

# REGULATORY COMMITTEE

Minutes of the meeting held on Tuesday 1 July 2008, in the Town Hall, Royal Leamington Spa at 2.30 pm.

**PRESENT:** Councillor Mrs Gallagher (Chair); Councillors Crowther, Falp, Gill, Mrs Goode, Mrs Grainger, Mrs Higgins, Mobbs and Vincett.

(Councillor Mrs Higgins substituted for Councillor Mrs Mellor).

## 211. DECLARATIONS OF INTEREST

### Minute Number 213 - Street Trading Consent

Councillor Higgins declared a prejudicial interest because she was Ward Councillor for Warwick West. She left the room while the application was considered, but remained to make a representation on the application at the point in the meeting when the applicant presented his case, in accordance with paragraph 12(2) of the Council's Code of Conduct.

## 212. REQUEST FOR DRIVERS TO WEAR TAILORED SHORTS

A report from Members' Services asked the Committee to consider a driver's request for permission to wear tailored shorts whilst working during the summer months.

The request had come before the Committee because officers did not have the authority to take this decision. There was no specific Council policy on the wearing of shorts, however the condition on a driver's dress, as shown on the licence, stated that each driver must "at all times be clean and respectable in his dress and person and behave in a civil and orderly manner".

Members felt that this statement summed up their position, allowing drivers the flexibility to dress themselves appropriately and for their own comfort while bearing in mind the need not to detract from the comfort of passengers in any way. The Committee felt that cleanliness and civility should be drivers' biggest considerations.

The driver's request had made reference to the use of air conditioning increasing fuel consumption. The Committee were concerned that this might imply the driver would leave the air conditioning off if he were wearing shorts, and felt that this would be unacceptable as it would not contribute to the comfort of passengers.

**RESOLVED** that it be reiterated that the comfort of passengers was a prime consideration and that each driver must at all times be clean and respectable in his dress and person and behave in a civil and orderly manner.

## 213. STREET TRADING CONSENT

The Committee received a report from Members' Services asking Members to consider whether a street trading consent should be issued to Mr V Johal for ice cream to be displayed and sold from a fridge outside his shop at 23 Market Street, Warwick.

Mr Johal attended the meeting and presented his request. He responded to Members' questions in relation to the proposed location of the fridge and how it would be powered and managed.

Mr M Caddick, Warwick Town Centre Manager, attended to present objections on the grounds that the unit would block access to dropped kerbs and be an obstruction to drivers trying to see oncoming traffic. The location in question was one of the busiest sections of pavement within the town, and the congregation of customers alongside the space taken up by the unit and server would also be detrimental.

Councillor Higgins also made a representation to the Committee, stating her belief that it would be inappropriate to sell ice cream from this location under the current circumstances, but that it would probably be acceptable after traffic management issues had been addressed.

Mr Johal left the room while Councillors came to a decision, and then came before the Committee once more to hear the delivery of their verdict.

**RESOLVED** that a street trading consent for the sale of ice cream from a fridge outside 23 Market Street, Warwick, be refused on the grounds of public safety, in accordance with Council policy as stated at paragraph 6(a) in the report.

## 214. 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 three 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.

## 215. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH OFFENCES

A report from Members' Services asked the Committee to consider whether MSA was a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver's Licence.

MSA attended the meeting to explain to the Committee the details of the offence and to respond to Members' questions. MSA then left the room while Councillors came to a decision, and then came before the Committee once more to hear the delivery of their verdict.

**RESOLVED** that MSA be issued with a written warning about his conduct.

MSA was informed of his right of appeal to the Magistrates Court within 21 days of written notification of this decision.

**216. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH OFFENCES**

A report from Members' Services asked the Committee to consider whether KFM was a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver's Licence.

KFM attended the meeting to explain to the Committee the details of the offence and to respond to Members' questions. KFM then left the room while Councillors came to a decision, and then came before the Committee once more to hear the delivery of their verdict.

**RESOLVED** that KFM's licence be suspended for a period of seven days and that accordingly KFM should hand in his licence to the District Council offices for the duration of his suspension.

KFM was informed of his right of appeal to the Magistrates Court within 21 days of written notification of this decision.

**217. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE FROM PERSON WITH CONVICTIONS**

The Committee considered a report from Members' Services, disclosing offences made by JSH and seeking a decision on whether or not to grant JSH a Hackney Carriage/Private Hire Driver's Licence.

JSH attended the meeting and was represented by legal counsel, Mr M Groves, Solicitor. Mr Groves explained to the Committee the details of the offence, after which time both he and JSH responded to Members' questions. The applicant and his legal counsel then left the room while Councillors came to a decision, and then came before the Committee once more to hear the delivery of their verdict.

**RESOLVED** that the application for a Hackney Carriage/Private Hire Licence be refused due to the seriousness of the applicant's previous convictions.

JSH was informed of his right of appeal to the Magistrates Court within 21 days of written notification of this decision.

**218. GUIDANCE RELATED TO THE RELEVANCE OF CONVICTIONS**

The Committee was asked by the Licensing Services Manager to consider adopting the draft guidance attached as appendix 1 to the report as a policy document.

The report had been produced by the Licensing Services Manager in consultation with other local authorities. Once agreed, it would be distributed to all taxi drivers, operators and made available to view on the Council's website.

Members expressed general support for the document in terms of its substance, but felt there was a need to make it more user friendly and to distinguish those parts of the document which applied to drivers from those which applied to operators. It was suggested that the "fit and proper person" phrase should be expanded to reference the District Council, and that consideration should be given to setting minimum requirements in relation to drivers' mastery of the English language, numeracy and knowledge of the geography of the district.

**RESOLVED** that the draft Guidance Related to the Relevance of Convictions document be accepted as a first draft and, after revision, be brought back to the Committee for further consideration.

(The meeting ended at 5.33 pm)