

REGULATORY COMMITTEE

Minutes of the meeting held on Monday 13 November 2006, in the Town Hall, Royal Leamington Spa at 2.30 pm.

PRESENT: Councillors Mrs Goode (Chair), Ashford, Coker, Doody, Harris and Kundi

(Councillor Ashford substituted for Councillor Mrs Knight)

Apologies for absence were received from Councillors Mrs Bunker and Ms Flanagan.

589. COLIN TUBBS

The Committee expressed their gratitude for the contribution Colin Tubbs has made to the work of this Council over the last 32 years and wished him well for his retirement.

590. DECLARATIONS OF INTEREST

Minute Number 593 – Warwick Parish and Electoral Arrangements Review with Boundary Minutes

Councillor Coker declared a personal and prejudicial interest in this item because it related to his electoral ward and he had actively campaigned against the proposal and left the meeting.

Councillor Doody declared a personal and prejudicial interest in this item because the proposals fell within the County Council electoral division he represented and he had previously voiced his opinion on this matter and left the meeting.

Minute Number 594 – Street Collections – 2007

Councillor Mrs Goode declared a personal interest in this application as her sister worked for the Alzheimers Society South Warwickshire Branch who had made an application for a street collection.

Councillors Ashford, Coker, Doody, Mrs Goode, Harris and Kundi declared personal interests because Councillor Mrs Blacklock, who was a fellow Warwick District Councillor and therefore known to them, had applied for a Street Collection on behalf of Save the Children – Kenilworth.

591. HACKNEY CARRIAGE – WHEELCHAIR ACCESSIBLE VEHICLE APPROVAL

The Committee received a report from Members' Services which sought the Committee's determination of an appeal by Specialist Vehicle Assemblies Limited against the rejection of a Citroen vehicle for hackney carriage work within Warwick District.

REGULATORY COMMITTEE (Continued)

At present any person wishing to licence a new hackney carriage vehicle had to purchase a vehicle which was on the Council's approved vehicle list. These were vehicles which had been approved by the officers in conjunction with a representative of the Council of Disabled People. As approved by this Committee any vehicles not already approved must be inspected by Mr M Fletcher of Leamington Shopmobility and would be either approved or refused based on Mr Fletcher's report.

The Citroen vehicle supplied by Specialist Vehicle Assemblies Limited was submitted for inspection by Mr Fletcher on 30 October 2006 and was rejected for the reasons set out in an appendix to the report.

The reasons for the appeal by Specialist Vehicle Assemblies Limited were set out in an appendix in the report.

Both Mr Fletcher and a representative of Specialist Vehicle Assemblies Limited attended the meeting and outlined their reasoning to the Committee. Following the representations the Committee questioned both parties relating to their statements.

Following consideration of the report, and the representations made to the Committee, the Committee were of the opinion that they required further information before they could determine the appeal.

RESOLVED that determination of the appeal be deferred for the following reasons:

- (1) further information with regard to;
 - (a) what the required standards are for a vehicle to pass the VOSA test for an M1 class vehicle;
 - (b) what size wheelchair the proposed vehicle could take;
 - (c) how many other approved vehicles are there of a similar nature to the proposed vehicle and would they pass the accessibility test applied by the Council;
 - (d) to find out what standards for accessibility the other authorities which have approved the vehicle for use as a hackney carriage have used;
 - (e) the possibility of checking each individual vehicle before it is licensed rather than approving types of vehicle, as each vehicle can have a different specification to that of the generic type approved;

REGULATORY COMMITTEE (Continued)

- (f) the number of complaints, within the last three years, submitted to this Council with regard to disabled people being unable to access any of the licensed hackney carriage vehicles within Warwick District; and
- (2) to allow for Specialist Vehicle Assemblies Limited to bring the proposed vehicle to the meeting for the Committee to inspect.

592. WARWICK DISTRICT AND TOWN/PARISH ELECTIONS – 3 MAY 2007

The Committee considered a report from Members' Services updating the Committee about the application to hold a pilot with regard to electoral modernisation.

The Committee had previously given its support to the submission of an application to the Department of Constitutional Affairs with regard to electronically counting ballot papers at the District Town and Parish elections on 3 May 2007.

In October the Department of Constitutional Affairs had published their prospectus for the May 2007 elections. They wished to build on the learning and knowledge from previous pilots and take into consideration recent changes to legislation.

The prospectus outlined the following five areas for pilots, remote electronic voting, supervised electronic voting, early voting & vote anywhere, e-counting pilots and administrative reform. In addition the Department of Constitutional Affairs were interested in the possibility of authorities combining on pilots and working together.

The Returning Officer asked the Committee to consider submitting a joint application with Stratford on Avon District Council for vote anywhere, early internet voting, and e-counting.

