

# REGULATORY COMMITTEE

Minutes of the meeting held on Monday 30 July 2007, in the Town Hall, Royal Leamington Spa at 2.30 pm.

**PRESENT:** Councillors; Mrs Blacklock, Crowther, De-Lara-Bond, Mrs Falp, Gill, Mrs Higgins and Shilton.

Councillor Dhillon arrived at 3.15pm.

(Councillor Mrs Blacklock substituted for Councillor Mrs Goode, Councillor De-Lara-Bond substituted for Councillor Harris, Councillor Mrs Higgins substituted for Councillor Mrs Grainger and Councillor Shilton substituted for Councillor Mobbs).

## 287. APPOINTMENT OF CHAIRMAN

**RESOLVED** that Councillor Mrs Mellor be appointed Chairman for the ensuing year.

**RESOLVED** that in the absence of Councillor Mrs Mellor, Councillor Shilton be appointed Chairman for the meeting.

## 288. DECLARATIONS OF INTEREST

Councillor Shilton declared a personal interest in all items which concerned Warwickshire County Council because he was a Warwickshire County Councillor.

### Item 296 – Street Collections

Councillor Mrs Blacklock declared a personal interest because she had applied for a street collection permit in the past.

## 289. MINUTES

The minutes of the meeting held on 4 April 2007 were taken as read and signed by the Chair as a correct record.

## 290. 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 items by reason of the likely disclosure of exempt information within the paragraph 1 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

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

### **291. HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATION**

The Committee considered a report from Members' Services on an application received by Warwick District Council on 5 February 2007 for a hackney carriage/private hire drivers' licence where a Criminal Record Bureau's check/driving licence revealed convictions.

GY was written to and advised that should he wish to continue with his application, he would need to appear before this Committee.

GY and his representative Mr Khan both attended the Committee. Mr Khan addressed and appealed to the Regulatory Committee and gave GY's version of events which led up to his conviction for forgery of possessing an invalid car insurance certificate. The Committee were given the opportunity to ask various questions of GY and Mr Khan.

GY and Mr Khan left the room whilst the Committee considered the report along with the representations made by GY and Mr Khan.

It was noted that part (g) of the Council's guidelines relating to the relevance of convictions should be taken into account when considering this application.

**RESOLVED** that the application by GY for a Hackney Carriage/Private Hire Drivers Licence be accepted.

GY and Mr Khan were then invited back into the room and notified of the decision by the Committee. The Committee then lifted the restriction of Section 100A of the Local Government Act 1972.

### **292. DEREGULATION OF HACKNEY CARRIAGE ZONES**

The Committee considered a report from Members' Services on the provisions of 171(4) of the Public Act 1875 to the whole of the District and to authorise officers to give notice that the Council had formally adopted these provisions.

When Warwick District Council was formed it was decided to keep the separate zones of Royal Leamington Spa, Kenilworth, Warwick and Rural areas. The decision was made because it was felt that if the zones were removed all taxis would concentrate on Royal Leamington Spa and there would be no service for Kenilworth or Warwick.

The Department for Transport in their October 2006 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' recommended the abolition of zones. If the zones were removed it would be necessary to either make new byelaws to cover the whole district or to introduce conditions to attach to licences to give effect to the provisions of the byelaws.

It was suggested that new byelaws were not made but that conditions be attached to licences to give effect to the provisions of the byelaws.

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

### **RESOLVED** that

- (1) the principle to apply the provisions of 171(4) of the Public Act 1875 to the whole of the District in relation to deregulation be approved.
- (2) officers be authorised to give the required notice of the deregulation; and
- (3) a further report be submitted to the Committee in due course.

### **293. CHANGING OF BYLAWS**

Councillor Dhillon arrived at the meeting at 3.15pm before this item was considered. He did not take part in any deliberation until this item.

The Committee considered a report from Members' Services to approve a list of conditions which would be attached to hackney carriage and private hire vehicle and driver licences which incorporated the existing bylaws and existing conditions.

The conditions remained mostly identical to the bylaws, save for words such as "shall" be replaced by "must" to bring the conditions up to date.

Advice had been added to the document to help drivers where, for example, young passengers may sit in the vehicle and the need to use seat belts and booster seats. Advice on the no smoking legislation would also be included.

**RESOLVED** that the guidance notes and conditions for Hackney Carriage/Private Hire owners operators and drivers attached as an appendix to the report, be approved.

