

# REGULATORY COMMITTEE

Minutes of the meeting held on Wednesday 23 January 2008, in the Town Hall, Royal Leamington Spa at 2.30 pm.

**PRESENT:** Councillors; Mrs Mellor (Chairman); Councillors Crowther, Mrs Falp, Gallagher, Mrs Grainger, and Harris.

An apology for absence was received from Councillors Dhillon and Mrs Goode.

## 807. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 808. HACKNEY CARRIAGE DRIVER WITH DISCLOSED OFFENCES

This item was withdrawn from the agenda because the drivers legal representative was unable to attend this meeting. This matter would now be considered by the Committee on 26 February 2008

## 809. CHANGES TO STREET TRADING CONSENT CONSULTATIONS

The Committee considered a report from Members' Services that sought the confirmation of consultees on applications for street trading consents.

At the previous meeting of the Committee it had been requested that officers investigate the consultation process for street trading consents and report back with the possible options open to the Committee.

The legislation governing the issuing of street trading consents is contained within the Local Government Act (Miscellaneous Provisions) Act 1982. Within this legislation there was a requirement to consult with the Police and Highway Authority, but there was nothing restricting the Council informing other parties such as the relevant Town Centre Manager and relevant Ward Councillors about applications.

The general conditions attached to a street trading consent were attached as an appendix to the report. These conditions can be modified by the Council for any individual consent at any time.

Following advice from the Council's Solicitor present the Committee felt it would be appropriate if there was a policy which could be applied for the consideration of all street trading consents and clearly stated who would be informed of applications. This would also provide the framework for the reasons for refusal of any application.

**RESOLVED** that the matter be deferred to the next meeting to allow for the production of a draft policy for consideration at the next meeting, along with details of current street trading consents.

## **REGULATORY COMMITTEE MINUTES (Continued)**

### **810. EU DRIVING LICENCES FOR HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATIONS**

The Committee considered a report from Members' Services that requested amendments to the application process for EU and non EU applicants for drivers licences to demonstrate their past background before being able to hold a licence.

Applicants who hold a UK driving licence and were a resident in the UK were required to submit a Criminal Records Bureau (CRB) check before their application could be considered. The CRB required the applicant to provide details of all addresses they had lived at for the past five years. They were also required to present their current driving licence for scrutiny. This was part of the Council's "fit and proper person" test.

The Driving Licence (Community Driving Licence) regulations 1996 amended legislation to allow full driving licences issued by EU states to count towards the qualification requirements. The Council was obliged to accept EU driving licences from applicants for private hire/hackney carriage vehicle licences but not driving licences from any countries outside the EU.

In order that the Council was able to carry out the same level of checks on applicants holding driving licences issued by EU States, other than the UK, a number of proposals were made by officers. It was also proposed that this guidance would apply to UK driving licence holders who had lived in the UK for less than five years. This would mean that all applicants provided background information to the same level of a minimum of five years.

**RESOLVED** that the following procedures be adopted for applicants:

- (1) should the non-United Kingdom Driving Licence or any supporting documentation submitted with any application require translation, then the applicant must arrange this at their own expense through an official translator, for example at the country's embassy;
- (2) in addition to the normal CRB check, applicants who have resided in the UK for less than five years prior to the date of application should be required to provide overseas criminal records check in accordance with guidance issued by the CRB, as per their website [www.crb.gov.uk](http://www.crb.gov.uk);
- (3) applicants who have resided in the UK for less than five years prior to the date of application should be required to provide documentary evidence that they are permitted to work in the UK

(The meeting ended at 4.20pm)