

REGULATORY COMMITTEE

Minutes of the meeting held on Monday 11 December 2006, in the Town Hall, Royal Leamington Spa at 2.00 pm.

PRESENT: Councillor Mrs Goode (Chair); Councillors Butler, Crowther, Kinson, Kundi and Pratt.

(Councillor Crowther substituted for Councillor Mrs Knight, Councillor Kinson substituted for Councillor Mrs Bunker and Councillor Pratt substituted for Councillor Doody)

An apology for absence was received from Councillor Harris.

1. **DECLARATIONS OF INTEREST**

Agenda Item number 4 - Application for Hackney Carriage Drivers' Licence

Councillors Butler, Crowther, Mrs Goode, Kinson, Kundi and Pratt declared a personal interest because Councillor Sandhar, who was speaking as a character witness for the applicant was known to them as a Warwick District Councillor.

Councillors Butler, Crowther, Mrs Goode, Kundi and Pratt also declared a personal interest because Councillor Birdi, who was speaking as a character witness for the applicant was known to them as a Whitnash Town Councillor.

2. **PUBLIC AND PRESS**

RESOLVED that under Section 100A of the Local Government Act 1972 the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within the paragraph 1 of Schedule 12A of the Local Government Act 1972.

3. **APPLICATION FOR HACKNEY CARRIAGE DRIVER'S LICENCE**

The Committee considered a report from Members' Services for an application for a hackney carriage driver's licence.

BS had held a hackney Carriage driver's licence since 1995. In September 2005 he was convicted of drunk driving and sent his licence back to the Council.

His hackney carriage licence driver's licence would have expired in June 2006, however, he was unable to renew it because he was disqualified from driving.

BS had written to the Council to say that his DVLA driving licence would be re-issued on 27 December 2006 and members were asked to consider his application for a hackney carriage driver's licence.

REGULATORY COMMITTEE (Continued)

He had also submitted to the Council, two certificates. One was a certificate of completion of a course for drink drive offenders issued by the Department for Transport and the other was a certificate of completion of an Aspire Disability Equity training course.

BS attended the meeting and addressed the Committee with the help of Peter Freeman from Moore and Tibbitts (Solicitors).

Councillor Sandhar and Whitnash Town Councillor Birdi addressed the Committee as character witnesses for BS.

BS, Peter Freeman, Councillor Sandhar, Councillor Birdy and the Licensing Officer then left the room whilst the Committee made their decision.

The Committee received advice from the Council's Solicitor.

RESOLVED that BS be permitted to apply for a Hackney Carriage Driver's Licence, subject to satisfactorily meeting the Council's standard conditions.

4. APPLICATION FOR PRIVATE HIRE LICENCE

The Committee considered a report from Members' Service on an application for a private hire driver's licence.

On the 28 October 2004, Mr H was convicted of driving with no insurance and fined £150 with six penalty points; driving a private hire vehicle without the necessary licence and fined £100; no MOT and fined £250; and driving a vehicle in a dangerous/un-roadworthy condition and fined £25.

Between the offence and the conviction Mr H applied for and was granted a private hire driver's licence. On the 26 January 2005, the Regulatory Committee considered the convictions against Mr H and decided to revoke his private hire driver's licence.

Mr H had previously asked whether the Council would be prepared to approve an application for a private hire driver's licence if he were to submit one. The matter was considered by the Committee on the 6 December 2005, and the Committee decided that it would not be prepared to approve an application for a licence from Mr H.

Mr H again asked the Council to reconsider and the matter was considered by the Committee on 10 April 2006. The Committee decided that they would not approve the application and would not be prepared to reconsider their decision any earlier than October 2006, and added that there could be no guarantee that his application would be approved as the matter would have to be decided on its own merits at the time.

Mr H attended the meeting and addressed the Committee before they made a decision.

Mr H and the Licensing Officer then left the room whilst the Committee made their decision.

REGULATORY COMMITTEE (Continued)

The Committee received advice from the Council's Solicitor.

RESOLVED that Mr H be permitted to apply for a Private Hire Driver's Licence, subject to satisfactorily meeting the Council's standard conditions.

5. PRIVATE HIRE DRIVER WITH UNDECLARED POLICE CAUTION

The Committee considered a report from Members' Services on a private hire driver with an undeclared Police caution.

Mr RJTH had held a private hire driver's licence with the Council for 15 years.

On 30 October 2006 a letter was received from Warwickshire police stating that RJTH had received a caution on 11 October 2006 for possessing an offensive weapon in a public place. The Council were notified under Home Office Circular 06/06 which obliged the police to notify councils in the event of an offence committed by people in certain occupations. Hackney carriage and private hire drivers were such occupations.

Mr RJTH and his wife attended the meeting and addressed the Committee, with advice from their Solicitor, Peter Freeman from Moore and Tibbitts, before the Committee made their decision.

Mr RJTH, his wife, Peter Freeman and the Licensing Officer then left the room whilst the Committee made their decision.

The Committee received advice from the Council's Solicitor.

RESOLVED that no action be taken.

6. WHEELCHAIR COMPLIANT VEHICLES

The Committee considered an update report from Members' Services on an application for a wheelchair compliant vehicle.

Since the meeting on 13 November when the Committee decided to defer a decision on the application for a modified Citroen Sentinel to be added to the Council's list of approved vehicles, the applicant had met with Leamington Shop mobility and it had now passed the appropriate tests.

RESOLVED that the Citroen Sentinel, provided by Specialist Vehicle Assemblies Ltd, be added to the Council's list of approved vehicles.

(The meeting ended at 4.00pm)