

# REGULATORY COMMITTEE

Minutes of the meeting held on Monday 10 April 2006, in the Town Hall, Royal Leamington Spa at 2.00 pm.

**Present:** Councillor Mrs Goode (Chair); Councillors Butler, Coker, Doody, Ms Flanagan, Harris, Kinson, Mrs Knight and Kundi.

(Councillor Kinson substituted for Councillor Mrs Bunker)

## 1041. DECLARATIONS OF INTEREST

### Minute Number 1043 - Private Hire/Hackney Carriage driver with convictions.

Councillor Kundi declared a personal and prejudicial interest because the driver was known to him and left the meeting while the matter was being considered and decided upon.

### Minute Number 1046 - Extensions to the restricted drinking zones

Councillor Harris declared a personal interest because some of the streets referred to in the Order were in his ward.

## 1042. 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 three items by reason of the likely disclosure of exempt information within paragraph 1 of Schedule 12A of the Local Government Act 1972.

## 1043. PRIVATE HIRE/HACKNEY CARRIAGE DRIVER WITH CONVICTIONS

A report from Members' Services was submitted on convictions against a holder of private hire/hackney carriage drivers licences.

Details of the convictions recorded against KSS (date of birth 4.9.61) who held hackney carriage/private hire driver's licences were set out in the report. KSS attended the meeting, addressed the Committee and answered questions from members and officers.

Mr KSS was then invited to sum up, which he did. He then left the room whilst the Committee made a decision.

The Committee received advice from the Officers.

**RESOLVED** that KSS's hackney carriage/private hire drivers licences be suspended for a period of one month and at the end of that period KSS be required to apply for a new licence and comply with the normal procedure for obtaining such a licence.

## **REGULATORY COMMITTEE (Continued)**

(KSS was then invited back into the meeting and informed of the decision by the Chair including his right to appeal to the magistrates.

### **1044. APPLICATION FOR PRIVATE HIRE DRIVER'S LICENCE**

A report from Members' Services was submitted on an application for a private hire drivers licence from an applicant who had previously had his private hire drivers licence revoked.

GSH (date of birth 9.3.47) had had his licence revoked by the Committee in January 2005 for driving a private hire vehicle without a licence, driving without insurance or MOT and driving a vehicle in an un-roadworthy condition.

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

GSH had now written asking the Committee to reconsider its decision. A copy of the letter from GSH was circulated with the agenda.

GSH attended the meeting and addressed members in support of his application. The Licensing Manager explained the procedure at the meeting to GSH and to ensure that he fully understood the position Councillor Kundi addressed him in a language which he clearly understood.

GSH answered questions from members and was given the opportunity to sum up which he did.

He then left the room whilst the Committee made a decision.

The Committee received advice from the Officers.

**RESOLVED** that in view of the seriousness of the original convictions GSH be informed that the Committee would not be prepared to consider an application from him any earlier than October 2006 but that even then there could be no guarantee that his application would be approved as the matter would have to be determined on its own merits at that time.

(GSH was then invited back into the meeting and informed of the decision by the Chair and by Councillor Kundi)

### **1045. PRIVATE HIRE/HACKNEY CARRIAGE DRIVER WITH CONVICTIONS**

A report from Members' Services was submitted on convictions revealed against the holder of private hire/hackney carriage drivers licences.

STS (date of birth 8.9.68) had been convicted of driving without insurance.

## **REGULATORY COMMITTEE (Continued)**

A letter had been posted to Mr STS informing him that the Committee would be considering the question of his conviction at this meeting and he had been invited to attend to address members before they made a decision on what if any action to take.

STS did not attend the meeting.

The Committee received advice from the Officers.

**RESOLVED** that consideration of this matter be deferred until the next meeting and STS be invited to that meeting, by way of a hand delivered letter which would also inform him that if he does not attend that meeting the Committee might well consider the matter in his absence.

### **1046. EXTENSIONS TO THE RESTRICTED DRINKING ZONE**

A report from Members' Services was submitted on representations received on the Council's proposal to make an Order, under the Criminal Justice and Police Act 2001, which would extend the area covered by the restricted drinking zones.

The Criminal Justice and Police Act 2001 had introduced a new power which allowed Councils to make Orders designating certain places as restricted drinking zones. Authority had been delegated to this Committee to make such orders.

At its meeting on the 4 January 2006, the Committee had agreed to the making of an order in the form agreed. The Officers had been authorised to carry out the necessary procedure to bring the order into effect. The procedure involved advertising the Council's intention to make the order and inviting representations. The Committee had agreed that if representations to the order were received, following the public notice, a further report would be submitted to it.

A number of letters of support have been received to the making of the order. Two further responses had been received seeking clarification. Such clarification had been given.

A letter had also been received from the Residents of Central Kenilworth (ROCK) asking for the Blundells and Priory Road, Kenilworth to be included in the order. A copy of the letter from ROCK was circulated with the agenda. The County Council had supplied details of the incidents in this area which showed that the inclusion of these streets would be justified.

**RESOLVED** that

- (1) the making of the Order set out as an appendix to the minutes of the meeting of the Committee held on the 4 January 2006 be confirmed with the exception of the addition of the Blundells and Priory Road, Kenilworth

## **REGULATORY COMMITTEE (Continued)**

being added to the list of streets to be covered by the Order; and

- (2) the Officers be authorised to carry out the necessary procedure to bring the Order into effect.

### **1047. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS - MEDICALS**

A report from Members' Services was submitted on an increase in the fee charged by the Occupational Health Medical Officer for medical examinations of applicants for, and holders of, hackney carriage and private hire drivers licences.

All applicants for private hire and hackney drivers licences had to satisfy the Group 2 medical standards which were applicable to heavy goods vehicle drivers and public service vehicle drivers. Once licensed they had to continue to comply with the standard and have regular medical examinations.

To ensure that applicants and existing drivers complied with the standard, Doctor Popplewell the Occupational Health Medical Officer carried out the necessary examinations. At present Doctor Popplewell charged the Council £50 per examination. This charge was passed on to applicants and drivers, together with a charge of £7 to cover the Council's administrative costs.

Doctor Popplewell had recently indicated that as from the 1 May she would be increasing her charge to £55. The £7 administrative charge was considered to be sufficient for the time being. The increase by Doctor Popplewell would be passed on to applicants giving a revised total fee of £62 with effect from the 1 May 2006.

**RESOLVED** that the change in the fee charged by Doctor Popplewell and the resultant increase in fee charged to applicants and drivers with effect from the 1 May 2006 be noted.

(Although this item was not on the agenda the Chair agreed to take it because an urgent item in view of the need for the Committee to be informed of the increase.)

(The meeting ended at 3.45 pm)