

# REGULATORY COMMITTEE

Minutes of the meeting held on Wednesday 6 May 2009 at Town Hall, Royal Leamington Spa at 2.00pm.

**PRESENT:** Councillor Mrs Gallagher (Chairman); Councillors Crowther, Mrs Falp, Grainger, Harris, Mrs Mellor, Mobbs and Vincett.

Apologies for absence were received from Councillors Gill and Mrs Goode.

## 1005. **DECLARATIONS OF INTEREST**

### Minute 1011 – Objections to an application for a Street Trading Consent

Councillor Mobbs declared a personal interest because he had been consulted on this issue. He did not participate in the discussion or decision on this item.

All Councillors present declared personal interests because objections to the Street Trading Consent were made by two Members of the Council, who were known to them.

## 1006. **MINUTES**

The minutes of the meeting held on 6 April 2009 were confirmed as a correct record and signed by the Chairman.

## 1107. **RECORDING OF COMMITTEE MEETINGS**

The Committee considered a report from Members' Services which, following a recent investigation into a corporate complaint, suggested that it would be good practice and an example of good governance if the meetings of this Committee were both audio and visually recorded.

The Senior Committee Services Officer confirmed that the proposal concerned protecting the needs of the parties concerned and that, as much of the meeting took place in confidential session, only those parts of the meeting relevant to an individual would, upon request, be released to that individual. It was not intended that the Committee's private deliberations – when drivers, applicants and so forth were asked to leave the meeting – be recorded.

It was suggested that the Committee should look at its policy on this issue at a future meeting and that further advice should be taken on when information would be released.

### **RESOLVED** that:

- (1) this Committee adopts the practice of recording all of its meetings (including confidential reports but excluding the deliberation by the Committee on a decision) starting from the new municipal year;

## **REGULATORY COMMITTEE MINUTES (Continued)**

- (2) the recordings are kept for 12 months after the date of the meeting or longer if there are ongoing legal matters being considered with regard to the recording; and
- (3) the recordings are retained by Committee Services and are available for use in the following circumstances only:
  - for use at any appeal arising from this Committee's decision by either the Council or the person making the appeal;
  - for use in the investigation of either a corporate complaint or allegation of a breach of the code of conduct by an officer authorised to conduct such enquiries; or
  - Data Protection and Freedom of Information requests.

### **1008. 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.

### **1009. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH SUSPENDED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

A report from Members' Services asked the Committee to consider whether the driver identified in the report at agenda item 9 was a fit and proper person to have his Hackney Carriage/Private Hire Driver Licence returned to him.

The driver and his solicitor attended the meeting and answered questions from the Committee, as did an interested party.

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

The driver, his partner, his solicitor, the interested party, Licensing Services Manager and Licensing Officers were then asked to leave the meeting whilst the Committee deliberated and made a decision in private. They were subsequently invited back into the meeting to hear the Committee's decision.

The Committee had to make its decision based on the information presented before it.

## **REGULATORY COMMITTEE MINUTES (Continued)**

The Chair announced the Committee's full decision to the meeting, which remained in private session. A copy of the full decision would be sent to the driver in due course.

**RESOLVED** that the driver's application for reinstatement of his Hackney Carriage/Private Hire Driver Licence be refused, and the suspension of his licence be converted to a revocation.

The driver was informed of his right of appeal to the Magistrates Court within 21 days of written notification of this decision.

### **1010. LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH DECLARED CONVICTION**

A report from Members' Services asked the Committee to consider whether the driver identified in the report at agenda item 7 was a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver's Licence when he had committed an offence.

The driver attended the meeting and answered questions from the Committee.

The driver, Licensing Services Manager and Licensing Officers were then asked to leave the meeting whilst the Committee deliberated and made a decision in private, and were then invited back into the meeting to hear the Committee's decision.

**RESOLVED** that the driver is a fit and proper person to hold a Hackney Carriage/Private Hire Driver Licence and no further action be taken.

(Councillor Mrs. Falp was not present for this item.)

### **1011. OBJECTIONS TO AN APPLICATION FOR A STREET TRADING CONSENT**

The Committee went back into public session and considered representations regarding an application for a street trading consent.

Two persons attended to represent the applicant, who felt unable to represent herself as she did not speak English. The applicant's representatives answered questions from the Committee.

The applicant's representatives, Licensing Services Manager and Licensing Officers were asked to leave the meeting whilst the Committee deliberated and made a decision in private, and were subsequently invited back into the meeting to hear the Committee's decision.

## **REGULATORY COMMITTEE MINUTES (Continued)**

**RESOLVED** that a decision on the application be deferred until the next meeting, in order to allow time for further information to be sought from relevant authorities.

(Councillor Harris left the meeting at the conclusion of this item.)

### **1012. 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.

### **1013. LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER NOT TAKING MEDICAL WHEN REQUIRED TO DO SO**

A report from Members' Services asked the Committee to consider whether the driver identified at agenda item 10 was a fit and proper person to continue to hold a licence, after he had failed to submit to a medical when required to do so.

The driver attended the meeting and answered questions from the Committee.

The driver, Licensing Services Manager and Licensing Officers were then asked to leave the meeting whilst the Committee deliberated and made their decision in private, and subsequently invited back into the meeting to hear the Committee's decision.

**RESOLVED** that the driver was a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver Licence.

### **1014. LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER NOT TAKING MEDICAL WHEN REQUIRED TO DO SO**

The Committee received a report from Members' Services asking it to consider whether the driver identified at agenda item 8 was a fit and proper person to continue to hold a licence, after he had failed to submit to a medical when required to do so.

The driver did not attend the meeting as requested by the Committee, and had not submitted to a medical despite having been reminded numerous times since November 2008.

**RESOLVED** that the driver's licence be suspended.

(The meeting ended at 4.45 pm)