

REGULATORY COMMITTEE

Minutes of the meeting held on Tuesday, 23 September 2008, at Town Hall, Royal Leamington Spa at 2.30pm.

PRESENT: Councillor Mrs Gallagher (Chairman), Councillors Crowther, Gill, Mrs Goode, Mrs Grainger, Harris, Mrs Mellor, and Vincett.

Apologies for absence were received from Councillor Mrs Falp.

442. **DECLARATIONS OF INTEREST**

Minute Number 444 - Complaint regarding a Licensed Hackney Carriage/Private Hire Driver

Councillors Crowther, Gill, Mrs Grainger, Mrs Mellor declared a personal interest because the mother of the complainant was an employee of the Council.

Councillors Gill and Vincett did not make a declaration of interest under the adopted Code of Conduct but informed the Committee that the licensed driver called them at home, both declined to speak to the licensed driver because they were members of the Regulatory Committee so could not talk to the driver about the matter.

Councillor Mellor did not make a declaration of interest under the adopted Code of Conduct but informed the Committee that when out in Leamington with the Police looking at the night life in Leamington in relation to premises licensed under the Licensing Act 2003, the licensed driver approached a police officer who was with the Councillors on the visit and stated "I know that Councillor she is from the Council and they are after me".

At this point the legal representative (Mr Schiller) of the Licensed Hackney Carriage/Private Hire Driver was asked if he felt there was any reason why any of the Councillors could not continue with the hearing of his client. Mr Schiller said that he was happy for all Councillors to proceed to consider the matter.

443. **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 two 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.

REGULATORY COMMITTEE MINUTES (Continued)

444. COMPLAINT REGARDING A LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

The Committee considered a report from Members' Services regarding a complaint from a member of the public about a Licensed Hackney Carriage/Private Hire Driver.

The Licensed Hackney Carriage/Private Hire Driver attended the meeting and was represented by their Solicitor Mr Schiller. The member of the public who submitted the complaint attended, along with their mother.

The Licensing Services Manager outlined the report on the agenda. Mr Schiller made two points about the report which were responded to by the Licensing Services Manager and noted by the Committee.

Mr Schiller submitted the case for the Licensed Hackney Carriage/Private Hire Driver. During his submission Mr Schiller submitted a witness statement from the fare the Licensed Hackney Carriage/Private Hire Driver had collected after the complainant along with a property receipt from West Midlands Police. Mr Schiller also submitted three character references for the Licensed Hackney Carriage/Private Hire Driver along with a petition of 66 signatures that the Licensed Hackney Carriage/Private Hire Driver was a good Licensed Hackney Carriage/Private Hire Driver. Mr Schiller along with the Licensed Hackney Carriage/Private Hire Driver responded to question from the Committee.

The Committee and Mr Schiller asked questions of the complainant.

All parties were then asked to leave the room by the Chairman while the Committee deliberated their decision.

RESOLVED that

- (1) on consideration of all the evidence provided to the Committee, the Committee were of the opinion that on the balance of probability the allegations made against the driver were true, therefore the driver verbally abused a customer was dishonest with the a customer and has been dishonest with the Committee.

Having found that the driver verbally abused a member of the public and was dishonest the Committee had to decide whether the driver remained a fit and proper person to hold a licence. In doing this it took into account the character references submitted on behalf of the driver. It also had to take into account the decision of this Committee on 12 November 2007, when a warning was issued following an incident where the driver verbally abused a Coventry City Council Parking Attendant

REGULATORY COMMITTEE MINUTES (Continued)

For these reasons the Committee feel that the driver is not a fit and proper person to hold a licence and therefore they have no alternative than to revoke the Drivers Licence; and

- (2) the Committee asked the Licensing Services Manager to inform Coventry City Council of the work that the driver is undertaking as a private hire driver for arena cars in Coventry where he stated he did not have a licence.

All parties were invited back into the meeting, were informed of the decision and of the right to appeal the decision to magistrates within 21 days of receipt of the decision in writing.

445. 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 to become a hackney carriage private hire driver from a person with convictions.

The applicant had offences on their application form which had been confirmed by a Criminal Records Bureau disclosure. The applicant had also recently been refused a hackney carriage/private hire drivers licence by Birmingham City Council under their policy requirement of holding a DVLA driving licence for two years before applying for a hackney carriage/private hire drivers licence.

The applicant attended the meeting, addressed the Committee and responded to questions from them.

The Committee asked all parties to leave the room while they deliberated and made their decision.

RESOLVED that the application proceeds.

All parties were invited back in and informed of the decision and the right to appeal to the Magistrates Court within 21 days of notification.

446. CONSIDERATION OF A DOCUMENT "GUIDANCE RELATING TO THE RELEVANCE OF CONVICTIONS AND CAUTIONS"

The Committee considered a report from Members' Services regarding draft Guidance to the Relevance of Convictions and Caution, which was appended to the report.

The Committee had previously considered the draft guidance in July 2008 and found the revised document to be much improved. It was suggested by the Licensing Services Manager that to ensure the Guidance was robust the Council should consult with all hackney carriage/private hire drivers and private hire operators licensed with this authority, along with the police.

REGULATORY COMMITTEE MINUTES (Continued)

RESOLVED that all hackney carriage/private hire drivers and private hire operators licensed with this authority, along with the police be asked for their comments on the draft guidance with a view to adopting it as policy in November.

(The meeting ended at 5.50pm)