

REGULATORY COMMITTEE

Minutes of the meeting held on Wednesday 24 January 2007, in the Town Hall, Royal Leamington Spa at 2.30 pm.

PRESENT: Councillor Mrs Goode (Chair); Councillors Butler, Coker, Harris, Mrs Knight, Kundi and Pratt.

(Councillor Pratt substituted for Councillor Doody)

776. DECLARATIONS OF INTEREST

There were no declarations of interest.

777. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS – MEDICALS

The Committee considered a report from Members' Services regarding a change in the way the Council carried out medical examinations for new and renewal applications for hackney carriage and private hire drivers' licences.

All applicants for private hire and hackney carriage drivers' licences had to satisfy medical standards of C1 Category Group II, applicable also to heavy goods vehicle drivers and public service vehicle drivers. Once licensed, they had to continue to comply with the standard and have further medical examinations from time to time.

Currently, Doctor Popplewell, the Occupational Health Medical Officer, carried out the necessary medical examinations and charged the Council £55 per examination. This charge was passed on to the drivers together with a charge of £7 to cover the Council's administrative costs, which included arranging the medical examinations on the drivers' behalf.

A national company, Cotswold Medicals Limited, specialising in HGV, PSV and taxi medicals had centres in Coventry, Rugby and Birmingham. Their charge for a taxi medical was £40 (soon to be £42) of which £5 was donated to a young people's charity. Drivers' would book their own appointments and pay the company directly.

As the combined hackney carriage/private hire drivers licence was soon to be issued for 3 years, expiring on the date of the CRB renewal, officers proposed that a three year medical was undertaken to coincide with this anniversary. This meant that, on renewal of a hackney carriage/private hire drivers' licence, the driver completed both a CRB and had a medical examination.

REGULATORY COMMITTEE MINUTES (Continued)

RESOLVED that

- (1) Cotswold Medicals Limited be appointed to carry out the necessary medical examinations for new applications and renewal of hackney carriage and private hire drivers' licences, and the medical examination be carried out on a three yearly basis; and
- (2) this be implemented at the earliest opportunity.

778. LATE PAYMENT OF DRIVERS AND VEHICLE LICENCES

The Committee considered a report from Members' Services regarding tighter restrictions on the late payments for renewals of drivers, vehicles and operators licences.

Licence holders were continuously delaying payment when it came to renewing their licences. This resulted in time and resources being wasted because officers had to issue reminders and chase up the licence holders.

It was proposed that drivers, vehicles and operators licences processed during a three week period after the expiry date would attract a 10% increase to the fee to offset that additional administrative cost to the Council and that each application would receive a letter explaining the penalties of late renewal with their renewal letter.

The Committee concluded that a three week grace period was more than generous and that a two week period should be applied instead, which brought it into line with other renewal periods, such as car tax and insurance.

RESOLVED that

- (1) driver, vehicle and operator licence renewals be granted up to two weeks after their renewal date, but that after this period, no renewal would be made and holders would have to apply for a new licence;
- (2) driver, vehicle and operator licence renewals processed during the two week period after the renewal date, attract a 10% increase to the fee;
- (3) drivers be reminded that it is their responsibility to check insurance cover during the period after the renewal date;
- (4) exceptions to (1) and (2) above, only be permitted if ample evidence is supplied to the officers of, for example, family illness;

REGULATORY COMMITTEE MINUTES (Continued)

- (5) a driver being on holiday when their driver, vehicle and operator licence expires, not be an acceptable reason for not renewing on time; and
- (6) the Licensing Services Manager report back to the Committee in twelve months to assess the impact of the tighter restrictions.

779. CHANGE OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE FEES

The Committee considered a report from Members' Services on a change to the individual hackney carriage and private hire drivers' licence fee, to a dual licence fee of £30 per annum.

Currently, the Council issued separate licences for hackney carriage and private hire drivers, at an individual cost of £25 each. The proposed fee of £30 would offset the loss of income for the drivers' who would previously have paid £50 for a combined badge.

