

# REGULATORY COMMITTEE

Minutes of the meeting held on Monday 21 December 2009 at Town Hall, Royal Leamington Spa at 2.30pm.

**PRESENT:** Councillors Mrs Mellor (Chairman); Councillors Copping, Crowther, Mrs Gallagher, Goode, Illingworth, Kinson, Mrs Knight and Vincett.

(Councillor Copping substituted for Councillor Harris and Councillor Kinson substituted for Mrs Grainger).

An apology for absence was received from Councillor Mrs Falp.

The Chairman explained to the Committee and the members of the public present, that in accordance with the committees' decision on 6 May 2009, the meeting would be recorded.

## 37. DECLARATIONS OF INTEREST

Minute number 45 - Licensed Hackney Carriage/Private Hire driver with reported problems.

Councillors Crowther, Mrs Gallagher, Mrs Goode, Illingworth, Kinson, Mrs Knight, Mrs Mellor and Vincett all declared a personal interest because they knew the witness in the report. (This was declared at the beginning of the report as they were not aware the witness was a Warwick District Council Officer until that time)

## 38. MINUTES

The minutes of the meeting held on 9 November 2009 were confirmed as a correct record and signed by the Chairman.

## 39. REGULATORY COMMITTEE PROCEDURE & JOB ROLE

The Committee considered a report from Members' Services, which set out procedures and job roles for members to aid with the development of the Committee and to provide guidance to any party attending a meeting of the Committee.

The Senior Committee Services Officer responded to questions from Committee and explained that he would discuss the possibility of named substitutes for the Committee, who would all receive training.

**RESOLVED** that appendices A (Regulatory Committee Procedures & Job Role) and B (Regularly Committee Job Role) be approved and that this be used for the rest of this meeting, and all future meetings.

**40. ALCOHOL CONSUMPTION IN PUBLIC PLACES**

The Committee considered a report from Community Protection, which was presented by the Community Safety Officer.

The report set out proposals for a District Wide Designated Public Places Order (DPPO) to help to reduce alcohol consumption and associated disorder in public places. There were already two DPPOs in areas where there was evidence of crime and disorder.

A DPPO would give Warwickshire Police power under Section 12 of the Criminal Justice and Police Act 2001 to require a person not to drink alcohol and to surrender alcohol in their possession in the areas that are covered.

The Community Safety Manager and Community Safety Officer answered questions from the Committee regarding the report. They confirmed that the statistics presented to the Committee had been recorded over a 12 month period. It was stressed that if the report was approved a full consultation would take place before the District Wide DPPO was implemented.

Some members of the Committee were concerned that there was not enough information in the report to agree to the recommendations, whilst other members thought this order would help enable the authority and Warwickshire Police to make the district safer.

It was proposed and duly seconded that the report be approved, this was carried by five votes to four.

**RESOLVED that:**

- (1) A District Wide Designated Public Places Order be made;
- (2) the Order as set out in appendix 1 to the report be made;
- (3) Officers be authorised to carry out the necessary procedure to bring the Order into effect; and
- (4) if objections to the Order are received, following the public notice, a further report be submitted to the Committee.

**41. SUGGESTED NEW 6 MONTHS HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCES FOR VEHICLES OVER 5 YEARS OF AGE.**

The Committee considered a report from Community Protection, which was presented to the Committee by the Licensing Services Manager.

The report set out plans to introduce a new 6 month licence along with an attendant fee for introduction in 2010. The licence would be introduced for vehicles that were over 5 years old. The proprietors would have to submit an MOT/Inspection every 6 months when applying for a renewal.

**RESOLVED** that any vehicle more than 5 years old be licensed for a period of 6 months, subject to the agreement of the fee by council.

**RECOMMENDED** that a fee of £130 be introduced for a 6 month vehicle licence.

**42. CCTV COMPANY REQUESTING PERMISSION TO INTRODUCE THEIR SYSTEM TO VEHICLES LICENSED BY THIS AUTHORITY.**

The Committee considered a report from Community Protection, which was presented to the Committee by the Licensing Services Manager.

The report outlined plans for Cabcast to fit CCTV in hackney carriage and private hire vehicles at no cost to the owners. They would also fit TV screens in the back of vehicle headrests which would display advertising. The Licensing Services Manager answered questions from the Committee confirming that any advertising on the screens would have to be vetted by the Licensing Department before being used and that the screens did not pose a safety issue.

**RESOLVED** that the use of CCTV and advertising within licensed vehicles, be permitted as long as it is provided by the Cabcast system.

**43. 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 five 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.

**44. STREET TRADER WITH OBJECTIONS FROM THE POLICE**

The Committee considered a report from Community Protection with regard to an application for a Street Trading Consent with objections from the police.

YB applied for a street trading consent on 13 October 2009 to permit the sale of hot food from the southbound carriage of the A46. Mr Philip Moore from Warwickshire police, who were consultees for the street trading licence, had submitted an objection to the Council.

YB addressed the Committee and explained their reasons for applying for a street trading consent and answered questions from members.

