

REGULATORY COMMITTEE

Minutes of the meeting held on Wednesday 4 April 2007, in the Town Hall, Royal Leamington Spa at 2.00 pm.

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

1033. DECLARATIONS OF INTEREST

There were no declarations of interest.

1034. MINUTES

The minutes of the meetings held on 13 November 2006, 11 December 2006 and 24 January 2007 were taken as read and signed by the Chair as a correct record.

1035. DISABILITY AWARENESS TRAINING FOR LICENSED DRIVERS

The Committee considered a report from Members' Services on disability awareness training for licensed drivers.

At a Regulatory Committee meeting on 24th September 2004, it had been agreed that:

- (1) with effect from 3 January 2005, all new applicants for hackney carriage or private hire drivers licences be required to attend a training scheme for passenger assistance, as provided by the County Council, and to provide a certificate awarded by the County Council with their application;
- (2) officers be authorised to make all the necessary arrangements to bring the training into effect;
- (3) applicants be required to pay the County Council direct for the cost of the training;
- (4) authority be delegated to the Assistant Chief Executive (Members' Services) to refuse applications in respect of applicants who do not attend the training and obtain the certificate.

Due to logistical and staffing reasons, the course had not been able to go ahead.

On 13th March 2007, an officer attended a meeting at the offices of the Guide Dogs for the Blind in Leamington with a view to a disability awareness course being formulated. An officer from Stratford District Council had also attended. Notes from the meeting were detailed in appendix 1 to the report.

The course would cost each driver £30 and would take approximately one morning. Existing drivers would be called in to attend over a period of 12 months.

REGULATORY COMMITTEE MINUTES (Continued)

RESOLVED that

- (1) all Hackney Carriage and Private Hire Drivers be required to take the disability awareness course within a period of 12 months;
- (2) new drivers attend the disability awareness course as soon as practicable after their application is approved;
- (3) if drivers do not attend the course without reasonable excuse, they be invited before the Regulatory Committee to justify their none attendance; and
- (4) members of the Regulatory Committee also be given the opportunity to attend the disability awareness.

1036. 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.

1037. PRIVATE HIRE DRIVER WITH UNDECLARED POLICE CAUTION

The Committee considered a report from Members' Services on an undeclared caution issued by the police to JDJ who currently holds a private hire driver's licence issued by Warwick District Council.

JDJ applied to Warwick District Council for a private hire driver's licence on 19th April 2004. The Criminal Records Bureau's disclosure revealed unspent convictions and his application was refused.

JDJ appealed to the Regulatory Committee and at a meeting held on 23rd June, the officer's decision to refuse the application was up held. He subsequently appealed to the magistrate's court where his application was accepted. His licence was due for renewal in June 2007.

On 7th June 2006 JDJ was sent a letter by officers, as detailed in appendix 1 to the report, stating their concern that he had not declared a conviction on 16th November 2005 for driving without due care and attention. The letter stated that, on that occasion no further action would be taken, but reminded him of his responsibilities.

REGULATORY COMMITTEE MINUTES (Continued)

On 26th February 2007, a letter had been received from Warwickshire police stating that JDJ had received a caution on 9th January 2007 for attempt/possessing a controlled drug – Class A – MDMA. The Council had been notified under Home Office Circular 06/06 which obliged the police to notify councils in the event of an offence committed by people in certain occupations. Hackney carriage and private hire drivers were such occupations.

JDJ attended the meeting with his Solicitor Mr Schiller from Millerchip Solicitors.

Mr Schiller addressed the Committee and gave JDJ's version of events which led up to his arrest and caution for attempt/possessing controlled drug – Class A – MDMA on 09.01.07. This differed from the letter provided by the Force Intelligence Bureau as detailed in appendix 3 to the report. Mr Schiller then answered questions from the Committee and conferred with JDJ where necessary.

RESOLVED that this item be deferred:

- (1) to enable JDJ to attend a drugs test;
- (2) for the Licensing Officer to obtain further evidence to confirm the detail surrounding the caution given on 9 January 2007; and
- (3) to enable a request to be made that a Police Officer attend the meeting when this item is considered again.

(The meeting ended at 3.05 pm)