

# REGULATORY COMMITTEE

Minutes of the meeting held on Monday 22 April 2010 at Town Hall, Royal Leamington Spa at 2.30pm.

**PRESENT:** Councillors Mrs Mellor (Chairman); Councillors Crowther, Mrs Gallagher, Guest, Harris, Illingworth and Mrs Knight

(Councillor Guest substituted for Councillor Mrs Grainger)

An apology for absence was received from Councillors Mrs Falp and Mrs Goode.

The Chairman explained to the Committee and the members of the public present, that in accordance with the committees' decision on 6 May 2009, the meeting would be recorded.

## 60. **DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

## 61. **MINUTES**

Minutes from the meeting held on 8 March 2010 were signed and agreed as a correct record.

## 62. **PUBLIC AND PRESS**

**RESOLVED** that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following five items by reason of the likely disclosure of exempt information within paragraph 1 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

## 63. **APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE FROM A PERSON WITH CONVICTIONS**

The Committee considered a report from Community Protection with regard to an application for a hackney carriage/private hire driver's licence from a person with convictions.

BS applied for a hackney carriage/private hire driver's licence with WDC in December 2009. When the applicants CRB was received offences not previously declared were shown. The applicant's CRB was circulated by the Licensing Services Manager at the meeting.

BS addressed the Committee and answered questions from the members confirming that he had previously held a licence with Warwick District Council. The applicant solicitor, Mr Schiller, also confirmed that the Chief Officer of Police's Comments were not correct.

The Committee agreed that it would be beneficial to have further information regarding BS's previous licence with WDC and also to give BS the opportunity to challenge the comments made on their CRB. Therefore it was agreed the item would be adjourned.

**RESOLVED** that this item be adjourned until the next meeting of the Regulatory Committee pending further information.

**64. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE FROM A PERSON WITH A CAUTION**

The Committee considered a report from Community Protection, with regard to an application for a hackney carriage/private hire driver's licence from a person with a caution.

HB applied for a hackney carriage/private hire driver's licence with WDC in November 2009. When HB's CRB disclosure was returned offences not previously declared were shown. The applicant's CRB was circulated by the Licensing Services Manager at the meeting.

HB addressed the Committee and answered questions from the members.

Having heard the report and considering all the information before them, including the applicant's CRB, and having heard the evidence from HB, the panel were satisfied that HB was a fit and proper person to hold a hackney carriage/private hire drivers licence.

**RESOLVED** that the application be allowed to proceed.

All parties were advised that they had 21 days from the notification of this decision to appeal to the Magistrates Court.

**65. LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH A DRIVING CONVICTION**

The Committee considered a report from Community Protection, with regard to a hackney carriage/private hire driver with a driving conviction.

JSV applied to renew his licence in February 2010 and declared previous convictions. On the March 26 2010, JSV sent an email to the Licensing Team informing them that he had been convicted at Stratford on Avon Magistrates Court for motoring offences committed on 13 December 2009. The applicant CRB was circulated by the Licensing Service Manager at the meeting.

JSV addressed the Committee and answered questions from the members.

Having heard the report and considering all the information before them, including the applicant's CRB, and having heard evidence from JSV, the Committee were satisfied that JSV was a fit and proper person to retain their Private Hire/Hackney Carriage drivers licence. However the Committee strongly warned JSV the importance of driving within the speed limits and, that should a further incident of speeding occur he would

be bought back before the Committee for it to consider whether further action was necessary.

**RESOLVED** that JSV is a fit and proper person to retain their Private Hire/Hackney Carriage drivers licence. However the Committee strongly warned JVS the importance of driving within the speed limits and, that should a further incident of speeding occur he would be bought back before the Committee for it to consider whether further action was necessary.

All parties were advised that they had 21 days from the notification of this decision to appeal to the Magistrates Court.

(Councillor Harris left after this item)

66. **LICENSED HACKNEY CARRIAGE.PRIVATE HIRE DRIVER NOT PROVIDING REQUIRED MEDICAL INFORMATION WHEN REQUIRED TO DO SO**

The Committee considered a report from Community Protection, with regard to a hackney carriage/private hire driver who had not supplied medical information when required to do so.

KBD undertook a required medical examination in October 2009 during which the doctor advised him that further medical tests should be undertaken. The licensing Department contacted KBD numerous times but no information had been received from KBD.

KBD addressed the Committee and answered questions from the members.

Having heard the report and considering all the information before them, and having heard evidence from KBD, the Committee were of the opinion that

**RESOLVED** that

- (1) KBD must supply written confirmation from his doctor that he is fit to continue driving as a Hackney Carriage/Private Hire driver within 14 working days of this decision; and
- (2) if written confirmation is not received within this time then KBD Hackney Carriage/Private Hire licence be suspended until the next regulatory committee, where the committee will consider whether further action should be taken.

All parties were advised that they had 21 days from the notification of this decision to appeal to the Magistrates Court.

(The meeting finished at 5.20pm)