

# REGULATORY COMMITTEE

Minutes of the meeting held on Tuesday, 28 September 2004 at the Town Hall, Royal Leamington Spa, at 2.00 pm.

**PRESENT:** Councillor Mrs Goode (Chair), Councillors Butler, Coker, Gill, Harris, Mrs Knight, Kundi and Windybank.

## 379. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

## 380. **MINUTES**

The minutes of the meeting held on 2 August 2004 were taken as read and signed by the Chair as a correct record.

## 381. **PUBLIC AND PRESS**

**RESOLVED** that under Section 100A of the Local Government Act 1972 the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within paragraph 4 of Schedule 12A of the Local Government Act 1972.

## 382. **APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE**

A report from Members' Services was submitted on an application for a private hire drivers licence where the applicant's ordinary driving licence revealed a conviction.

Authority had been delegated to the officers to approve or refuse applications for drivers licences depending on previous endorsements or convictions. If an application was refused, the applicant was invited to appeal to the Committee. At its meeting held in 1992, the Licensing Sub-Committee had approved guidelines for deciding on applications which revealed convictions. A copy of the guidelines was circulated with the report.

The Committee considered an application from GM (date of birth – 9 May 1949), whose driving licence revealed a conviction for being in charge of a vehicle whilst his alcohol level was above the limit.

GM addressed the Committee in support of his application and answered questions from members.

GM was then invited to sum up which he did.

He then left the room whilst the Committee considered his application.

The Committee received advice from officers on various matters.

**RESOLVED** that the officers' decision to refuse the application be overturned and a licence be issued to GM.

## **REGULATORY COMMITTEE (Continued)**

GM was then invited back into the meeting and informed of the decision.

### **383. PUBLIC AND PRESS**

**RESOLVED** that under Section 100A of the Local Government Act 1972 the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within paragraph 1 of Schedule 12A of the Local Government Act 1972.

### **384. RETURNING OFFICER'S SCALE OF FEES AND EXPENSES**

A report from Members' Services was submitted on the review of the Returning Officer's scale of fees and expenses for the District Council and Town/Parish Council elections.

For many years prior to 1985, the scale of election fees had been approved by Committee and eventually by Council. In July 1985, the Council had confirmed a recommendation from its Policy and Resources Committee, that the scale of fees should be increased on 1 April each year by the amount of the most recent average annual pay settlement awarded to APT and C staff. This had happened each year ever since with the fee structure and the basis of the fees remaining largely unaltered. The Internal Audit, undertaken in February 2004 on local elections, had concluded that the process of reviewing the Returning Officer's scale of fees and expenses for District Council and Town/Parish Council elections should be considered by a Committee of the Council.

A report had been submitted to the Committee on 2 August 2004 and members had requested that a further report should be submitted giving details, for comparison purposes, of all election fees payable by the other local authorities in Warwickshire. Members also asked for further information regarding the Superannuation of the Returning Officer's election fee.

A copy of the current fees was circulated with the report, together with details of the fees paid by the other four District and Borough Councils in Warwickshire.

The Returning Officer's fee was superannuable and a contribution was payable out of the fee. The authority which employed the Returning Officer was responsible for paying the employer's share of the Superannuation contribution. Payments to Presiding Officers, Poll Clerks and Counting Staff were not superannuable.

The Social Security (Categorisation of Earners) Regulations provided that employment as, or by a Returning Officer for the purpose of elections, was disregarded for the purpose of liability for National Insurance contributions.

The Returning Officer was entitled to re-imbursement of any expenditure properly incurred by them in connection with the holding of an election. Budgets and budget control were the responsibility of the Returning Officer, although at some elections responsibility, in practice, was delegated.

## **REGULATORY COMMITTEE (Continued)**

The management of local elections was carried out by the Electoral Administration Officer in Members' Services and the Internal Audit had been undertaken to establish the controls in place over the management of elections.

**RESOLVED** that the fees continue to be increased each year in line with the annual salary award.

### **385. DISABILITY AWARENESS TRAINING FOR TAXI AND PRIVATE HIRE LICENCE APPLICANTS**

A report from Members' Services was submitted on the introduction of disability awareness training for applicants for taxi and private hire drivers licences. The Committee had asked some time ago for reports on the introduction of disability awareness training and "knowledge" tests for taxi and private hire drivers. It had not been possible to pursue these initiatives until the new Licensing Enforcement Officer had been appointed in December 2003. Knowledge tests had been approved by the Committee in January 2004 and became operative on 1 March 2004.

The Licensing Enforcement Officer had now agreed with the County Council for applicants to attend their training scheme for passenger assistants. Details of the scheme were circulated with the report. A fee of £12.50 per candidate would be payable and this would be paid by the applicant. When they completed the training, applicants would receive a certificate issued by the County Council. It was intended that their application for a hackney carriage and private hire driver's licence would not be approved unless this certificate was produced.

It had not been intended that the disability awareness training should be a requirement for existing drivers as, at present, the extra work load could not be absorbed within the existing staffing levels. However, members did ask that in future all existing drivers should be required to undergo the training.

**RESOLVED** that

- (1) with effect from 4 January 2005, all new applicants for hackney carriage or private hire drivers licences be required to attend a training scheme for passenger assistants, as provided by the County Council, and provide a certificate awarded by the County Council with their application;
- (2) the officers be authorised to make all the necessary arrangements to bring the training into effect;
- (3) the applicants be required to pay the County Council direct for the cost of training;
- (4) authority be delegated to the Assistant Chief Executive (Members' Services) to refuse applications in respect of applicants who do not attend the training or obtain the certificate; and

## **REGULATORY COMMITTEE (Continued)**

- (5) with effect from January 2006, all existing drivers be required to undertake the training on the renewal of their licences.

### **386. PUBLIC ENTERTAINMENT'S LICENCES – APPLICATIONS FOR REDUCTIONS IN FEES**

A report from Members' Services was submitted on applications for reductions in fees for public entertainment licences in respect of two charitable events to be held in the district.

At its meeting held in November 1999, the Health and Control Committee had introduced, for the first time, separate fees for licences for public musical entertainment in the open air. The Committee had been informed of the effect these fees might have on events for charity, and, in the circumstances, the then Licensing Sub-Committee had been authorised to consider and agree applications for reductions in fees for charitable events.

An application had been received on behalf of the organisers of the annual charity "Carols in the Courtyard" at Warwick Castle for a reduction in the fee payable. The fee in this case would be £1,025. The fee had been reduced to £50 for the last four years.

The Royal British Legion Poppy Appeal were organising the Warwickshire Poppy Ball in a marquee at Sherbourne Park this year. An application had, therefore, been made for a public entertainments licence to cover the marquee. In previous years the Poppy Ball had been held in Charlecote Park and the licence fees had always been waived by Stratford District Council. The organiser of the Poppy Ball had applied for a reduced or waived fee. The fee would normally be £360.

The delegation to this Committee only related to reductions in fees for public musical entertainment in the open air. This was because of the size of the fee for these licences, (over £1,000). It did not relate to licences to cover premises where the fee was less than £400. Should the Committee wish to approve the application in respect of the Poppy Appeal it would, therefore, need to be recommendation to Council.

**RESOLVED** that the application for a reduction in fee for the "Carols in the Courtyard" licence be approved and a fee of £50 be charged.

**RECOMMENDED** that, in view of the charity involved, the fee for the public entertainments licence to cover the Poppy Ball be waived completed.

(The meeting ended at 3.00 pm)