### **294. CHANGES TO SECTION 52 OF THE ROAD SAFETY ACT 2006**

The Committee considered a report from Members' Services to agree to a delegation of the power to suspend or revoke a private hire or hackney carriage driver's licence when required, in extreme circumstances, to the Licensing Services Manager. This would alleviate the possible circumstance of a dangerous driver being allowed to continue driving whilst waiting for a meeting of the Regulatory Committee, and any possible appeal to the magistrates.

**RECOMMENDED** that immediate suspension or revocation be delegated to the Licensing Services Manager with the agreement of the Head of Legal Services or an authorised deputy.

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

### **295. STREET COLLECTIONS**

The Committee considered a report from Members' Services on a new method of allocating street collection permits to both streamline the process and make it more user friendly for both officers and applicants for permits. This would involve delegating powers to issue permits to officers.

There was currently a limit of 33 collections for Leamington per calendar year and 30 each for Kenilworth and Warwick. It was not proposed to change these limits.

New computer software now allowed officers to number each permit as it was issued and, at the same time, notified the police of the collection. The notification passes on all relevant details to the police, including the permit's number.

#### **RECOMMENDED** that

- (1) the Licensing Services Manager be given delegated authority to issue street collection permits; and
- (2) a report be submitted to the Regulatory Committee at the conclusion of each calendar year listing the charities that were issued with permits and the dates on which collections took place.

(Councillor De-Lara-Bond left the meeting after the above item and therefore did not take part in any debate whilst considering the following items).

### **296. EXTENDING CONSENT STREETS**

The Committee considered a report from Members' Services on whether they would wish to agree in principle to extend the current streets which are designated consent streets to include all streets within the district and to consider more appropriate fees.

Warwick District Council was permitted to agree consent streets under the Local Government (Miscellaneous Provisions) Act 1982. Anyone who exposed goods for sale on a designated street would need a street trading consent.

At present, only streets in the centre of Leamington Spa were consent streets. No other parts of the district had restrictions.

Consent fees due in October would increase to £395 for motorised mobile traders e.g. ice cream vans, burger vans, jacket potato sellers etc, £225 for none motorised mobile traders Ice cream cycles, etc and £175 for static traders e.g. flower stalls. The administration of the licences, together with enforcement activity easily justified the increase in fees, which would still be considerably less than that of neighbouring Councils.

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

Due to the nature of their business, ice cream vendors would need to go through a Criminal records Bureau check because their work would allow them a unique close relationship with children.

### **RESOLVED** that

- (1) all streets within Warwick District become consent streets; and
- (2) the fees be approved as follows:
  1. motorised mobile traders £395
  2. non-motorised mobile traders £225; and
  3. static traders £175.

### **297. CONVERTING ENTIRE HACKNEY CARRIAGE FLEET TO WHEELCHAIR ACCESSIBLE VEHICLES**

The Committee considered a report from Members' Services on converting the entire hackney carriage fleet to wheelchair accessible vehicles.

In June 2003, the Committee agreed that all new hackney carriage licences which were issued were only for wheelchair compliant vehicles and the vehicles that were already licensed were not required to change their vehicle for compliant ones.

The Disability Discrimination Act made it unlawful for organisations which provide services to the public to discriminate against disabled people in the way they provide or do not provide services. The Act was introduced in stages to allow businesses time to review the way in which they delivered their services and to plan the necessary changes they needed to make in order to remove discriminatory aspects.

In order to comply with the Disability Discrimination Act, it was proposed that when each of the currently licensed, none wheelchair compliant hackney carriages to be replaced due to age, accident or any other reason, must be for a vehicle that matches the following criteria: "It must be a wheelchair compliant vehicle from the Council's recommended vehicle list. It must be no older than the vehicle it was replacing and must be no older than five years from first registration."

**RESOLVED** that the entire fleet of hackney carriage vehicles will start to become wheelchair compliant with effect from 1 January 2008, by natural replacement of existing saloon vehicles when they are due to be changed because of age, accident or any other reason.

### **298. HACKNEY CARRIAGE/PRIVATE HIRE LICENCE FEES**

The Committee considered a report from Members' Services on the fees for hackney carriage/private hire driver's licences because they would shortly be issued for a three year period instead of annually.

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

The Committee approved several changes to the hackney carriage/ private hire licensing scheme at its meeting on 11 April 2005 which included a change in licensing hackney carriage/private hire driver's licences from annual renewals to three year renewals. However operational and logistical problems had delayed the implementation of the proposed three year licences.

The current annual charge for a combined hackney carriage/private hire driver's licence was £30. Officers proposed a fee of £120 for a three year driver's licence.

**RESOLVED** that the proposed fee of £120 for a combined hackney carriage/private hire three year driver's licence, be approved.

(The meeting ended at 4.15pm)