

REGULATORY COMMITTEE

Minutes of the meeting held on Monday 9 November 2009 at Town Hall, Royal Leamington Spa at 2.30pm.

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

(Councillor Guest substituted for Councillor Mrs Grainger)

The Chair 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. The Emergency Procedure was then read out by the Committee Services Officer.

The Chair introduced the panel and officers present.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest

3. **MINUTES**

The minutes of the meeting held on 14 September 2009 were confirmed as a correct record and signed by the Chairman.

4. **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.

The Committee Services Officer read the above to the public and press, and apologised to the panel for Item 10 being shown as a confidential item on the agenda.

11. **LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH REPORTED PROBLEMS.**

The Licensing Services Manager explained to the panel that ZM was unable to attend the meeting. ZM's solicitor had sent a letter to the licensing department requesting for the case to be deferred as he was also unable to attend.

Following advice from the Legal officer present, it was agreed that the case be deferred until the next meeting.

5. **APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WHO DID NOT DECLARE HIS DRIVING CONVICTION.**

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. Members were asked to consider whether he was a fit and proper person to be granted a hackney carriage/private hire drivers licence.

SD applied for a hackney carriage/private hire driver's licence to WDC in June 2009 and declared no offences. SD was asked to amend his application form during a meeting that took place on October 2 2009 at Riverside House to show the road traffic offence from 26 March 2008

Driving licence issue number 58 was submitted with SD's application which was issued on 15 August 2006. However, when officers received the DVLA mandate on 23 September 2009 it showed that the last issue for SD's driving licence was number 59, issued on 22 July 2008.

Officers were not convinced by SD's explanation and referred the matter to the Regulatory Committee.

SD addressed the Committee and answered questions from members.

SD, the Licensing Services Manager and officer left the room whilst the Committee deliberated in private. They were then asked to return to hear the decision of the Committee.

Having received the report from the officers and having heard SD, the committee were not satisfied by SD's explanation. This, in the committee's opinion, called into question whether SD was a fit and proper person to hold a licence with Warwick District Council.

On balance the committee felt that SD was not a fit and proper person to hold a licence.

RESOLVED that the application for a hackney carriage/private hire drivers licence from SD be refused.

SD was advised that he had 21 days from 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 RECENT CONVICTION.**

The Committee considered a report from Community Protection. Members were asked to consider whether MS was a fit and proper person to hold a hackney carriage/private hire drivers licence.

In September 2009 BR, a taxi driver with Warwick District Council, attended the offices at Riverside House to report that he had been assaulted by MS. This assault had been reported to the police and BR had provided them with a statement.

In September 2009 Licensing officers received information from Warwickshire Police that MS had received a caution for Battery on the 4 September 2009, following the assault on BR, at the Abbey End Taxi Rank in Kenilworth.

MS addressed the Committee and answered questions from members.

BR was present as a witness and answered questions from the members.

SD, BR, the Licensing Services Manager and officer left the room whilst the Committee deliberated in private. They were then asked to return to hear the decision of the Committee.

The over-riding consideration of the members of the Committee was to protect the travelling public. The Committee are not only concerned that MS has been cautioned for battery but were also concerned about the circumstances in which the battery took place.

The Committee heard evidence from Licensing officers that they had received complaints that MS had repeatedly collected up customers from the taxi rank in spite of numerous warnings from the Licensing Department. This was accepted by MS.

Further the committee also heard evidence from the officers that MS had failed to declare his caution when renewing his licenses.

Having considered MS's conduct in relation to the battery and failure to declare the caution the committee were not satisfied that he was a fit and proper person to hold a Private Hire/Hackney Carriage drivers licence or a Private Hire operator's licence

RESOLVED that the Private Hire/Hackney Carriage driver licence and Private Hire operator's licence be revoked.

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

(Councillor Mrs Gallagher left the meeting during deliberation and Councillors Harris and Vincett left the meeting after this decision)

7. **LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH AN ACCUMULATION OF INCIDENTS**

The Committee considered a report from Community Protection. Members were asked to consider whether JV was a fit and proper person to hold a hackney carriage/private hire drivers licence following an accumulation of incidents.

JV addressed the Committee and answered questions from members.

JV, the Licensing Services Manager and officer left the room whilst the Committee deliberated in private. They were then asked to return to hear the decision of the Committee

Having considered the report the committee were concerned about the history of previous complaints. The committee requested officers provide further clarification in relation to the previous allegations such as the facts of the complaints and any explanation provided by JV and any transcripts of any PACE interviews that had been conducted.

The committee were of the view that they were unable to determine this matter until this information had been provided

RESOLVED that the matter be deferred until the next Regulatory Committee.

8. **LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH PENALTY POINTS ON DVLA LICENCE**

The Committee considered a report from Community Protection. Members were asked to consider whether JBM was a fit and proper person to retain his Hackney Carriage/Private Hire driver's licence, as he had accumulated a number of points on his driving licence.

JBM renewed his Private Hire vehicle licence in September 2009. The application form required the driver to make a statement as to any convictions or cautions. JBM declared that he had "9 penalty points on licence".

JBM addressed the Committee and answered questions from members.

JBM, the Licensing Services Manager and officer left 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 the explanation from JBM the Committee decided to take no further action.

However the Committee were concerned about the traffic offences endorsed on JBM's licence and warned JBM that should further offences occur, that he would be brought back before committee.

RESOLVED that no further action be taken.

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

The Committee considered a report from Community Protection. Members were asked to consider whether MRA was a fit and proper to be granted a hackney carriage/private hire licence.

MRA applied for a hackney carriage/private hire driver's licence with Warwick District Council in March 2009. When officers received MRA's CRB, other offences were revealed.

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

MRA addressed the Committee and answered questions from members.

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

After hearing the report and MRA's explanation of the convictions the committee were satisfied that MRA was a fit and proper person.

RESOLVED that MRA be allowed to proceed with his application.

10. **REQUEST FROM CCTV COMPANY TO INTRODUCE SYSTEM TO WARWICK DISTRICT COUNCIL LICENSED VEHICLES.**

Councillor Crowther requested that this item be deferred until the next meeting due to it not being in the public domain. This was agreed by the panel.

RESOLVED that agenda item 10 be deferred to the next meeting.

(The meeting ended at 6.10pm)