

Licensing & Regulatory Committee

Minutes of the meeting held on Wednesday 6 August 2014, at the Town Hall, Royal Leamington Spa at 2.30 pm.

Present: Councillor Illingworth (Chairman); Councillors Mrs Bunker, Mrs Gallagher, Gill, Mrs Goode, Guest, Mrs Higgins, Illingworth, Mrs Knight, MacKay, Mrs Mellor, Wilkinson and Wreford-Bush.

Apologies for absence were received from Councillors Ms De-Lara-Bond, Doody and Pratt.

10. **Substitutes**

There were no substitutes.

11. **Appointment of Vice Chairman**

The Committee

Resolved that Councillor Mrs Knight be appointed Vice Chair for the ensuing municipal year.

12. **Declarations of Interest**

There were no declarations of interest.

13. **Minutes**

The minutes of the Licensing and Regulatory Committee meeting held on 17 June 2014 were taken as read and signed by the Chairman as a correct record.

14. **Recordings of Meetings**

The Committee considered whether or not they should decide to record all Licensing and Regulatory Panels and Committees.

Historically, Regulatory Committees had been recorded up to the point where the Councillors entered into closed session to reach their decision and receive any relevant legal advice. These recordings had been used as a point of reference for officers and very occasionally for Legal Services following an appeal.

Conversely, Licensing Committees and Licensing Panels were not recorded but officers advised that they had received requests from members of the public for copies of DVD recordings of Licensing Panel hearings.

Councillor Mrs Mellor supported the proposal to record meetings and felt it would provide clarity on decisions. This was seconded by Councillor Mrs Gallagher and

Resolved that for the reasons of fairness and transparency, all future meetings would be recorded where practicable, with the exception of the deliberation of the decision.

15. **Convictions and Cautions Policy**

The Committee considered a report from Health and Community Protection which outlined a revised, draft version of the Convictions and Cautions Policy, relating to Hackney Carriage / Private Hire drivers.

It had come to the attention of Council officers that the Convictions and Cautions Policy, against which all new applicants and renewal applicants for a Hackney Carriage and Private Hire Driver's Licence were assessed, was set at a level below the requirements outlined by all of the neighbouring authorities' policies.

The existing policy had been discussed at the newly formed Taxi Drivers and Operators Forum in June 2014 and the draft policy was due to be discussed again at the next Forum meeting on the 18 August 2014.

All of the policies that applied to the assessment and operation of the Taxis trade with the District Council were under review. This was to address the concerns of the officers, general public and councillors. The review would ensure that the policies were robust and, as a minimum, in line with our neighbouring authorities.

The proposed new policy would require a minimum period free from conviction. In addition, it advised that should a driver have more than one conviction, the minimum period free from conviction would have to be assessed on a case by case basis, to see if it remained appropriate.

The existing policy was attached as Appendix 1 to the report and the amended policy was attached as Appendix 2 to the report.

Officers presented the report and explained that consultation on the policy was still ongoing and was due to end on 18 August 2014. In addition, a petition had been handed in but officers felt that it was premature to distribute this until the consultation period had ended.

Officers also advised that 525 drivers had been written to but at the present time, only 250 signatures had been added to the petition. Members sought clarity on various sections of the policy including the offences and cautions section, the wearing of identity badges and parking taxis in inappropriate locations.

A number of taxi drivers attended the meeting and were invited to address members. The report had raised a number of concerns regarding wearing an identity badge, the condition of vehicles and the sanctions for varying convictions or cautions. Clarification was also sought as to when the policy would apply; for example when an offence had been reported, when an individual had been arrested or when the caution or conviction was officially granted.

The Chairman thanked the officers for the report and for answering questions. He also encouraged all Members to feedback any further comments and suggestions to the officers.

Resolved that the report be noted and the proposal to consult was supported.

16. **Appointment of Sub-Committee**

The Committee considered the proposed membership of five, set sub-committees to consider any items brought before a Licensing and Regulatory Panel.

The Panels would comprise of three members each and officers had tried to ensure that the composition of each panel was fair in terms of political alliance and Ward allocation, specifically relating to town or rural locations.

Members were reminded that they should still arrange their own substitutions when they were unavailable for meetings and Committee Services should be advised in the usual manner. Officers also advised that if additional panels needed to be arranged, outside of the set timetable, Members would be contacted and asked for their availability as before.

Resolved that the future Licensing and Regulatory panel dates are noted and the panels agreed as follows:

Panel

- A Mrs Bunker, Gill and Pratt
- B Mrs Goode, Mrs Higgins and MacKay
- C Guest, Mrs Knight and Illingworth
- D Ms De-Lara-Bond, Doody and Wilkinson
- E Mrs Gallagher, Mrs Mellor and Wreford-Bush

(The meeting ended at 3.43 pm)