

# REGULATORY COMMITTEE

Minutes of the meeting held on Wednesday 2 January 2008, in the Town Hall, Royal Leamington Spa at 2.30 pm.

**PRESENT:** Councillors; Mrs Mellor (Chairman); Councillors Crowther, Michael Doody, Mrs Falp, Gallagher, Gill, Mrs Goode, Mrs Grainger, and Mobbs.

(Councillor Michael Doody substituted for Councillor Dhillon).

An apology for absence was received from Councillor Harris.

## 758. DECLARATIONS OF INTEREST

### Minute Number 761 - Application for Street Trading Consent

Councillor Doody declared a prejudicial interest because he was a member of the Warwickshire County Council Regulatory Committee and the applicant would need to apply to that Committee to trade in the Market Place. He left the room while the application was considered, but returned for consideration of the amendments to the scheme of delegation for street trading consents.

Councillor Mrs Goode declared a personal interest because she was a Warwickshire County Councillor and the applicant would need to apply to the County Council to trade in the Market Place.

Councillors Mrs Mellor and Grainger declared a personal interest because they were Warwick Town Councillors.

## 759. 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 item 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.

## 760. HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATION

The Committee considered a report from Members' Services on an application for a driver's licence from a person who had committed offences.

MAH applied for a hackney carriage/private hire drives licence with Warwick District Council in September 2007. On the application, two traffic offences were declared from January 2004 and April 2006, both of which resulted in 3 penalty points.

The Criminal Records Bureau Disclosure for the applicant identified further offences by the applicant which had not been declared on the application form. Copies of the Criminal Records Bureau Disclosure were made available at the meeting.

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

MAH attended the meeting, addressed the Committee on the application and answered questions from them. MAH was then asked to leave the room while the Committee made a decision on the matter.

**RESOLVED** that in taking into consideration the human rights of the applicant balanced against the responsibility of the Committee for public safety, the application by MAH be rejected because of the failure to declare previous convictions and the nature of those convictions.

MAH was then invited back into the meeting and informed of the decision.

### **761. APPLICATION FOR STREET TRADING CONSENT**

The Committee considered a report from Members' Services that sought the determination of an application for a street trading consent and a modification to the scheme of delegation.

Anyone who exposed goods for sale on a street within the District was required to hold a street trading consent issued by the Council.

An application had been received by the Council to enable the sale of jacket potatoes. Although the consent, if granted, would permit the holder to trading on the street anywhere in the district, the applicant had stated that they specifically wished to trade in Warwick Market Square.

The Highways Authority had no objection to the licence and the Police did not respond to the consultation. However, the Warwick Town Centre Manager had objected to the application, set out at appendix 1 to the report.

The Committee were asked to consider the application and to either reject or accept it for Warwick Market Place. In addition the Committee were also asked that if they rejected the application, to consider adding a condition to all approved street trading consents, prohibiting trading in Warwick Market Square.

The applicant for the consent, Mr Massey, attended the meeting and addressed the Committee, as did the Warwick Town Centre Manager.

**RESOLVED** the application for a street trading consent for Mr Massey for a jacket potato stall be approved, subject to an operating time of 9.00am to 5.00pm and not on any market days in Warwick or during events in the market place.

The Committee were also asked to make an amendment to the scheme of delegation. This was because at present no authority was delegated to officers to permit the refusal of street trading consent applications. It was recommended to the Committee that spokespersons be consulted when an objection was received to an application and if within in five days of consultation, one or more spokespersons objected to the granting of the consent, the matter would be referred to Committee for determination. If no spokespersons objected within five days, the consent would be issued.

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

**RESOLVED** a further report be submitted with regard to the delegation of street trading consents, that includes guidance from Legal Services on consultees for applications for street trading consents.

(The meeting ended at 4.20pm)