

# REGULATORY COMMITTEE

Minutes of the meeting held on Tuesday 6 December 2005 in the Town Hall, Royal Leamington Spa at 10.00 am

**Present:** Councillor Mrs Goode (Chair); Councillors Copping, Doody, Kinson and Mrs Knight

Councillor Copping substituted for Councillor Harris  
Councillor Kinson substituted for Councillor Windybank

Apologies for absence were received from Councillors Ms Flanagan and Kundi

## 646. **DECLARATIONS OF INTEREST**

### Minute No. 651 - Private Hire Driver With Conviction

Councillors Copping, Doody, Mrs Goode, Kinson and Mrs Knight declared personal interests in this matter because the conviction involved Warwick District Council.

## 647. **MINUTES**

The minutes of the meetings held on the 14 and 17 November 2005, were taken as read and signed by the Chair as a correct record.

## 648. **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 paragraph 12 of Schedule 12A of the Local Government Act 1972.

## 649. **COMPLAINT AGAINST HACKNEY CARRIAGE DRIVER**

A report from Members' Services on a complaint against a hackney carriage driver was received.

On 17 October 2005, a member of the public telephoned the office to complain about the behaviour of a licensed hackney carriage driver. The member of the public was asked to put her complaint in writing and she subsequently sent an e-mail. A copy of the e-mail was circulated with the report and had been supplied to the driver concerned.

Following receipt of the e-mail the Licensing Enforcement Officer interviewed Mr G, the driver complained about. Mr G admitted being in the area on the date in question but denied all the allegations made against him. A copy of the witness statement was also circulated with the report.

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

The complainant, Mrs H, attended the meeting together with a companion.

The driver Mr G attended the meeting together with his Solicitor.

The representative from Members' Services explained the procedure to be followed in hearing this complaint and no comments were made on it.

Mr G's Solicitor provided a witness statement from Mr G and this was supplied to each Member of the Committee and to Mrs H.

Mr G's Solicitor addressed the Committee on the contents of the statement. Mr G then answered questions from Members. Mrs H was given the opportunity to question Mr G but declined.

Mrs H then addressed the Committee on her complaint and answered questions from Members and from Mr G's Solicitor.

Members then asked further questions of Mr G.

Mrs H was then invited to sum up but she declined.

Mr G's Solicitor then summed up.

Mr G and his Solicitor and Mrs H then left the room while the matter was being considered.

The Committee received advice from the Officers included advice on the provisions of the Human Rights Act 1998.

**RESOLVED** that the evidence of Mrs H be accepted and, in the circumstances, a warning be issued to Mr G as to his future conduct, such warning to remain on his record for a period of twelve months.

### **650. COMPLAINT AGAINST HACKNEY CARRIAGE DRIVER**

A report was circulated with the agenda on a further complaint against a hackney carriage driver.

However, the complainant, who had given a statement to the Licensing Enforcement Officer, had not subsequently responded to correspondence or telephone calls.

The complaint was not, therefore, considered.

### **651. PRIVATE HIRE DRIVER WITH CONVICTIONS**

A report from Members' Services was submitted on convictions against the holder of a private hire driver's licence.

Details of the convictions recorded against GSG, (date of birth 15.09.06), who was a licensed private hire driver were set out in the report.

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

Mr GSG attended the meeting, addressed the Committee and answered questions from Members.

Mr GSG provided a copy of the pre-sentence report from his Probation Officer, and a copy of a letter from his employer. Copies were supplied to each Member and the meeting was adjourned for ten minutes to allow Members to read the submissions.

Mr GSG was then invited to sum up which he did.

He then left the room whilst the Committee made a decision.

The Committee received advice from the Officers including advice on the provisions of the Human Rights Act 1998.

### **RESOLVED** that:-

- (1) a warning be issued to Mr GSG as to his future behaviour and such warning remain on his file for eighteen months; and
- (2) the Licensing Enforcement Officer be asked to monitor the behaviour of Mr GSG over the eighteen month period.

### **652. APPLICATION FOR PRIVATE HIRE DRIVER'S LICENCE**

A report was submitted from Members' Services on an application for a private hire drivers licence from an applicant who had previously had a private hire drivers licence revoked.

GSH, (date of birth 09.03.47), had had his licence revoked by the Committee in January 2005 for driving a private hire vehicle without a licence, driving without insurance or MOT and driving a vehicle in an un-roadworthy condition.

Mr GSH had now asked whether the Committee would be prepared to approve an application for a private hire driver's licence if he were to submit one.

Mr GSH attended the meeting and addressed Members in support of his application.

Mr GSH then answered questions from Members and was given the opportunity to sum up which he did.

He then left the room whilst the Committee made a decision.

The Committee received advice from Officers including advice on the Human Rights Act 1998.

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

**RESOLVED** that in view of the seriousness of the original convictions, Mr GSH be informed that the Committee would not be prepared to approve an application from him for a private hire driver's licence at the present time.

(The meeting ended at 12.40 pm)

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