

REGULATORY COMMITTEE

Minutes of the meeting held on Monday 17 January 2011 at Town Hall, Royal Leamington Spa at 2.30pm.

PRESENT: Councillor Pratt (Chairman); Councillors Copping, Mrs Falp, Illingworth, Mrs McFarland and Weed.

Apologies for absence were received from Councillors Mrs Gallagher, Mobbs and Vincett.

Councillor Copping substituted for Councillor Harris and Councillor Mrs McFarland substituted for Councillor Gill.

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.

35. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

36. **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 two 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.

37. **DRIVER LICENSED BY WDC WITH AN UNDECLARED DRIVING LICENCE SUSPENSION**

The Committee considered a report from the Deputy Monitoring Officer with regard to a decision of the Committee on 10 January 2011 regarding a licensed hackney carriage/private hire driver who had failed to declare a driving suspension.

The decision of the Regulatory Committee on 10 January 2011 was that Mr V's application to renew his driver's licence be refused. However this was not a decision that the Committee could take because the application to renew had already been progressed. For this reason the Chairman of the Regulatory Committee agreed that an urgent meeting of the Committee should take place on 17 January 2011 at 5.00pm to reconsider its previous decision.

Following advice from Legal Services it was agreed that Mr V did not need to attend the urgent meeting because all the evidence had been submitted previously to the Committee, no new members would be attending to consider the decision and therefore they would make a judgement based on the information previously considered.

The Committee considered the report, the representation of Mr V, all the information before them including Mr V's CRB and the Councils Policy Document and Guidance Relating to the Relevance of Convictions and Cautions.

The Committee had a number of concerns surrounding the disqualification of Mr V Licence and his subsequent application for the renewal of his hackney carriage private hire driver's licence. Firstly the Committee had real concerns about whether Mr V was safe to drive around members of the public in light of the accumulation of 12 points for driving offences and the subsequent disqualification of his licence. The Committee expects the drivers licensed by WDC to be consistency good and safe drivers as those paying for transport service rely on their driver to get them to their destination safely. Further hackney carriage/private hire drivers are professional drivers and should be fully aware of all road traffic legislation.

The Committee also had serious concerns regarding the omissions in Mr V's application form and in particular that Mr V failed to disclose his previous convictions in the convictions section of the application form and crucially that he failed to disclose his recent medical condition that had prevented him from working for a period of 6 to 7 months. Further, it had been brought to the Committees attention that Mr V accepted a caution on the 6 July 2004 for using threatening and abusive and insulting word or behaviour with intention to cause fear or provocation of violence under section 4 (1)(a) of the public order act 1986.

The over-riding consideration of the members of the Committee is to protect the travelling members of the public and having considered these matters together with the allegations reported to Committee on the 23 December 2009 the Committee had applied the question of whether they would allow their daughter, son, granddaughter or grandson, spouse, mother or father or any person they care for or any vulnerable person they know to get into a vehicle with this person alone and it was the Committees view that they would not.

The Committee were of the opinion that the their decision of the 10 January 2010 was that Mr V was not a fit and proper person to hold a hackney carriage/private hire drivers licence and therefore his licence should be revoked.

RESOLVED that Mr V is not a fit and proper person to hold a hackney carriage/private hire drivers licence and therefore his licence should be revoked.

The Regulatory Committee asked that Mr V be written to as soon as possible notifying him of this decision and advising him that he had 21 days from the notification of this decision to appeal to the Magistrates Court.

(The meeting finished at 5.10pm)