It was proposed that the new type of dual badge would have the drivers' photograph embedded in it, which enabled the holder to drive both private hire and hackney carriage vehicles.

RECOMMENDED that the new fee of £30 for a dual hackney carriage and private hire drivers' licence, be approved.

780. ADVERTISING ON TAXIS

The Committee considered a report from Members' Services on an application from Taxi Media for consent to place advertisements on two hackney carriage vehicles.

Authority was currently delegated to officers, in consultation with the Regulatory Committee Group Spokespersons, to approve the form of advertisements to be displayed on taxis and private hire vehicles and to issue consents for such advertisements.

Consent was previously granted to allow advertising on one taxi in the District, with some of the profit being given to charity.

Copies of the proposed advertising designs were attached as appendices to the report.

It was proposed, and duly seconded, that a compromise be met with the advertising company to only allow one of the designs to be used. The proposal was voted on and the motion was lost.

It was then proposed and duly seconded, that no advertising be allowed on private hire or hackney carriage vehicles and that the responsibility for refusing applications for advertisements should be delegated to officers.

REGULATORY COMMITTEE MINUTES (Continued)

RECOMMENDED that any future applications for advertising on private hire or hackney carriage vehicles be refused and in the Scheme of Delegation, ES (57), be deleted.

781. 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 the paragraph 1 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

782. NON COMPLIANCE WITH PRIVATE HIRE OPERATORS LICENCE

The Committee considered a report from Members' Services regarding non compliance with the conditions of a private hire operators licence.

A private hire operators licence in the name of CC was held in the name of DG. Paragraphs 2.1 to 2.24 of the report detailed complaints from members of the public, maintenance record requests and police reports regarding the condition of certain vehicles.

A number of the complaints were concerning one of CCs' drivers, known as JJ. DG stated that JJ was self employed and CC were therefore not responsible for his actions. There were also a number of concerns regarding vehicle safety and maintenance.

Despite a number of interviews and meetings being arranged to discuss whether sufficient control was being exercised over the business, DG either failed or refused to attend, after seeking legal advice. Further protracted exchanges of letters did not result in DG entering into any meaningful discussion with officers.

It was highlighted by members that paragraph 2.19 of the report should read "for the nights of 18th and 19th November" not "December" and paragraph 2.15 should read "14th October 2005" not "2006".

DG brought weekly and monthly vehicle check records and vehicle invoicing records to show to the Committee.

DG attended the meeting and addressed the Committee with the help of Mr Schiller from Millerchip Solicitors and SS who attended as a character witness.

Mr Schiller addressed the Committee and with DG, answered questions from the Committee.

DG, SS, Mr Schiller and the Licensing Officer then left the room whilst the Committee made their decision.

REGULATORY COMMITTEE MINUTES (Continued)

However, the Committee received advice from the Council's Solicitor and after receiving the officers' report and hearing the information provided by Mr Schiller and DG, decided that revocation or suspension of the operators licence was not appropriate.

The Committee agreed that conditions should be applied to the operators licence which required vehicles to be serviced regularly and that all records, including servicing, booking schedules and maintenance records, be maintained and produced on a three monthly basis or whenever requested by an authorised officer. They felt that the records produced at the meeting were insufficient and not of a high enough standard.

It was also agreed that the Licensing Services Manager should provide DG with a list detailing exactly which records would be needed. It was also suggested to DG that CC consider producing a code of conduct for their drivers, which would hopefully eliminate any further conflict regarding responsibility for drivers' behaviour. The Committee requested it be recorded that they hoped the above measures would encourage a better working relationship between CC and the Council.

RESOLVED that

- (1) a condition be placed on the operators licence requiring all vehicles used by CC for hire and reward, be serviced regularly by a recognised garage;
- (2) a condition be placed on the operators licence requiring all records, including servicing, booking schedules and maintenance records, be produced on a three monthly basis at the Council's offices or whenever requested by a Licensing Services Officer;
- (3) CC consider producing a code of conduct for their drivers; and
- (4) DG and the Council work together to create a better working relationship.

(The meeting ended at 5.15pm)