

REGULATORY COMMITTEE

Minutes of the meeting held on Monday 13 September 2010 at Town Hall, Royal Leamington Spa at 2.30pm.

PRESENT: Councillor Pratt (Chairman); Councillors Copping, Mrs Gallagher, Gill, Mrs Goode, Illingworth, Mrs Knight, Mobbs and Vincett.

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

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.

1. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

2. **MINUTES**

Minutes from the meeting held on 29 July 2010 were agreed subject to some minor grammatical changes.

3. **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 six 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.

4. **AN EXISTING HOLDER OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE WITH CONVICTIONS**

The Committee considered a report from Community Protection with regard to an existing holder of a hackney carriage/private hire drivers licence, issued by Warwick District Council, who had pleaded guilty in court to six offences laid against her.

Following an investigation by officers into the activities of a company, several offences were discovered relating to the use of unlicensed vehicles. The person holding the licence was TD and therefore this investigation led to the reporting of TD for prosecution.

TD attended along with Mr Austin her solicitor. They addressed the Committee and answered questions from the members confirming that TD was not aware of the change that had taken place with regard to vehicles that were exempt from being licensed. Mr Austin also explained that TD no longer held the operator's licence for the company.

Having heard the report and the explanation provided by TD and considering all the information before it, the Committee decided that TD was a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence.

RESOLVED that no further action be taken.

All parties were advised that they had 21 days from the notification of this decision to appeal to the Magistrates Court.

(Councillors Mrs Gallagher and Mobbs left the room at the conclusion of this item)

5. **AN EXISTING HOLDER OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE AND PRIVATE HIRE OPERATOR'S LICENCE WITH CONVICTIONS**

The Committee considered a report from Community Protection, with regard to an existing holder of a hackney carriage/private hire driver's licence and a private hire operator's licence, issued by Warwick District Council, who had pleaded guilty in court to two offences laid against him.

A recent investigation by officers into the activities undertaken by a company resulted in several offences being discovered relating to the use of unlicensed vehicles. MR drove the unlicensed vehicle for the company. Following the investigation MR was reported for prosecution and pleaded guilty to two charges relating to using a vehicle without a PH Licence.

MR addressed the Committee along with his solicitor Mr Austin. They answered questions from the panel confirming that MR had six penalty points and not nine, which had been in the report. MR also confirmed that he would now hold the operator's licence for the company and make every effort to try and stop any mistakes being made in the future.

Having heard the report, the explanation provided by MR and considering all the information before it, the Committee decided that MR was a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence and Private Hire operator's licence.

RESOLVED that no further action be taken.

All parties are advised that they had 21 days from the notification of this decision to appeal to the Magistrates Court.

6. **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 undeclared convictions.

In March 2010 IR applied to Warwick District Council for a hackney carriage/private hire driver's licence. When completing the application form, IR declared four driving offences and no other offences were declared. When officers received IR's CRB disclosure. an offence was shown which had not been declared.

A copy of IR's CRB disclosure was circulated at the meeting.

IR addressed the Committee and answered questions from the members explaining the reasons for the points on his licence and confirming his offence shown on the CRB disclosure. He told the Committee that he did not realise he had to declare this offence on the form and was not aware of any of the specific details until he received the CRB disclosure.

Having heard the report, the explanation provided by IR and considering all the information before it, including the applicants CRB, the Committee decided that IR was a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence.

RESOLVED that the application be allowed to proceed.

All parties are advised that they had 21 days from the notification of this decision to appeal to the Magistrates Court.

7. **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 motoring convictions.

In July 2010 MS applied to Warwick District Council for a hackney carriage/private hire driver's licence. He declared his motoring offence on the application form.

Due to the nature of the offence the application would usually be rejected by the Licensing Services Manager. However, in order to enable MS to attend this Regulatory Committee meeting and prevent any delay in the application process, the normal procedure had not been followed and instead MS had been invited to attend the meeting.

MS addressed the Committee and answered questions from the members explaining that he thought he was able to drive another vehicle when having fully comprehensive insurance cover on his own vehicle. When he was stopped by the police, he discovered his insurance company did not cover him for driving another vehicle.

Having heard the report, the explanation provided by MS and considering all the information before it, the Committee decided that MS was a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence.

RESOLVED that the application be allowed to proceed.

All parties are advised that they had 21 days from the notification of this decision to appeal to the Magistrates Court.

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

This item was deferred until the next meeting of the Regulatory Committee.

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

This item was deferred until the next meeting of the Regulatory Committee

10. **SEX ESTABLISHMENT POLICY**

The Committee considered a report from Community Protection which asked that the Regulatory Committee to adopt the Statement of Licensing Policy for Premises to be Licensed as Sex Establishments.

At the Regulatory meeting on 29 July 2010, Minute number 9, the Committee recommended to Council that it adopt the amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. It was also recommended that the Licensing Services Manager formulated a draft policy to be submitted to the next Regulatory Committee.

The draft was shown as an appendix to the report.

RESOLVED that the Statement of Licensing Policy for Premises to be Licensed as Sex Establishments be adopted.

11. **REGULATORY COMMITTEE PROCEDURE AND JOB ROLE**

The Committee considered a report from Members' Services which asked the Committee to adopt the updated Committee procedure and job role for Committee members.

The revised procedure was attached as an appendix to the report and it set out a detailed Committee procedure which provided clarification for members of the public, including information with regard to the Chairman's briefing following concerns which had been raised. The procedure also provided clarification that any items involving members of the public would be taken at the start of the meeting.

RESOLVED that the updated Committee procedure and job role be adopted.

(The meeting finished at 16.35 pm)