

REGULATORY COMMITTEE

Minutes of the meeting held on Monday 14 September 2009 at Town Hall, Royal Leamington Spa at 2.30pm.

PRESENT: Councillors Mrs Mellor (Chairman); Councillors Barrott, Mrs Falp, Mrs Goode, Mrs Grainger, Harris, Illingworth, Mrs Knight and Vincett.

(Councillor Councillor Barrott substituted for Councillor Crowther)

An apology for absence was received from Councillor Mrs Gallagher.

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.

19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. MINUTES

The minutes of the meeting held on 27 July 2009 were confirmed as a correct record with the following amendment, and signed by the Chairman:

Minute number 15 (paragraph 7), the final sentence should read 'were not able to attend'.

21. 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 four 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.

22. LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH DISABILITY REFUSING TO TAKE MEDICAL

The Committee considered a report from Community Protection with regard to a licensed hackney carriage/private hire driver with a disability who was refusing to take a medical. Members were asked to consider whether he was a fit and proper person to continue to hold a hackney carriage/private hire drivers licence.

GSD had held a hackney carriage/private hire driver's licence with Warwick District Council (WDC) since before 1999. His last medical for WDC was completed on 4 August 2004 and the next was due on 5 July 2009.

REGULATORY COMMITTEE MINUTES (Continued)

GSD appeared before the Council's Regulatory Committee on 28 July 2008 because he had refused to take a medical when requested to do so and was also aggressive and uncooperative towards officers.

At that meeting the Committee agreed that a medical should not be pursued, noting the next medical was due in July 2009, and GSD was asked to be mindful over future conduct, behaviour towards officers and the need to be polite at all times.

GSD had been contacted twice by letter requesting that he had the required medical before July 2009, but he had not done so.

Other issues were also brought to the attention of the Committee with regard to his claims for disability benefit, and that GSD was allegedly unable to book his medical.

GSD addressed the Committee and answered questions from members.

GSD 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.

The Committee had to make its decision based on the information contained within the officer's report and the information presented before it today, including the oral representations of GSD.

The Committee was not convinced by GSD's explanation as to why he had not taken the hackney carriage/private hire drivers' medical. In any case, as a taxi driver, GSD was obliged to take a hackney carriage/private hire drivers medical in accordance with the Council's policy. The Committee had not found any reason why GSD should be excepted from this obligation.

Therefore, the Committee felt that GSD's hackney carriage/private hire drivers licence should be suspended until he had taken a hackney carriage/private hire drivers medical and produced the required certificate to the satisfaction of the Council.

This must be undertaken by his own GP or one of the Council's nominated medical practitioners.

The Committee also expressed concern in relation to the manner in which Mr Dulay had spoken to the Council's Licensing Officers regarding these matters, and would like to remind him of the importance of behaving in a polite and courteous manner at all times.

RESOLVED that GSD's hackney carriage/private hire drivers licence be suspended until he has taken a hackney carriage/private hire drivers medical and produced the required certificate to the satisfaction of the Council. The medical must be undertaken by his

REGULATORY COMMITTEE MINUTES (Continued)

own GP or one of the Council's nominated medical practitioners.

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

(Councillors Mrs Grainger and Harris left the meeting at the conclusion of this item)

23. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE FROM A PERSON WITH CONVICTIONS

It was reported to the Committee that the applicant MRA, had been in attendance at the Town Hall, but had to leave before his application could be considered because he had to go to work. Before he left, he had agreed for his application to be deferred to the next meeting of the Committee.

RESOLVED that the application from MRA be deferred to the next meeting of the Committee.

24. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS 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 convictions. Members were asked to consider whether he was a fit and proper person to be granted a hackney carriage/private hire drivers licence.

QUZ had applied for hackney carriage/private hire drivers licence and had declared a driving offence on his application form. However, further offences were revealed when the Criminal Records Bureau disclosure was received. Copies of the disclosure were circulated to members at the meeting.

Under delegated powers, the Licensing Services Manager had rejected QUZ's application.

QUZ addressed the Committee and answered questions from members.

QUZ 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.

The Committee had to make its decision based on the information contained within the officer's report and the information presented before it today, including the oral representations of QUZ.

The Committee was convinced by QUZ's explanation as to why he had not declared the offences on his application form. However, QUZ was reminded of the importance of honesty and accurately completing the Council's hackney carriage/private hire drivers licence application form and other documents relating to his application

REGULATORY COMMITTEE MINUTES (Continued)

Therefore, the Committee agreed that the application for a hackney carriage/private hire drivers licence from QUZ would be accepted.

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

25. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS 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 convictions. Members were asked to consider whether he was a fit and proper person to be granted a hackney carriage/private hire drivers licence.

JSG had applied for hackney carriage/private hire drivers licence and had declared a driving offence on his application form. However, further offences and a caution were revealed when the Criminal Records Bureau disclosure was received. Copies of the disclosure were circulated to members at the meeting.

Under delegated powers, the Licensing Services Manager had rejected JSG's application.

JSG addressed the Committee and answered questions from members.

JSG 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.

The Committee had to make its decision based on the information contained within the officer's report and the information presented before it today, including the oral representations of JSG.

The Committee was not convinced by JSG's explanation in relation to why he had not declared the offences and caution on his application form.

The Committee also had serious concerns in relation to the offences revealed on the Criminal Records Bureau disclosure, in particular to the caution for theft which was given to JSG in April 2007.

This raised doubts as to whether the applicant could be considered honest and trustworthy, in accordance with the Council's policy.

The Committee therefore, upheld the decision to reject JSG's application as detailed in the letter from the Licensing Services Manager dated 18 June 2009.

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

REGULATORY COMMITTEE MINUTES (Continued)

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

(Councillor Mrs Knight left the meeting at the conclusion of this item)

(At the conclusion of this item the public and press were no longer excluded)

26. SUGGESTED NEW 6 MONTHS HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCES FOR VEHICLES OVER 5 YEARS OLD

The Committee considered a report from Community Protection with regard to the introduction of a 6 month vehicle licence, for all vehicles when they reach 5 years of age.

Hackney carriage/private hire vehicles over the age of 5 years must have an MOT/inspection every 6 months. It was very time consuming and difficult for officers to keep in contact with the proprietors to ensure that these were carried out.

It was therefore proposed to introduce a 6 month vehicle licence for all vehicles when they reach 5 years of age. To renew this licence, the proprietor must produce an MOT/inspection certificate which had been completed no more than 3 weeks before the date of renewal.

Six monthly renewals would ensure that MOT/inspection were carried out on time and helped to improve safety.

The current fee for a 12 months vehicle licence was £210. It was suggested that the fee for a six month licence was £140, which allowed for the extra administration and the cost of the plate renewal.

Members debated the suggestion and were happy with the principle of introducing the 6 month licence, but were concerned about the cost of £140. Therefore, members asked the Licensing Services Manager to report back with a breakdown of how the fee of £140 had been calculated.

RESOLVED that a report be submitted to the next meeting of the Committee detailing a breakdown of how the proposed fee of £140 is calculated.

(The meeting ended at 5.40pm)