour (with the exception of the use of one word contained in the evidence), therefore effectively admitting to the behaviour.
4. Mr H also stated that the complainant was worried that he may ‘come after her’ – so Mr H asked his doctor to apologise to the complainant on his behalf. It is very concerning that Mr H’s behaviour intimidated the complainant to this degree and is completely unacceptable for a licensed taxi driver.
5. When the reception manager at the surgery took photos on her phone of the vehicle registration, the issue was in fact over. Mr H then returned and abused her verbally, in other words, was not prepared to let the matter go, and was prepared for more confrontation, instead of leaving the scene and cooling down.

The committee has also taken into account the list of complaints received by Fareways dating back to 2015, which involve abusive language and behaviour towards passengers and a shop assistant in Lidl, where Mr H was described as ‘irate’ and pushed over a display on his way out of the store which together, shows a pattern of loss of control and anger management issues.

The committee considers that licensed taxi drivers need to be able to remain calm, have skills to de-escalate situations, bearing in mind that a number of passengers will be

vulnerable and/or may become difficult to deal with, or may pose other challenges that require a calm response. The behaviour displayed by Mr H is not befitting of this.

The Committee acknowledged that Mr H has now taken steps to manage his anger, but felt that given the seriousness of the incident that brought Mr H before the Committee and the pattern of behaviour, the Committee was not satisfied that there would not be a recurrence of this type of behaviour.

It is of note that when the Committee verbally told Mr H of their decision, Mr H was verbally abusive to the Committee.

The meeting closed at 7.37pm

Chair