When considering the report the Committee were content with the proposal although expressed concern with regard to the inclusion of links on the website the electors use to vote by internet, to find out more about the candidates.

RESOLVED that the submission of an application with Stratford on Avon District Council for a pilot with regard to vote anywhere, early internet voting, and e-counting, excluding the inclusion of a link to candidates statements on the website, be approved.

593. WARWICK PARISH AND ELECTORAL ARRANGEMENTS REVIEW WITH BOUNDARY MINUTES

The Electoral Services Manager attended the meeting and outlined the outcome of the Boundaries Review Working Party.

REGULATORY COMMITTEE (Continued)

As part of the review of the boundaries of town and parish councils conducted in 2002, it had been agreed that the southern part of Red Lane, Kenilworth, should be transferred into the Parish of Burton Green within the Parish of Stoneleigh. The northern part of Red Lane was already within the Parish Ward of Burton Green.

The Parish Ward of Burton Green came within the Parish of Stoneleigh for parish council elections and the County Electoral Division and District Ward of Stoneleigh but, since 2003, it came within the District Ward and County Electoral Division of Kenilworth Abbey for District and County elections.

The transfer had been supported by the Burton Green Residents Association and Ashow and Stoneleigh Parish Council although the proposal had not been fully agreed by Kenilworth Town Council.

The proposal had been forwarded to the Boundary Commission for consideration and implementation in time for the District and Parish Council elections to be held in 2003. However, due to the review of the boundaries of the County Council's Electoral Divisions, no further action had been taken by the Boundary Commission.

The Electoral Commission and the Department of Communities and Local Government (which had replaced the Boundary Commission and the Office of the Deputy Prime Minister) were now taking action to implement proposals under the Boundary Review in time for the May 2007 elections. On their advice, all of the proposals had been advertised in the areas to be affected by the changes and responses had been received from Kenilworth Town Council and a resident of Red Lane objecting to the proposals. The Town Council had recommended that the proposals should not now proceed.

The matter had, therefore, been brought to the Boundaries Review Working Party for consideration prior to a recommendation being made to the Regulatory Committee for decision.

The Working Party had considered the issues raised in the objections but felt that there was sound logic in positioning the whole of Red Lane in the Parish Ward of Burton Green particularly as this proposal was supported by the Burton Green Residents Association. In view of this, the Working Party had agreed unanimously to recommend that the proposal to transfer the remaining part of Red Lane into the Parish Ward of Burton Green be approved.

RESOLVED that the proposal to transfer the remaining part of Red Lane into the Parish Ward of Burton Green be approved.

594. STREET COLLECTIONS - 2007

The Committee considered a report from Members' Services which sought confirmation of the Council's current policy for dealing with street collection permits and approval of the applications received.

REGULATORY COMMITTEE (Continued)

In addition to the report the Committee Services Officer submitted details of additional applications which had been received after the agenda had been published.

The Committee Services Officer highlighted that with the additional applications, Kenilworth would be over allocated. However he felt that this was acceptable as one of the collections was in relation to the Kenilworth duck race and would take place either in the evening or away from the Town Centre.

RESOLVED that

- (1) the Council's policy for dealing with Street Collection permits as outlined in the report be approved; and
- (2) the applications for street collections during 2007 as outlined in the report and the additional applications as circulated at the meeting, be approved.

595. PRIVATE HIRE OPERATORS - CONDITIONS

The Committee considered a report from Members' Services which sought changes to the documentation required by applicants when submitting applications and renewals for private hire operators licences.

At present applicants and renewals for private hire operators licences were issued without any background checks with regard to the applicant or the operating centre of the business.

It was proposed that all new applicants for private hire operators licences would need to submit a basic CRB disclosure on themselves, provide evidence of public liability insurance and to state where vehicles would normally be parked. In addition the applicants forms would be passed to the Council's Planning Department to ensure that the relevant planning permissions were in place.

It was proposed that the licences be issued for three years and that a further report be submitted to the Committee with regard to the fee to be charged for the three year licences.

It was requested that this be brought into operation with immediate effect for all new applicants and for all renewals of licences from June 2008 onwards.

RESOLVED that with effect from when the three year licence fee is approved by Council:

- (1) all new applicants and from June 2008 all renewal applicants for a private hire operators licence have to submit a basic CRB disclosure, evidence of public liability insurance and state where vehicles will normally be parked and in addition all new or renewal applications be submitted to the Council's Planning Department to ensure that the relevant planning permissions are in place for the premises; and

REGULATORY COMMITTEE (Continued)

- (2) all new applicants and from June 2008 all renewal private hire operators licences be issued for three years.

596. DSA DRIVING TEST

The Committee received a report from Members' Services informing them of the statistics from the Driving Standards Agency relating to the number of test taken by applicants for hackney carriage and private hire drivers licences.

RESOLVED that the report be noted.

(The meeting ended at 10.50 am)