

# REGULATORY COMMITTEE

Minutes of the meeting held on Tuesday 6 June 2006, in the Town Hall, Royal Leamington Spa at 10.00 am.

**PRESENT:** Councillors Mrs Bunker, Doody, Mrs Goode, Harris, Mrs Knight, Kundi and Mrs McFarland.

(Councillor Mrs McFarland substituted for Councillor Ms Flanagan).

## 77. APPOINTMENT OF CHAIR

**RESOLVED** that Councillor Mrs Goode be appointed Chair of the Committee for the ensuing year.

(Councillor Goode took the Chair).

## 78. APPOINTMENT OF VICE-CHAIR

**RESOLVED** that Councillor Ms Flanagan be appointed Vice-Chair of the Committee for the ensuing year.

## 79. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 80. MINUTES

The minutes of the meeting held on the 10 April 2006 were taken as read and signed by the Chair as a correct record.

## 81. 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 paragraph 4 of Schedule 12A of the Local Government Act 1972.

## 82. APPLICATION FOR HACKNEY/PRIVATE HIRE DRIVERS LICENCE

A report was submitted from Members' Services on an application for hackney carriage/private hire drivers licence where a Criminal Record Bureau's check/driving licence revealed convictions. SAF had been invited to attend the Committee but was not present when the application was to be considered.

It was agreed that the remaining item on the agenda should be considered and, if SAF was present at the end of that item his application could be considered at that time.

## **REGULATORY COMMITTEE (Continued)**

### **83. WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES/PRIVATE HIRE VEHICLES**

A report from Members' Services was submitted on the list of wheelchair accessible vehicles approved to be licensed as hackney carriages/private hire vehicles.

In 1999 the then Licensing Sub-Committee had agreed to remove the limit on the number of taxi licenses issued for Warwick, Leamington and Kenilworth. The Sub-Committee did, however, introduce the requirement that all additional licences would only be granted in respect of new vehicles which had facilities for carrying a disabled person in a wheelchair within the vehicle. It was agreed that vehicles complying with the London conditions of fitness (ie FX4's, TX1's and Metro cabs), would be accepted as suitable vehicles plus other vehicles, whether converted or not, which had been approved by the Council.

The Sub-Committee delegated authority to Officers in consultation with the Council for Disabled People to approve types of vehicles for licensing. In cases where the Officers used their delegated authority to refuse to accept a type of vehicle an appeal was allowed to the Sub-Committee. When applications for approval of a type of vehicle had been received a representative of the Council for Disabled had been asked to inspect the vehicle and report on whether he considered it suitable for the carrying of wheelchairs. Following this procedure a number of vehicles had been approved. A list was circulated with the report.

One type of vehicle approved, the Fiat Doblo, had the loading facility for wheelchairs at the rear of the vehicle. The representative from the Council for Disabled People did not raise this as an issue. However, concern had recently been expressed in various quarters as to the safety of rear loading wheelchair accessible vehicles. A copy of a letter from the National Taxis Association, with enclosures, which explained the concerns were circulated with the report. Fears had also been expressed about the use of the Vauxhall Vivaro as the main passenger access was on the offside of the vehicle, causing danger when entering and exiting the vehicle.

Members were asked whether they wished to consider amending the list of wheelchair accessible vehicles approved as suitable for licensing as hackney carriage/private hire vehicles, by excluding all rear loading vehicles. The Committee were also asked to consider whether they wished to consider removing vehicles from the list where the main passenger access was on the offside of the vehicle.

It was pointed out that there were a number of Doblo's already licensed and one Vauxhall Vivaro. If the Committee decided to remove these types of vehicles from the list the existing vehicles would continue but no new licenses would be issued for these types of vehicles.

## **REGULATORY COMMITTEE (Continued)**

**RESOLVED** that the list of approved wheelchair accessible vehicles for hackney carriage and private hire licensing be amended to remove all those types of vehicles which are rear loaded and which have their main passenger access on the offside of the vehicle.

### 84. **APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

The resolution with regard to the exclusion of the public and press was still valid.

A report was submitted from Members' Services on an application from SAF for a hackney carriage/private hire drivers licence where the Criminal Record Bureau's check and driving licence revealed convictions.

Authority had been delegated to the Officers to approve or refuse applications for drivers licences depending on previous endorsements or convictions. If an application were refused the applicant was invited to appeal to the Committee. At its meeting held in 1992 the Licensing Sub-Committee had approved guidelines for deciding on applications which revealed convictions. A copy of the guidelines was circulated with the report.

SAF addressed the Committee in support of his application and answered questions from Members. He was then invited to sum up which he did. He then left the room while the Committee considered his application. The Committee received advice from the Officers on various matters.

**RESOLVED** that the Officers decision to refuse the application in this case be overturned and a licence be issued.

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

(The meeting ended at 10.50 am)