

# REGULATORY COMMITTEE

Minutes of the meeting held on Monday 20 June 2005 in the Town Hall, Royal Leamington Spa at 2.00 pm

**Present:** Councillors Butler, Ms De-Lara-Bond, Doody, Ms Flanagan, Mrs Goode, Kundi, Smith and Windybank

(Councillor Ms De-Lara-Bond substituted for Councillor Harris and Councillor Smith substituted for Councillors Mrs Knight).

(An apology for absence was received from Councillor Coker).

## 136. APPOINTMENT OF CHAIR

**RESOLVED** that Councillor Mrs Goode be appointed Chair of the Committee for the ensuing year.

## 137. APPOINTMENT OF VICE-CHAIR

**RESOLVED** that Councillor Ms Flanagan be appointed Vice-Chair of the Committee for the ensuing year.

## 138. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 139. MINUTES

The minutes of the meetings held on 21 March, 30 March and 11 April 2005 were taken as read and signed by the Chair as a correct record.

## 140. 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 two items by reason of the likely disclosure of exempt information within paragraph 4 Schedule 12A of the Local Government Act 1972.

## 141. APPLICATION FOR A HACKNEY CARRIAGE AND A PRIVATE HIRE DRIVERS LICENCES

A report from Members' Services was submitted on an application for private hire and hackney carriage drivers licences where the Criminal Records Bureau check had revealed convictions.

Authority had been delegated to the Officers to approve or refuse applications for drivers licences depending on previous endorsements or convictions. If an application was refused the applicant was invited to appeal to the Committee. At its meeting held in 1992, the Licensing Sub-Committee had approved guidelines for deciding on applications which revealed convictions.

The Committee considered an application from PWC, (date of birth 2 June 1967), whose Criminal Record check had disclosed convictions.

PWC addressed the Committee in support of his application and answered questions from Members.

PWC was then invited to sum up which he did. He then left the room while the Committee considered his application.

The Committee received advice from the Officers on various matters including the provisions of the Human Rights Act.

**RESOLVED** that the Officers' decision to refuse the application in this case be overturned and a licence be issued.

PWC was then invited back into the meeting and informed of the decision.

#### 142. **APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE**

A report from Members' Services was submitted on an application for a private hire drivers licence, where the applicant's driving licence had revealed a conviction.

The Committee considered an application from JMB, (date of birth 21 November 1953), whose driving licence had revealed a conviction.

JMB addressed the Committee in support of his application and answered questions from Members. JMB was then invited to sum up which he did.

He then left the room while the Committee considered his application.

The Committee received advice from Officers on various matters including the provisions of the Human Rights Act.

**RESOLVED** that the Officers' decision to refuse this application be overturned and a licence be issued.

JMB was then invited back into the meeting and informed of the decision.

#### 143. **ALTERATIONS TO HACKNEY CARRIAGE VEHICLES**

The Committee considered a report from Members' Services on an application for approval of alterations in the specification of a hackney carriage vehicle.

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

The conditions attached to hackney carriage vehicle licences required consent of the Council to any changes in the specification, design or condition of any licensed vehicle.

An application had been received from the holder of a hackney carriage vehicle licence for approval, under the condition, to allow blacked out windows at the rear sides of the vehicle. The blacking out of vehicle windows was governed by the Road Vehicles (Construction and Use) Regulations 1986. Regulation 32 prescribed minimum light transmittance values through the windscreen, and to the windows to either side of the driver. The regulations did not apply to other windows. However, the regulations required a motor vehicle, and all its parts and accessories to be at all times such that no danger is caused, or is likely to be caused, to any person in or on a vehicle or on a road.

The work had already been carried out to the vehicle. The windscreen and side front windows had a tint but came within the regulations. The rear side windows appeared to be completely blacked out. The rear window was heavily tinted but was not completely blacked out.

The Police had been consulted and they had no objection to approval being given in this case.

**RESOLVED** that consent under the conditions attached to the hackney carriage vehicle licence be granted in this case, and the Officers be authorised to approve similar applications in the future, provided that there are no breaches of the Road Vehicles (Construction and Use) Regulations 1986.

(The meeting ended at 3.20 pm.)

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