

REGULATORY COMMITTEE

Minutes of the meeting held on Monday 6 April 2009, at Town Hall, Royal Leamington Spa at 3.00pm.

PRESENT: Councillor Mrs Gallagher (Chairman); Councillors Copping, Crowther, Mrs Falp, Mrs Grainger, Harris, Mrs McFarland, Mrs Mellor, Mobbs and Vincett.

(Councillor Mrs McFarland substituted for Councillor Gill and Councillor Copping substituted for Councillor Mrs Goode)

1. DECLARATIONS OF INTEREST

Minute number 6 – Application for a Hackney Carriage/Private Hire driver's Licence from a Person with Convictions

Councillor Harris declared a personal and prejudicial interest and left the room for this item because the applicant was known to him.

2. MINUTES

The minutes of the meeting held on 2 March 2009 were confirmed as a correct record and signed by the Chairman.

3. PUBLIC AND PRESS

RESOLVED that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following four items by reason of the likely disclosure of exempt information within paragraph 1 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

4. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE FROM A PERSON WITH CONVICTIONS

The Committee considered a report from Members' Services regarding an application for a hackney carriage/private hire driver's licence from a person with convictions. The Committee was asked to consider whether the applicant was a fit and proper person to be granted a hackney carriage/private hire driver's licence. The applicant was identified in the report at agenda item number 5.

The applicant attended the meeting and answered questions from the Committee.

A copy of the Criminal Records Bureau check was circulated to members at the meeting.

REGULATORY COMMITTEE MINUTES (Continued)

The applicant, Licensing Services Manager and Senior Technical Support Officer (Licensing) were then asked to leave the meeting whilst the Committee deliberated and made their decision in private.

The applicant, Licensing Services Manager and Senior Technical Support Officer (Licensing) were then invited back into the meeting to hear the decision.

The Committee decided that the applicant did not provide any exceptional reasons why the Council should depart from its Policy relating to the relevance of convictions and cautions. Therefore the application for a hackney carriage/private hire driver's licence was refused as it was contrary to the Council's Policy.

RESOLVED that the application be refused.

(Councillor Mrs Falp arrived at the end of this item)

5. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE FROM A PERSON WITH CONVICTIONS

The Committee considered a report from Members' Services regarding an application for a hackney carriage/private hire driver's licence from a person with convictions. The Committee was asked to consider whether the applicant was a fit and proper person to be granted a hackney carriage/private hire driver's driver's licence. The applicant was identified in the report at agenda item number 6.

The applicant attended the meeting and answered questions from the Committee.

A copy of the Criminal Records Bureau check was circulated to members at the meeting.

The applicant, Licensing Services Manager and Senior Technical Support Officer (Licensing) were then asked to leave the meeting whilst the Committee deliberated and made their decision in private.

The applicant, Licensing Services Manager and Senior Technical Support Officer (Licensing) were then invited back into the meeting to hear the decision.

The Committee decided that the applicant did not provide any exceptional reasons why the Council should depart from its current Policy relating to the relevance of convictions and cautions. Therefore the application for a hackney carriage/private hire driver's licence was refused because it was contrary to the Council's Policy.

The Committee had to make its decision based on the information presented before it and the information regarding the applicant's previous conviction. Having heard the explanation given by the applicant, the Committee was not satisfied that he was a fit and proper person to apply for a hackney carriage/private hire driver's licence at this time.

REGULATORY COMMITTEE MINUTES (Continued)

RESOLVED that the application be refused.

6. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE FROM A PERSON WITH CONVICTIONS

The Committee considered a report from Members' Services regarding an application for a hackney carriage/private hire driver's licence from a person with convictions. The Committee was asked to consider whether the applicant was a fit and proper person to be granted a hackney carriage/private hire driver's licence. The applicant was identified in the report at agenda item number 7.

The applicant attended the meeting and answered questions from the Committee.

A copy of the Criminal Records Bureau check was circulated to members at the meeting.

The applicant, Licensing Services Manager and Senior Technical Support Officer (Licensing) were then asked to leave the meeting whilst the Committee deliberated and made their decision in private.

The applicant, Licensing Services Manager and Senior Technical Support Officer (Licensing) were then invited back into the meeting to hear the decision.

The Committee had to make its decision based on the information presented before it and the information regarding the applicants' previous conviction and the application form for a hackney carriage/private hire driver's licence.

The Committee had concerns regarding information contained in the applicants' application form and in particular that he answered 'no' to the question regarding previously holding a hackney carriage/private hire driver's licence with this Council and his failure to declare the conviction in 1997.

Having heard from the applicant, the Committee was not convinced by his explanation as to why the information in the application form was incorrect and therefore were not satisfied that he was a fit and proper person to apply for a hackney carriage/private hire driver's licence.

RESOLVED that the application be refused.

(Councillor Mrs Grainger left the meeting after this item)

7. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE FROM A PERSON WITH CONVICTIONS

The Committee considered a report from Members' Services regarding an application for a hackney carriage/private hire driver's licence from a person with convictions. The Committee were asked to consider whether the applicant was a fit and proper person to be granted a hackney carriage/private hire driver's licence. The applicant was identified in the report at agenda item number 9.

REGULATORY COMMITTEE MINUTES (Continued)

The applicant attended the meeting and answered questions from the Committee.

A copy of the Criminal Records Bureau check was circulated to members at the meeting.

The applicant, Licensing Services Manager and Senior Technical Support Officer (Licensing) were then asked to leave the meeting whilst the Committee deliberated and made their decision in private.

The applicant, Licensing Services Manager and Senior Technical Support Officer (Licensing) were then invited back into the meeting to hear the decision.

The Committee had to make its decision based on the information presented before it and the information regarding the applicants' previous convictions and the application form for a hackney carriage/private hire driver's licence.

The Committee had concerns that the applicant did not declare all cautions on his application form.

Therefore, having heard from the applicant, the Committee was not convinced by his explanation as to why the information in the application form was incorrect and was therefore not satisfied that he was a fit and proper person to apply for a hackney carriage/private hire driver's licence.

RESOLVED that the application be refused.

(Councillor Harris was not present for this item)

(The meeting ended at 5.30pm)