

## REGULATORY COMMITTEE

*At a meeting of the Regulatory Committee on Wednesday, 24 September 2008 in the Council Chamber, Runcorn Town Hall*

Present: Councillors Philbin (Chairman), Wallace (Vice-Chairman), Bryant, Howard, D. Inch, A. Lowe, E. Ratcliffe, Wainwright and Wharton

Apologies for Absence: None

Absence declared on Council business: Councillor Philip Drakeley and Councillor Peter Murray

Officers present: L. Capper, K. Cleary, L. Derbyshire, J. Findlow and J. Tully

Also in attendance: 2 applicants/members of the public

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

*Action*

REG12 APPLICATION TO (1) VARY A PREMISES LICENCE AND (2) TWO PREMISES LICENCES THE GALA BINGO WINDMILL CENTRE LUGSDALE ROAD WIDNES

The Committee was advised that this item had been withdrawn by the applicant.

REG13 REVIEW OF QUALIFYING VEHICLES

The Committee received a report on the outcome of the consultation process which had been requested on 16 June 2008. The consultation process had produced a number of matters which were non-contentious and some matters which required further consideration. A summary document was produced to the Committee comprising two tables. Table 1 set out the non-contentious matters and Table 2 the contentious matters. Both tables identified specific matters set out in Appendix 3 of the agenda report.

Table 1 referred to the following parts of Appendix 3: Definition of wheelchair accessible (paragraph 1.5); definition of fully wheelchair accessible (paragraph 1.6); new general conditions (paragraphs 1.7 to 1.9); minimum front knee room condition (paragraph 3.7); 4 useable wheels

condition (paragraph 3.11); deletion of engine capacity requirement (paragraphs 3.4 etc); horse drawn vehicles condition (paragraph 6.2); trailers condition (paragraph 9); and roof pods conditions (paragraph 10).

Table 2 referred to the following elements within Appendix 3: front bench seats; seat configuration; passenger numbers; and privacy glass.

RESOLVED: That

- (1) the above mentioned amendments set out in Table 1 be adopted; and
- (2) the issues outlined above in Table 2 be referred to the Taxi Consultative Group for further consideration and ultimately be referred back to the Committee for determination.

REG14 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Committee was advised that new information regarding the use of Hackney Carriage Vehicle 316 was to be included as part of the next item and, due to the nature of this information, the whole of the item should be considered in the absence of the press and public. This new information had been conveyed to the applicant on 16<sup>th</sup> September 2008 during an interview with the Council's Licensing Manager and confirmed in writing on 17<sup>th</sup> September 2008.

The Committee considered:

- (1) whether Members of the press and public should be excluded from the meeting of the Committee during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraphs 3 and 7 of Schedule 12A of the Local Government Act 1972; and
- (2) whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and

exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it is likely that, in view of the nature of the business, exempt information will be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

REG15 TAXI LICENSING MATTER - HACKNEY CARRIAGE VEHICLE LICENCE 316

The Committee considered an application to reissue Hackney Carriage Vehicle Licence 316, including the urgent information tabled that had previously been conveyed to the applicant on 16<sup>th</sup> September 2008 during an interview with the Council's Licensing Manager and confirmed in writing on 17<sup>th</sup> September 2008.

Members were advised of a change in the options available to them and it was noted that the decision regarding the vehicle licence and the Single Status Drivers Licence were independent of each other and that a decision taken on one item did not imply any corresponding decision on the other.

The Committee heard representations from the Council's Taxi Enforcement Officer and from a Council Solicitor regarding a particular incident which had occurred on 22<sup>nd</sup> August 2008.

Members took note of the representations made by the applicant and the incident which occurred on Friday 22<sup>nd</sup> August 2008. The applicant stated that the vehicle licence was not renewed on time because the vehicle required a considerable amount of work and he intended to dispose of it. The applicant also stated that he had had the required works carried out. However, the applicant was unable to provide receipts for the work alleged to have been carried out on the vehicle.

The applicant was unable to satisfactorily explain why the vehicle was seen by a Council Solicitor apparently

dropping off a fare in Lunts Heath Road Widnes with vehicle plate number 316 attached to the rear of the vehicle when this plate had been returned to the Council Offices on 18 August 2008 and the vehicle licence had expired on 20 July 2008.

The Committee did not consider that any satisfactory reason had been given for the failure to have the vehicle licence renewed on time, and found that the use of the vehicle on 22<sup>nd</sup> August 2008 was a very serious matter.

RESOLVED: That

- (1) the application to “renew” vehicle licence 316 be refused; and
- (2) the applicant be found not to be a fit and proper person to hold a Single Status Drivers Licence and, consequently, Single Status Drivers Licence No 580 be revoked.

#### REG16 TAXI LICENSING MATTER - SSD LICENCE NO 974

The applicant had enquired about how to apply for the “renewal” of an expired SSD Licence No 974. The applicant disclosed that he had been driving a licensed Hackney Carriage Vehicle without a Single Status Drivers Licence for 14 months.

It therefore fell to the Committee to consider whether the applicant was a fit and proper person to hold a licence.

The Committee heard representations from the Licensing Section as to the explanation of why the Single Status Drivers Licence was not renewed in April 2007.

RESOLVED: That

- (1) the applicant was a fit and proper person to hold a SSD licence;
- (2) the applicant could apply for a new SSD Licence without having to provide Driving Standards Agency test, knowledge test and references - however, the licence would not be issued until the application procedure had been fully completed including a CRB application and a medical; and
- (3) a reprimand be issued to the applicant with a statement that the Committee was unlikely to be as

lenient in the future.

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*Meeting ended at 9.25 p.m.*