

## **REGULATORY COMMITTEE**

Minutes of the meeting held on Monday 2 March 2009, at Town Hall, Royal Leamington Spa at 2.30pm.

**PRESENT:** Councillor Mrs Gallagher (Chairman); Councillors Crowther, Gill, Mrs Goode, Mrs Mellor, Mobbs and Vincett.

Apologies for absence were received from Councillors Mrs Falp, Mrs Grainger and Harris.

### **825. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **826. MINUTES**

The minutes of the meeting held on 22 December 2008 were confirmed as a correct record and signed by the Chairman.

### **827. 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 four 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.

### **829. 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 a conviction and a period of time when he had no fixed abode. The Committee were asked to consider whether MB was a fit and proper person to be granted a hackney carriage/private hire licence.

MB had applied for a hackney carriage/private hire drivers licence in November 2008. He declared one offence on his application form, which was confirmed by the Criminal Records Bureau disclosure.

However, MB had no fixed abode for a period of time, therefore it was impossible to obtain evidence, positive or negative, as to his conduct during this period.

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

MB attended the meeting and answered questions from the Committee.

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

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

MB and the Licensing Services Manager were then invited back into the meeting to hear the decision.

**RESOLVED** that the application from MB be accepted.

### **830. 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. The Committee were asked to consider whether BR was a fit and proper person to be granted a hackney carriage/private hire licence.

BR had applied for a hackney carriage/private hire drivers licence in November 2008. He declared one offence on his application form, but the Criminal Records Bureau disclosure has shown a further offence in 2002.

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

BR attended the meeting and answered questions from the Committee.

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

BR and the Licensing Services Manager were then invited back into the meeting to hear the decision.

**RESOLVED** that the application from BR be accepted.

### **831. LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WORKING WITH VEHICLE WITH TYRE WORK DOWN TO THREAD**

The Committee considered a report from Members' Services on a hackney carriage driver who was stopped on a routine check with a badly work tyre. The Committee were asked to consider whether AJL was a fit and proper person to continue to hold a hackney carriage/private hire licence.

AJL had held a hackney carriage/private hire drivers licence since 2001.

On Friday 13 February 2009, AJL was directed to a multi agency check at Cape Road, Warwick by Police officers.

Whilst Police and council officers were checking the vehicle, it was noticed that the rear nearside tyre was worn away to the metal casing around its entire circumference. There was also a defective front offside light and the fire extinguisher was not of the correct type as shown on his hackney carriage vehicle licence.

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

AJL attended the meeting and answered questions from the Committee.

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

AJL and the Licensing Services Manager were then invited back into the meeting to hear the decision.

The Committee had considered the report before it and AJL's representations.

AJL had admitted the offence and members believed that this wouldn't happen again. Therefore on this occasion the Committee decided to issue AJL with a formal warning. This warning would remain on record and would be brought to the attention of the Committee should AJL be brought before it again for any reason.

The Committee advised AJL that it took this matter extremely seriously and had considered taking even more serious steps.

However AJL had reassured the Committee that he realised the importance of keeping his vehicle in a road worthy condition and would conduct more thorough checks in future.

**RESOLVED** that AJL be issued with a formal warning with regard to this offence, and it be brought to the attention of the Committee should AJL be brought before it again for any reason.

(Councillor Mrs Goode left the meeting after this item)

### **832. HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS WHO HAVE NOT TAKEN DISABILITY AWARENESS TRAINING**

The Committee considered a report from Members' Services to determine if existing licensed hackney carriage/private hire drivers, were fit and proper people to continue to hold a licence when they had not taken the Disability Awareness Course.

In September 2004, the Committee agreed to introduce disability awareness training for hackney carriage/private hire driver licence applicants.

Due to staffing and logistical problems, the disability awareness course was not implemented. This was ratified at a Committee meeting on 16th December 2004.

When staffing levels permitted, a suitable course was found, coordinated by Guide dogs for the Blind, Leamington Spa. Officers evaluated the course and, on 4th April 2007, reported on it to the Committee.

At the meeting on 4th April 2007, the Regulatory Committee agreed the following:

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

- (1) all Hackney Carriage and Private Hire Drivers be required to take the disability awareness course within a period of 12 months;
- (2) new drivers attend the disability awareness course as soon as practicable after their application was approved;
- (3) if drivers do not attend the course without reasonable excuse, they be invited before the Regulatory Committee to justify their none attendance;  
and
- (4) members of the Regulatory Committee also be given the opportunity to attend the disability awareness.

Despite being contacted on at least two occasions, being offered several dates by the secretary at Guide Dogs for the Blind, and being written to by officers explaining the consequences of not completing the course, some drivers had still failed to attend the course.

**RESOLVED** that each individual driver who has not completed the Disability Awareness Training be written to, informing them that if they have not booked onto, and paid for, the Disability Awareness Training, by 3<sup>rd</sup> April 2009, or have booked the course but failed to attend without good reason (e.g. illness), their hackney carriage/private hire driver's licence be suspended, until such time as the course is finally attended.

### **833. INSTALLATION OF NEW PART TIME TAXI RANKS IN LEAMINGTON SPA**

The Committee considered a report from Members' Services on the installation of a new part time taxi ranks in Leamington Spa

It had become obvious by verbal communication from the Police and taxi drivers that the north and south of Leamington required a defined and co-ordinated exit strategy in the evenings and early hours of the morning.

Part of that strategy was to provide night time only taxi ranks in front of La Tasca (previously Yates Wine Bar) in Warwick Street, Leamington Spa and in front of Evolve/The Assembly in Spencer Street, Leamington Spa. The hours of operation were suggested as 20:00 to 05:00.

A wide consultation within the areas had been undertaken. Businesses, Warwick District Council's Community Safety Officer, the Police, Royal Leamington Town Council and the Town Centre Manager had all been consulted. Previous provisional consent had been obtained by officers from Warwickshire County Council Highways Authority.

All of the consultees were very much in favour of the proposal, except for one business owner who had concerns regarding litter and damage. Officers had spoken to this particular business owner and explained that there would not be an increase in activity in the area and, in fact, there may be less activity because people would be transported away more quickly and easily, which eased their fears

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

**RESOLVED** that the provision of part-time taxi ranks in Warwick Street, Royal Leamington Spa and Spencer Street, Royal Leamington Spa as outlined in appendices 1 & 2 to the report be approved from 20:00 to 05:00, Monday to Sunday.

(The meeting ended at 4.50pm)