

REGULATORY COMMITTEE

Minutes of the meeting held on Monday, 28 July 2008, at Town Hall, Royal Leamington Spa at 2.30pm.

PRESENT: Councillor Mrs Gallagher (Chairman), Councillors, Crowther, Mrs Falp, Gill, Harris, Mrs Higgins, Mrs Mellor and Vincett.

Councillor Mrs Higgins substituted for Councillor Mrs Grainger.

287. **DECLARATIONS OF INTEREST**

There were no declarations of interest

288. **MINUTES**

The minutes of the meetings held on 26 February and 22 May 2008 were taken as read and signed by the Chairman as a correct record.

289. **APPLICATION FOR A STREET TRADING CONSENT**

The Committee considered an application for a Street Trading consent where objections had been received.

Mr Kayaoglu applied for a street trading consent on 15 July 2008. The application was circulated to the consultees set out within the Warwick District Council Street Trading Policy.

An objection to the application was received from Ward Councillor, Councillor Britland which was appended to the report. Two further objections to the application were submitted, both of which regarded traffic safety as the reason for their objection.

Councillor Gill explained that he made a representation as Ward Councillor and had not determined the application and would wait until he had considered the application, report, debate and representation from the applicant before forming a view.

The application and accompanying documents were appended to the report, along with a copy of the Council's Policy on Street Trading.

Mr Kayaoglu attended the meeting and explained his reasons for the application and answered questions from the Committee.

All parties were asked to leave while the Committee deliberated and made their decision on the application.

REGULATORY COMMITTEE MINUTES (Continued)

RESOLVED that

- (1) the application be refused because with regards to the needs for the area this is an inappropriate site for this type of business, no research has been provided to justify that there is trade in the area and part of the application is outside the normal trading hours expected by the Council. There is a particular cause for concern once the outlets in that area have closed and there are other outlets of a similar nature in this area already, McDonalds and KFC who both have drive through facilities. There are also other food outlets in the area such as the tiller pin and moorings. There is a concern for public safety due to the location of the van in relation to a very busy road junction. Nuisance could be caused that he may not be able to control and monitor the rubbish and litter from his customers.
- (2) the Chairman of the Committee to write to the Police and Warwickshire County Council as highways authority expressing their concerns that they did not respond to the consultation and asking them that in future they at least respond with no comment so the Committee were aware they have received the letter; and
- (3) In future the report to the committee on such matters are to be simple bullet pointed list stating what response was received from the consultees detailed within the Council's Street Trading Policy, even if there are no comments made or received.

All parties were invited back into the room and informed of the decision.

290. 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 item 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.

Councillors Mrs Falp and Harris left the meeting after this item.

REGULATORY COMMITTEE MINUTES (Continued)

291. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER REFUSING TO SUBMIT A MEDICAL AND ALSO ABUSIVE TO OFFICERS

The Committee considered a report from Members' Services regarding Hackney Carriage/Private Hire Driver GSD who had refused to submit a medical examination when requested to do so by officers and had also been aggressive and uncooperative with them.

The Committee were asked to consider the report and determine what action they felt was appropriate in this case.

GSD attended the meeting and represented his views on the matter and answered questions from the Committee.

JL of the Leamington Taxi association attended the meeting to speak in support of GSD.

A letter from the National Private Hire Association and the response to this were circulated at the meeting and considered by the Committee.

All parties were asked to leave the room while the Committee deliberated and made their decision.

RESOLVED that the Medical is not pursued, noting the next medical is due in July 2009 and GSD to be mindful over future conduct, behaviour towards officers and the need to be polite at all times.

(The meeting ended at 4.35pm)