Mr Moore addressed the Committee and outlined Warwickshire Police's objection, he then answered questions from members.

YB, the Licensing Services Manager, Mr Moore and the Officer left the room whilst the Committee deliberated in private. They were then asked to return to hear the decision of the Committee.

Having listened to the representations from the applicant and Warwickshire Police and having heard all the evidence, the Committee refused the application.

**RESOLVED** that the application for a street trading licence be refused because of the concern for highway safety on the advice of both the police and the highway agency.

The applicant was advised that he had 21 days from the notification of this decision to appeal to the Magistrates court.

(Councillors Mrs Knight and Vincett left the meeting at the conclusion of this item).

**45. LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH REPORTED PROBLEMS**

The Senior Committee Services Officer took the minutes for this item as the Committee Services Officer was a witness to the incident.

The Committee considered a report from Community Protection with regard to a hackney carriage/private hire driver driving in an unsafe manner and were asked to consider if this person was a fit and proper person to retain their hackney carriage/private hire driver's licence.

The Licensing Services Manager, the witness and ZH all answered questions from the Committee regarding the report.

ZH's Solicitor stated that the paperwork had not been received in plenty of time and so they were unprepared.

The Chairman asked the witness, ZH and their Solicitor to leave the room to allow the Committee to take legal advice in confidence if it was reasonable to continue.

The Chairman invited the witness, ZH and their Solicitor to re enter the room and confirmed that the meeting would proceed.

The witness addressed the Committee and outlined her evidence then answered questions from the members and ZH and their Solicitor.

ZH's Solicitor and ZH addressed the Committee and answered questions from the members.

ZH, their solicitor, the witness, the Licensing Services Manager and the Officer left the room whilst the Committee deliberated in private. They were then asked to return to hear the decision of the Committee

**RESOLVED** after considering all the facts before them the Committee were of the opinion that ZH should be warned about their driving on the evening in question and reminded that while working as a hackney carriage/private hire driver licensed by the Council, the Council expects drivers to observe the legal speed limits. This matter will be taken into consideration if another matter is brought before the committee within the next 12 months.

**46. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH AN ACCUMULATION OF INCIDENTS.**

The Committee considered a report from Community Protection with regard to a hackney carriage/private hire driver with an accumulation of incidents and were asked to consider if this person was a fit and proper person to hold a hackney carriage/private hire drivers licence.

The Licensing Team had received reports regarding JSV's conduct between 2004 and 2009. A report was submitted to the Committee on 9 November 2009 but this was deferred

The Licensing Enforcement Officer presented the report to the Committee. There were no questions from members.

JSV addressed the Committee and answered questions from the members.

JSV, the Committee Services Officer, the Licensing Services Manager and the Licensing Enforcement Officer were asked to leave the room whilst the Committee deliberated in private. They were then asked to return to hear the decision of the Committee

Having considered all the evidence, including previous convictions and a previous strong warning from this Committee, the Committee were of the opinion that JSV was not a fit and proper person to continue to hold a hackney carriage /private hire driver's licence and therefore revoked the licence, such revocation to take effect 21 days after the date on which notice of this decision was given to JSV.

**RESOLVED** that JSV's hackney carriage/private hire licence be revoked.

JSV was advised that he had 21 days from the notification of this decision to appeal to the Magistrates court.

**47. LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH CONVICTIONS.**

The Committee considered a report from Community Protection with regard to an existing hackney carriage/private hire driver with convictions and were asked to consider if this person was a fit and proper person to hold a hackney carriage/private hire driver's licence.

RC had applied to renew their hackney carriage/private hire driver's licence and declared that he had 9 penalty points on their DVLA driver's licence.

RC addressed the Committee and answered questions from the members.

RC and the Licensing Services Manager were asked to leave the room whilst the Committee deliberated in private. They were then asked to return to hear the decision of the Committee

**RESOLVED** Having heard the report and the explanation from RC the Committee decided to take no further action.  
However the Committee were concerned about the traffic offences endorsed on the licence held by RC and the reminded them that should further offences occur, that he would be brought back before Committee.

**48. LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH CONVICTIONS.**

The Committee considered a report from Community Protection with regard to an existing hackney carriage/private hire driver with convictions and were asked to consider if this person was a fit and proper person to hold a hackney carriage/private hire driver's licence.

PA had previously had their DVLA licence suspended for totting up of points from 13 April 2007 to 12 October 2007. In January 2009 PA received 3 points for insurance offences and a further 3 in October 2009 for driving whilst drinking a cup of tea.

PA addressed the Committee and answered questions from the members.

PA and the Licensing Services Manager were asked to leave the room whilst the Committee deliberated in private. They were then asked to return to hear the decision of the Committee

**RESOLVED** Having heard the report and the explanation from PA, the Committee decided to take no further action.

However the Committee were concerned about the traffic offences endorsed on PA's licence and failure to inform the Council of these offences.

The Committee reminded PA that should further offences occur, they would be brought back before Committee and that all future offences should be reported to the Council within 7 days.

(The meeting finished at 6.35pm)