

REGULATORY COMMITTEE

Minutes of the meeting held on Tuesday, 27 June 2006, in the Town Hall, Royal Leamington Spa at 10.00 am.

PRESENT: Councillor Mrs Goode (Chair); Councillors Mrs Bunker, Coker, Doody, Ms Flanagan, Harris, Mrs Knight, and Kundi

197. DECLARATIONS OF INTEREST

There were no declarations of interest.

198. 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 1 of Schedule 12A of the Local Government Act 1972.

199. COMPLAINT ABOUT A PRIVATE HIRE DRIVER

A report from Members' Services was submitted on complaints of sexual harassment which had been made by a member of the public against a private hire driver licensed by the Council.

Full details of the allegation, including a statement from the complainant, was circulated with the report together with details of a similar incident which had happened earlier this year. The complainant, LW, attended the meeting together with her mother and her employer.

The driver complained against, NME, also attended.

The Licensing Enforcement Officer read out the statement by LW. and she confirmed the contents. LW advised that she had nothing further to add to that statement.

There were no questions to LW from Members or from NME.

NME then addressed the Committee and answered questions from Members. He was invited to sum up which he did.

NME, LW, her mother and her employer were then asked to leave the meeting while the Committee considered its decision.

The Committee received advice from officers, including advice on the provisions of the Human Rights Act 1998.

REGULATORY COMMITTEE (Continued)

RESOLVED that

- (1) in light of the information presented, the private hire driver's licence of NME be revoked; and
- (2) NME be advised that, although he can apply at any time for another licence, it would be unlikely that a licence would be issued within a period of less than twelve months, and that he may wish to take action, such as receiving counselling, before applying for a licence, with a view to convincing the Committee that it should grant another licence.

NME was then invited back into the meeting and informed of the decision and his right to appeal to the Magistrates.

200. FALSE STATEMENT BY APPLICANT FOR A PRIVATE HIRE DRIVER'S LICENCE

A report from Members' Services was submitted regarding a false statement in an application for a private hire drivers licence.

SAF had applied for a private hire drivers licence and appeared before the Regulatory Committee, on 6 June 2006, to explain convictions on his DVLA driving licence. The Committee had agreed to grant a licence to SAF.

At the hearing he denied that he had ever been refused a licence by another authority. On 15 June, SAF had been interviewed by the Licensing Enforcement Officer and had admitted that he had applied to and had been refused a licence by Coventry City Council 1997. SAF had given permission to approach Coventry City Council for details of his application to them. These details were submitted at the meeting. A copy of the application submitted by SAF which clearly showed that he has answered 'no' to the question 'have you ever had a hackney carriage or private hire drivers licence with any local authority, refused, revoked or suspended' was circulated with the report.

SAF attended the meeting, addressed the Committee and answered questions from Members.

SAF then left the meeting while the Committee considered the matter. The Committee then received advice from the Officers.

RESOLVED that in view of the false statement on the application form the licence granted to SAF be revoked.

SAF was then invited back into the meeting and informed of the decision and his right to appeal to the Magistrates.

REGULATORY COMMITTEE (Continued)

201. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

A report from Members' Services was submitted on proposals to introduce driving tests for applicants for hackney carriage and private hire driver's licences, the level of fees for some services and the arrangements for the testing of vehicles.

In April 2005, the Committee had agreed a number of initiatives. One such initiative had been the introduction of driving tests for new applicants for drivers licences. At that time it had been proposed that the Licensing Enforcement Officer, who was qualified to undertake such tests, would do so and a fee would be charged to the applicant to cover his time. However, it was now clear that the Licensing Enforcement Officer would not have time to carry out the tests. A number of local authorities in the area and throughout the country were using the Driving Standard Agency (DSA) to carry out the tests and it was proposed that applicants be required to pass the DSA test.. Details of the tests were available at the meeting. A charge of £58 was payable to the DSA and the applicants would pay this sum direct to the agency.

The fee for the transfer of a vehicle licence had been fixed at £45 with effect from 1 July 2006. Although it was not mentioned on the list of fees approved by the Council, there was an additional fee of £40 payable to cover the cost of the inspection of the vehicle at the County Council garage in Montague Road, Warwick, who invoiced the Council for the cost.

In the cases of transfers of vehicle licences in the future the applicant would arrange for his own inspection, at one of the appointed garages, and would pay the inspection fee direct to the garage. The transfer fee payable to the Council would, therefore, now be £45 as there would no fee to cover the cost of the inspection..

Licences and vehicles were sometimes transferred from one person to another. In such cases there were no inspection costs and new plates did not have to be made. However, there were administrative costs involved in issuing the new paper licences. It was suggested that a charge of £20 be made for this type of transfer instead of the £45 charged when the vehicle was changed.

A number of requests have been received for replacement badges, paper licences and vehicle plates. There is a cost to the Council of issuing these replacements and it was suggested that the following charges be confirmed:-

Replacement driver's badge	-	£ 5
Replacement drivers or vehicle paper licences	-	£ 5
Replacement plate	-	£25

In April 2005, the Committee had agreed a system whereby when vehicles were inspected for the purposes of their fitness to be hackney carriages or private hire vehicles, they would also be given an MOT test. It had been assumed at that time that the County Council garage in Montague Road, Warwick would introduce facilities for carrying out MOT testing. They had not, however, as yet introduced such facilities and as an alternative, an advertisement had been placed in the local paper inviting garages who had MOT testing facilities to apply

REGULATORY COMMITTEE (Continued)

to be a testing station for the Council. Three garages had agreed to carry out the testing at the same cost as the County Council garage. The garages would not only carry out the standard MOT inspection as to the fitness of the vehicle, and would issue a MOT certificate, but would also look at other matters specific to taxis and private hire vehicles such as cleanliness and the condition of the bodywork and seats.

It was proposed, therefore, that applicants for new licences, annual inspections for existing vehicles, or for the transfer of licences, would make their own arrangements with these garages for the vehicle to be inspected. The garages would then forward certificates to the Council to show whether or not the vehicle passed the inspection. The fee for the inspections for new licences and the annual inspections would be paid by the Council initially as it was part of the licence fee fixed for 2006/07. In future years the fee for the licence could be reduced and the applicants could pay the fee to the garages direct. Applicants for the transfer of licences will pay the Council the licence fee of £45 and will also pay the garages their fee direct. If the vehicle fails the test and it is necessary for a re-test, the applicant will be expected to pay the re-test costs.

RESOLVED that

- (1) the proposals with regards to the introduction of driving tests for applicants for hackney carriage and private hire drivers licences, as outlined above, be adopted from 1 July 2006;
- (2) the Council be asked to confirm the fees as set out above;
and
- (3) the proposals for the use of garages for the inspection of hackney carriage and private hire vehicles, as set out above, be confirmed.

202. ADVERTISING ON HACKNEY CARRIAGES

A representative from Members' Services referred to an application for consent, under the terms of the vehicle licence, to advertise on six hackney carriages in Leamington Spa.

Authority had been delegated to the Officers in consultation with the Committee Spokespersons to approve applications for such consent. The Spokespersons had been asked whether they wished to grant consent, and two of them had asked that the application be referred to the Committee for a decision.

Details of the advertisement, which would be on the back quarter light windows, were submitted.

REGULATORY COMMITTEE (Continued)

RESOLVED that

- (1) the application for consent for these advertisements be refused; and
- (2) the Officers be authorised in future to refuse all applications for consent where the advertisements are on any part of the windows of the vehicle.

Although this item was not on the agenda, the Chair agreed to consider it as a matter of urgency because of the need to deal with the application in a reasonable time.

(The meeting ended at 11.40 am)

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