

REGULATORY COMMITTEE

Minutes of the meeting held on Tuesday 26 February 2008, in the Town Hall, Royal Leamington Spa at 2.30 pm.

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

17. DECLARATIONS OF INTEREST

There were no declarations of interest.

18. 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 five 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.

19. HACKNEY CARRIAGE AND PRIVATE HIRE INSPECTIONS

The Licensing Services Manager reported on the recent multi-agency on-the-spot inspections of Hackney Carriage and Private Hire Vehicles.

At this point the Committee also discussed that they felt there was a need for them to have further training on drugs and alcohol resilience so that they could appreciate the effects of these when considering cases relevant to these matters.

20. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER - MEDICAL

This item was withdrawn from the agenda because the matter had now been resolved with the relevant driver.

21. HACKNEY CARRIAGE DRIVER WITH DISCLOSED OFFENCES

The Committee considered a report from Members' Services to consider if HSS was a fit and proper person to continue to hold a hackney carriage/private hire driver's licence.

The report was due to be considered by the Committee on 23 January 2008, but HSS's solicitor was unable to attend the meeting.

HSS held a hackney carriage/private hire driver's licence issued by Warwick District Council. HSS had informed the Licensing Authority that they had been found guilty under the Multiple Occupancy Act 2006 and fined.

The details of the prosecution were appended to the report.

REGULATORY COMMITTEE MINUTES (Continued)

HSS attend the meeting along with a representative. The Committee asked questions of HSS about the conviction. All parties were then asked to leave the room while the Committee made a decision on the matter.

RESOLVED that no action be taken.

22. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH UNDISCLOSED OFFENCES

The Committee considered a report from Members' Services asking them to consider the matter and take relevant action as appropriate.

MF held a hackney carriage/private hire drivers licence issued by Warwick District Council and worked for a private hire operator in Kenilworth.

The Licensing Section received notification from the Police that MF was convicted on 19 December 2007 of the offences of driving without due care and attention and failing to give name and address after an accident. These convictions were not declared to the Council as required by the hackney carriage/private hire drivers licence conditions.

Details of the incident were included within the report.

MF attended the meeting. The Committee asked questions of MF about the conviction. All parties were then asked to leave the room while the Committee made a decision on the matter.

RESOLVED that

- (1) MF be issued with a stiff warning; and
- (2) in future MF be mindful of the high standards expected of hackney carriage/private hire drivers and that MF reads and understands the conditions of the hackney carriage/private hire drivers licence, because if this incident was to be repeated the Committee would take the matter very seriously.

23. HACKNEY CARRIAGE/PRIVATE HIRE APPLICATION BY PERSON WITH CONVICTIONS

The Committee considered a report from MH that sought a decision if MH was a fit and proper person to be granted a hackney carriage/private hire driver's licence.

MH had applied for a hackney carriage/private hire licence in September 2007. MH disclosed five offences on the application form along with notification that Birmingham City Council had refused an application by MF to them for a hackney carriage private hire drivers licence.

The CRB disclosure confirmed these convictions and based on this the application was rejected by the Licensing Services Manager under delegated powers.

REGULATORY COMMITTEE MINUTES (Continued)

MH contacted the Council to appealed the decision of the Licensing Services Manager and asked for it to be referred to this Committee for consideration. Three letters of support were submitted to support the application of MH.

MH attend the meeting along with a representative. The Committee asked questions of MH about the conviction. All parties were then asked to leave the room while the Committee made a decision on the matter.

RESOLVED that the application by MH be rejected because MH had a relevant unspent caution and relevant convictions which for a drivers licence are never spent.

24. CHANGES TO HACKNEY CARRIAGE FARES

The Committee considered a report from Members' Services about a request from hackney carriage drivers for an increase in the hackney carriage fares table.

Representations had been received from various hackney carriage drivers of Warwick District that proposed that fares chargeable should be increased.

The fares were last increased on 3 March 2006 and these rates were appended to the report.

Most drivers were not in favour of increasing the starting point shown on the meter from £3.40.

It was therefore proposed that "each subsequent 230 meters (1/7 of a mile)" should be changed to "each subsequent 220 yards (1/8 mile)". The charge of £0.20 would remain. This would mean that subsequent miles would cost £1.60 instead of £1.40. After 23:00 this would rise from £2.10 to £2.40.

RESOLVED that the proposed change from "each subsequent 230 meters (1/7 of a mile)" to "each subsequent 220 yards (1/8 mile)" be approved, subject to an advertisement of the proposed change and no representations being made against the proposed change within 14 days of the advertisement being placed.

25. CHANGES TO STREET TRADING CONSENT CONSULTATIONS

The Committee considered a report from Members' Services that sought the confirmation of a policy for street trading consents.

At the previous meeting of the Committee, Members requested further clarification on street trading consents and guidance for the issuing of consents.

The Legislation governing the issuing of street trading consents was contained within the Local Government (Miscellaneous provisions) Act 1982, schedule 4, sections 7 to 10.

A suggested policy for street trading and standard conditions for consents within Warwick District were appended to the report.

REGULATORY COMMITTEE MINUTES (Continued)

RESOLVED that the policy for dealing with street trading consents be adopted.

(The meeting ended at 5.00pm)