

REGULATORY COMMITTEE

Minutes of the meeting held on Monday 8 March 2010 at Town Hall, Royal Leamington Spa at 2.30pm.

PRESENT: Councillors Mrs Mellor (Chairman); Councillors Crowther, Mrs Falp, Mrs Gallagher, Goode, Guest, Harris, Illingworth and Mrs Knight

(Councillor Guest substituted for Councillor Mrs Grainger)

An apology for absence was received from Councillor Vincett.

The Chairman explained to the Committee and the members of the public present, that in accordance with the committees' decision on 6 May 2009, the meeting would be recorded.

49. **DECLARATIONS OF INTEREST**

Minute number 55 – Application for a hackney carriage/private hire driver's licence from a person with convictions.

Councillor Mrs Goode declared a personal and prejudicial interest because she had knowledge of the applicant and considered that she had pre-determined this application and would leave the room during this item.

Minute number 57 – Application for a hackney carriage/private hire driver's licence from a person with convictions.

Councillor Mrs Falp declared a personal interest as the applicant lived in Whitnash.

50. **MINUTES**

Minutes from the meeting held on 21 December 2009 were agreed as a correct record apart from the following amendment:

Minute number 44

The Committee requested that the reference to the applicant's ability to appeal within 21 days be removed from the decision as this option did not apply to Street Trading.

51. **SUGGESTED CHANGE TO AGE LIMIT ON VEHICLES**

The Committee considered a report from Community Protection, which was presented to the Committee by the Licensing Services Manager.

The report set out a recommendation that the current maximum age limit of five years on private hire/hackney carriage vehicles in the Council's Policy be removed.

RESOLVED that the recommendation be accepted so that the current age limit on vehicles is removed.

52. **SUGGESTED NEW 6 MONTH VEHICLE LICENCE FOR VEHICLES OVER 5 YEARS OLD**

The Committee considered a report from Community Protection, which was presented by the Licensing Services Manager.

The report, which was previously agreed by the Committee on 21 December 2009, set out plans to introduce a new six month licence along with an attendant fee for introduction in 2010. The licence would be introduced for vehicles that were over five years old. The proprietors would have to submit an MOT/Inspection every 6 months when applying for a renewal. The report was referred back from full Council on 13 January 2010 for further consideration. The recommendation asked that the report be submitted at the next meeting of Council.

RESOLVED that the concerns raised at Council be noted, but that the previous decision be confirmed as follows:

“**RESOLVED** any vehicle more than 5 years old be licensed for a period of 6 months, subject to the agreement of the fee by Council.

RECOMMENDED that a fee of £130 be introduced for a 6 month vehicle licence.”

53. **ENFORCEMENT OFFICER DUTIES**

The Committee considered a report from Community Protection, which was presented by the Licensing Services Manager.

A report, which outlined the procedure followed by Licensing Officers when interviewing drivers when the Licensing Officer is off duty and a witness was requested by the Chairman following the Regulatory Committee on 21 December 2009.

RESOLVED that the contents of the report be noted.

54. **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 five 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.

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

This item was withdrawn from the agenda as the applicant had decided not to proceed with their application.

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

The Committee considered a report from Community Protection with regard to an application for a hackney carriage/private hire drivers licence from a person with convictions.

MS had applied for a hackney carriage/private hire drivers licence with Warwick District Council in December 2009. MS had declared their offences and convictions on the application form when applying and a copy of MS's CRB was circulated by the Licensing Services Manager to members of the Committee during the meeting.

MS addressed the Committee and answered questions from the members.

MS and the Licensing Services Manager were asked to leave the room whilst the Committee deliberated in private. They were then asked to return to hear the decision of the Committee.

Having heard the report and considering all the information before them, including the applicant's CRB, and having heard evidence from MS, the panel were not satisfied that MS was a fit and proper person to hold a Private Hire/Hackney Carriage drivers licence.

RESOLVED that the application not be allowed to proceed.

MS was advised that he had 21 days from the notification of this decision to appeal to the Magistrates court

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

The Committee considered a report from Community Protection with regard to an application for a hackney carriage/private hire drivers licence from a person with convictions.

MK had applied for a hackney carriage/private hire drivers licence with Warwick District Council in January 2010. MK had declared their convictions on the application form when applying but the applicants CRB had not been received by the Licensing Department at the time of the meeting.

MK addressed the Committee and answered questions from the Members.

MK and the Licensing Services Manager were asked to leave the room whilst the Committee deliberated in private. They were then asked to return to hear the decision of the Committee.

Having heard the report and considering all the information before them and having heard evidence from MK the panel were satisfied that MK was a fit and proper person to hold a Private Hire/Hackney Carriage drivers licence.

RESOLVED that the application be allowed to proceed subject to a satisfactory CRB check.

MK was advised that he had 21 days from the notification of this decision to appeal to the Magistrates court

(Councillor Gallagher left at the end of this item)

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

The Committee considered a report from Community Protection with regard to an application for a hackney carriage/private hire drivers licence from a person with convictions.

KB had applied for a hackney carriage/private hire drivers licence with Warwick District Council in December 2009. KB had declared their offences on the application form when applying for a licence. The applicant's CRB was circulated by the Licensing Services Manager at the meeting.

KB addressed the Committee and answered questions from the members.

KB and the Licensing Services Manager were asked to leave the room whilst the Committee deliberated in private. They were then asked to return to hear the decision of the Committee.

Having heard the report and considering all the information before them, including the applicants CRB, and listening to KB the panel are satisfied that KB is a fit and proper person to hold a Private Hire/Hackney Carriage drivers licence.

RESOLVED that the application be allowed to proceed. The panel reminded the applicant that it took convictions for criminal offences very seriously and that the applicant should be aware of the high standard of conduct that the Council expect of its taxi drivers.

KB was advised that he had 21 days from the notification of this decision to appeal to the Magistrates court

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

The Committee considered a report from Community Protection with regard to an application for a hackney carriage/private hire drivers licence from a person with convictions.

MD had applied for a hackney carriage/private hire drivers licence with Warwick District Council in July 2009. KB declared some of their offences on the application form when applying for a licence but did not declare a caution that was shown on the applicants CRB, which was circulated by the Licensing Services Manager at the meeting.

MD addressed the Committee and answered questions from the members.

MD and the Licensing Services Manager were asked to leave the room whilst the Committee deliberated in private. They were then asked to return to hear the decision of the Committee.

Having heard the report and considering all the information before them, including the applicants CRB, and having heard from MD, the panel were satisfied that MD was a fit and proper person to hold a Private Hire/Hackney Carriage drivers licence.

RESOLVED that the application be allowed to proceed. The panel reminded the applicant that it took convictions for criminal offences very seriously and that the applicant should be aware of the high standard of conduct that the Council expect of its taxi drivers..

MD was advised that he had 21 days from the notification of this decision to appeal to the Magistrates court

(The meeting finished at 5.20pm)