

REGULATORY COMMITTEE

Minutes of the meeting held on Thursday 26 January 2005 at the Town Hall, Royal Leamington Spa, at 10.00 am.

PRESENT: Councillor Mrs Goode (Chair), Councillors Ashford, Coker, Harris, Mrs Knight, Kundi and Windybank.

Apologies for absence were received from Councillors Butler and Doody

(Councillor Ashford substituted for Councillor Gill).

673. **DECLARATIONS OF INTEREST**

Minute Number 675 - Private Hire/Hackney Carriage Drivers with Conviction

Councillor Coker declared a personal and prejudicial interest in that part of the minute relating to Mr S as his firm had acted for Mr S in the past and left the room while the matter was being dealt with.

674. **PUBLIC AND PRESS**

RESOLVED that under Section 100A of the Local Government Act 1972 the public and press be excluded from the meeting during the discussion of the following items by reason of the likely disclosure of exempt information within paragraph 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

675. **PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS WITH CONVICTIONS**

The Committee considered a report from Members' Services which sought a decision on three drivers from the same firm with convictions. One of the licensed drivers was also the operator of the firm.

A report on these drivers had been submitted to the last meeting of the Committee on the 16 December 2004 but because one of the drivers and the legal representative of another were unavailable and it had been agreed that consideration of the cases be deferred until this meeting. It was also agreed at that meeting that the drivers be informed that if they were unable to attend this meeting the Committee would consider the matter in their absence.

Details of the convictions of the three drivers were set out in the report. The Committee received advice from the officers including advice on the provisions of the Human Rights Act 1998.

Mr H attended the meeting and was informed that the Committee would be considering the convictions and if any action should be taken against him. Mr H addressed the Committee giving reasons why action should not be taken against him and answered questions from members. Mr H was then invited to sum up which he did. He then left the room whilst the Committee made a decision.

REGULATORY COMMITTEE (Continued)

RESOLVED that in the light of the convictions against Mr H in the Magistrates' Court on the 28 October 2004, his Hackney Carriage and Private Hire Drivers licences be revoked.

(Mr H was invited back into the meeting and informed of the decision).

Mr T did not attend the meeting.

The Committee considered the information available to it with regard to Mr T Including the contents of the letter sent to Mr T informing him that if he did not attend this meeting the matter would be considered in his absence and

RESOLVED that in view of the convictions against Mr T before the Magistrates on the 28 October 2004, his Private Hire Drivers licence be revoked.

Mr S attended the meeting and was informed that the Committee would be considering the convictions set out in the report and deciding if any action should be taken against him.

Mr S addressed the Committee on why action should not be taken against him and answered questions from members. Mr S was then invited to sum up which he did. He then left the room whilst the Committee made a decision.

RESOLVED that in view of the convictions against Mr S before the Magistrates on the 28 October 2004, his private hire operators licence be revoked and his private hire drivers licence be suspended for 12 months.

(Mr S was invited back into the meeting and informed of the decision).

676. APPLICATION FOR HACKNEY CARRIAGE DRIVERS LICENCE

A report from Members' Services was submitted on an application for a Hackney Carriage Drivers Licence where the applicant's Criminal Records Bureau disclosure revealed convictions.

A report was submitted to the Committee at its meeting on the 16 December 2004, about this application and members had been informed that further information had come to light which was still being investigated. In the circumstances the Committee agreed to defer consideration of the application until this meeting.

Full details of the convictions against Mr H were set out in the report. Further details regarding Mr H were also set out in the report and reported verbally by the Officers at the meeting.

Mr H had been informed of all the information which the Committee would be considering.

REGULATORY COMMITTEE (Continued)

Mr H attended the meeting and addressed members in support of his application and answered questions from members. Mr H was then invited to sum up, which he did and 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 in view of the information contained in the report and submitted to the Committee verbally by the Officers the application from Mr H for a hackney carriage drivers licence be refused.

(Mr H was invited back into the meeting and informed of the decision).

(At the request of the applicant Councillor Kundi left the room while this application was being dealt with).

677. PRIVATE HIRE DRIVER WITH CONVICTIONS

The Committee considered a report from Member' Services about a holder of an existing Private Hire Drivers Licence, whose driving licence had shown endorsements when he came to renew the licence. The endorsements had not been notified to the Council when they occurred which contravened a condition of his licence.

Mr B attended the meeting and was informed that the Committee were considering what action to take in view of the endorsements and the fact that he had not reported them to the Council.

Mr B addressed the Committee on why no action should be taken against him and answered questions from members, and 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 Mr B be warned as to his future conduct.

(Mr B was invited back into the meeting and informed of the decision).

(The meeting ended at 1.05 pm)