

REGULATORY COMMITTEE

Minutes of the meeting held on Monday 22 December 2008, at Town Hall, Royal Leamington Spa at 2.30pm.

PRESENT: Councillor Mrs Gallagher (Chairman); Councillors Crowther, Mrs Falp, Mrs Goode, Mrs Grainger and Mrs Mellor.

Apologies for absence were received from Councillors Gill, Harris, Mobbs and Vincett.

695. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

696. **MINUTES**

The minutes of the meeting held on 10 November 2008 were confirmed as a correct record and signed by the Chairman.

697. **PUBLIC AND PRESS**

RESOLVED that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following two items by reason of the likely disclosure of exempt information within paragraph 1 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

698. **COMPLAINT ABOUT A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER**

The Committee considered a report from Members' Services with regard to a complaint which had been received about JSG, and the Committee were asked to consider if he was a fit and proper person to continue to hold a licence.

JSG had been a hackney carriage/private hire driver with the Council for some time. On 1 December 2008, the Council received a complaint from RW and his partner CH, members of the public, about JSG.

JSG attended a meeting at the Council offices, where he denied the allegations made against him. At the meeting it was explained to him that he would be brought before the Regulatory Committee.

JSG was in attendance at the Committee meeting with his Solicitor, Jamie Strong from Moore and Tibbits and an interpreter.

JSG's Solicitor gave his version of events and the Committee asked questions of the Solicitor and of JSG, via his interpreter. JSG also circulated some character references at the meeting.

REGULATORY COMMITTEE MINUTES (Continued)

RW and CH gave their version of the events which had taken place and were asked questions by the Committee and by JSG's Solicitor.

JSG, his Solicitor and interpreter, RW and CH and the Licensing Services Manager were asked to leave the room whilst the Committee deliberated and made their decision in private.

They were then invited back into the room to hear the decision.

Having carefully considered the evidence of JSG, RW and CH, the Committee found RW and CH to be more reliable witnesses and therefore accepted their version of events. Therefore it was for the Committee to decide, whether in light of his conduct, if JSG was a fit and proper person to hold a hackney carriage/private hire drivers licence.

In making this decision, the Committee had taken into account the Council's Policy Document and Guidance Relating to the Relevance of Convictions and Cautions and the overriding consideration which is the safety of the public. This had been balanced against JSG's right to earn a living as a hackney carriage/private hire driver, and his right to private and family life.

The Committee was aware that any interference of such a right, would have to be proportionate and in the interests of public safety.

The Committee expects the drivers to be honest and trust worthy and not to act in a violent or threatening nature towards passengers. The Committee finds that JSG's conduct was threatening and aggressive.

The Committee had considered whether a suspension would be appropriate, but in light of JSG's conduct, the Committee felt that JSG was not a fit and proper person to hold a hackney carriage/ private hire drivers licence therefore, suspension was not appropriate.

RESOLVED that JSG's hackney carriage/private hire licence be revoked.

(This was taken as an urgent item, with the agreement of the Chairman, because of the nature of the complaint)

699. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE FROM A PERSON WITH CONVICTIONS

The Committee considered a report from Members' Services regarding an application for a hackney carriage/private hire driver's licence from a person with convictions, and the Committee were asked to consider whether CRB was a fit and proper person to be granted a hackney carriage/private hire licence.

CRB had applied for a hackney carriage/private hire drivers licence in September 2008. He declared two offences on his application form.

REGULATORY COMMITTEE MINUTES (Continued)

When the Criminal Records Bureau disclosure was received in November 2008, it revealed four more convictions and four more cautions.

A copy of the Criminal Records Bureau check was circulated to members at the meeting.

CRB attended the meeting and answered questions from the Committee.

CRB and the Licensing Services Manager were then asked to leave the meeting whilst the Committee deliberated and made their decision in private.

CRB was then invited back into the meeting to hear the decision.

RESOLVED that the application from CRB be accepted.

700. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH OFFENCES

The Committee considered a report from Members' Services regarding an existing hackney carriage/private hire driver who had received a fixed penalty notice for speeding, and the Committee were asked to consider whether he was a fit and proper person to continue to hold a hackney carriage/private hire licence.

JSV had held a hackney carriage/private hire drivers licence for some time. In August 2007, he had received a strong warning with regard to a driving conviction he had received.

In December 2008, Warwickshire Police informed the Council that JSV had been issued with a fixed penalty notice for doing 40mph in a 30mph limit. This resulted in an automatic 3 penalty points being added to his licence. JSV now had a total of 9 penalty points on his licence and the Council's Policy and Guidance recommends that anyone who had 9 points should be brought before the Regulatory Committee.

JSV addressed the Committee and also answered their questions.

JSV and the Licensing Services Manager were then asked to leave the room whilst the Committee deliberated and made their decision in private.

He was then invited back into the meeting to hear the decision.

RESOLVED that JSV be required to pass a DSA hackney carriage/private hire drivers test, at his own expense, by 22 February 2009.

(The meeting ended at 5.00pm)