

REGULATORY COMMITTEE

Minutes of the meeting held on Monday 10 November 2008, at Town Hall, Royal Leamington Spa at 2.30pm.

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

(Councillor Guest substituted for Councillor Mrs Grainger)

Apologies for absence were received from Councillors Mrs Gallagher and Harris.

Councillor Mobbs took the Chair in the absence of Councillor Mrs Gallagher.

560. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

561. **MINUTES**

The minutes of the meetings held on 21 August 2008 and 23 September 2008 were confirmed as a correct record and signed by the Chairman.

562. **REQUEST BY HACKNEY CARRIAGE PROVIDER TO REMOVE SIGN WHEN THE VEHICLE IS NOT BEING USED**

The Committee considered a report from Members' Services on a request by a hackney carriage proprietor to remove a roof sign when the vehicle was not being used.

Officers had received a request from Mr. Lewis requesting that he should be permitted to remove his "Taxi" roof sign when the vehicle was not being driven. He was requesting this permission because he had recently had the roof sign stolen off his vehicle, damaging the roof of the car and breaking the sign.

However, one of the conditions attached to all hackney carriage vehicle licences was that 'the vehicle must display a fixed roof sign with the word "taxi", which must be illuminated only when plying for hire. The taxi roof sign may only be removed with permission of the Council'

Mr Lewis attended the meeting and addressed the Committee, amplifying his reasons for requesting this permission, and answered questions from the Committee.

Mr Lewis and Mr Davies, Licensing Services Manager then left the room whilst the Committee debated in private.

After the deliberations, they were called back into the room and notified of the Committees' decision as follows.

The application be rejected because the Committee felt that approving this application would be setting a precedent which would be difficult to enforce

REGULATORY COMMITTEE MINUTES (Continued)

unless the same rule was applied to all drivers. It was also contrary to the current approved policy. However, in light of Mr Lewis' comments, the Committee wished to seek the views of all relevant parties and review the policy, if necessary, in the new year.

RESOLVED that

- (1) the application be rejected;
- (2) this aspect of the current policy be reviewed, and reported back to the Committee in the new year; and
- (3) the Licensing Services Manager write to the Police reminding them of the Hackney Carriage and Private Hire conditions.

563. 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.

564. 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.

KSA applied for a hackney carriage/private hire driver's licence on 26th June 2008. He declared some offences on his application form. These were detailed in appendix 1 to the report.

When the Criminal Records Bureau (CRB) disclosure was received in October 2008, other offences were shown. A copy of KSA's CRB was circulated to members during the meeting.

KSA did not attend the meeting even though had been notified that he must be present.

The Council's guidelines on convictions were shown in appendix 3 to the report.

RESOLVED that the application from KSA for a hackney/private hire driver's licence, be refused.

REGULATORY COMMITTEE MINUTES (Continued)

565. APPROVAL OF POLICY DOCUMENT AND GUIDANCE RELATING TO THE RELEVANCE OF CONVICTIONS AND CAUTIONS

The Committee considered a report from Members' Services seeking approval of a policy document and guidance relating to the relevance of convictions and cautions.

The proposed policy document and guidance relating to the relevance of convictions and cautions had previously been seen by the Regulatory Committee and their suggested changes had been incorporated to it. The document was attached at appendix 1 to the report.

The policy had been sent to all drivers currently licensed by Warwick District Council, the Council's legal team and the Police, for consultation.

No comments were received from drivers or the Police and the Council's legal teams' suggestions had also been incorporated into the document.

RESOLVED that the Policy Document and Guidance relating to the Relevance of Convictions and Cautions be approved, subject to the deletion of the section on 'possession of a weapon' on page 15, because this was a duplication of the information on page 13.

566. RATIFICATION OF PREVIOUS DECISION TO AMALGAMATE TAXI ZONES

The Committee considered a report from Members' Services regarding the ratification of a previous decision by the Regulatory Committee to amalgamate the taxi zones.

A report had been submitted to the Committee on 30 July 2007, explaining the suggested amalgamation of taxi zones from the current four zones (Warwick, Kenilworth, Leamington and Rural) to one zone.

It had been agreed at the meeting that "(1) the principle to apply the provisions of 171(4) of the Public Act 1875 to the whole of the District in relation to deregulation be approved; (2) officers be authorised to give the required notice of the deregulation; and (3) a further report be submitted to the Committee in due course."

The decision was advertised, as required, on two consecutive weeks in a local paper after the meeting in July 2007. A full consultation with drivers and all Councils had been undertaken, the results of which were attached to the agenda of the meeting on 30 July 2007.

Section 2:14 of the report submitted to the Committee on 30 July 2008 referred to the Secretary of States' approval being required to finalise the decision. This was initially requested, but, after being advised by the Department for Transport that new legislation was being brought in to take away this requirement, the request for permission was withdrawn.

REGULATORY COMMITTEE MINUTES (Continued)

The legislation called The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 had now finally been introduced from 30 October 2008.

The order effectively gave power to local authorities to bring their resolution into force no earlier than 35 days after the date of the order.

The proposal was that the start date for the amalgamation should be 1 January 2009. This would give officers ample time to circulate all hackney carriage proprietors with full information and for it to be advertised in the press.

RESOLVED that

- (1) the amalgamation of Warwick Districts' four taxi zones be approved, in accordance with the provisions of Section 171(4) of the Public Health Act 1875 (as amended); and
- (2) officers be authorised to give notice of the above in the prescribed way.

(This was taken as an urgent item, with the agreement of the Chairman, because information did not reach officers about the new legislation until after the agenda had been distributed)

(The meeting ended at 3.45pm)