

Regulatory Committee

Wed 1 April
2009
1.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

*making
a
difference*

www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all formal Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agendas and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees

(or summaries of business undertaken in private) for up to six years following a meeting.

- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, on request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.

A reasonable number of copies of agendas and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.

- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, most items of business before the Executive Committee are Key Decisions.
- Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:

www.redditchbc.gov.uk

If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact the following:

Denise Sunman

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Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency **Assembly Area** is on the **Ringway Car Park**.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).

REGULATORY COMMITTEE PROCEDURE

1. Rights of Applicants/Drivers

- (a) An applicant/driver will be permitted the opportunity of being heard by the Committee before his/her application is determined.
- (b) The applicant/driver will also be allowed to be accompanied by a legal or other representative to assist them if he/she so desires.

2. Notice of Meeting

- (a) As much notice as is practicable will be given to the applicant of the date of the Committee meeting at which his/her application/licence review will be heard, in order to enable him/her to prepare his/her case adequately.
- (b) Every member of the Committee will be issued with copies of every document which has been supplied, both by and to the applicant/driver and any third parties.

3. Procedure at Meeting

- (a) The Chair will ascertain whether the applicant/driver, if unaccompanied, was aware that he/she could be represented.
- (b) Those present at the meeting will be identified so that the applicant is able to satisfy him/herself that no person, who may be in a position to influence the Committee, remains when he/she is asked to withdraw to allow the Committee to deliberate on the case.
- (c) The hearing will be opened with an outline of the relevant details of the application/case by either the Chair or the appropriate Officer of the Council. The legal representative to the Committee will also be asked to report whether there are any matters of which the Committee should be particularly aware.
- (d) Where an applicant/driver has spent convictions which Officers consider are relevant to the application/licence review, Officers will give a brief indication as to what these are. The applicant/driver will then be given the opportunity to say why he/she feels the spent convictions are irrelevant or should not be taken into account. The Committee will then decide whether there is a need to take the spent convictions into consideration and to hear the full details of these.
- (e) Any complainant(s)/witness(es) present will be asked to read out their statement(s) and members of the Committee and/or the applicant's/driver's side may ask the complainant/witness questions on this.
- (f) The applicant will then be invited to present his/her case, at the conclusion of which, he/she may be questioned by members of the Committee.
- (g) The applicant will then be allowed to make a final statement.

- (h) At the conclusion of the hearing, the stage at which the Committee will wish to deliberate upon the application/licence review, the applicant will be asked to withdraw, together with any third parties present and the Officers of the Council, with the exception of the Committee's Legal Adviser and the Committee Services Officer. If it is necessary to recall any party to provide further information or clarification, all parties to the hearing must be invited to return.
- (i) When the Committee has reached its conclusions, the applicant/driver and the remaining Officers of the Council will be recalled and its decision will be announced to the applicant, accompanied by, as appropriate, a description of any conditions which are to be attached to the grant of a licence or the reasons for refusal/suspension/revocation of a licence. That information should also be given to the applicant in writing as soon as is practicable and he/she should be told of any statutory rights of appeal which are available to him/her.

4. Adjournment

If an application is made for an adjournment, the Committee should grant the request if refusal would deny the applicant/driver a fair hearing and thereby result in a breach of the rules or natural justice.



Regulatory

Committee

1 April 2009

1.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs: J Field (Chair) R King
 D Smith (Vice-Chair) D Thomas
 D Enderby A Clayton
 A Fry

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interests they may have in the items on the agenda.</p>
<p>3. Exclusion of the Public and Press</p>	<p>In the opinion of the Borough Director, the meeting will not be, or is unlikely to be open to the Public at the time the following items of business are considered for the reasons stated. The Committee will be asked to pass the following resolution:</p> <p>“that under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the following paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended:</p> <ul style="list-style-type: none"> • Paragraph 1 – Any Individuals • Paragraph 2 – Identity of Individuals • Paragraph 3 – Financial or Business Affairs • Paragraph 7 – The Prosecution of a Crime.”
<p>4. Private Hire Vehicle Driver's Licence - Application (Pages 1 - 4) Head of Environment</p>	<p>To consider whether or not to grant a Private Hire Vehicle Driver's Licence. (In view of the fact that information would be revealed relating to an individual and the identity and financial or business affairs of that individual, this report is confidential and has therefore been circulated to Members and relevant Officers only.)</p> <p>(Report attached)</p>

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<p>5. Private Hire Vehicle Driver's Licence - Application (Pages 5 - 8) Head of Environment</p>	<p>To consider whether or not to grant a Private Hire Vehicle Driver's Licence. (In view of the fact that information would be revealed relating to an individual and the identity and financial or business affairs of that individual, this report is confidential and has therefore been circulated to Members and relevant Officers only.)</p> <p>(Report attached)</p>
<p>6. Private Hire Vehicle Driver's Licence - Application (Pages 9 - 12) Head of Environment</p>	<p>To consider whether or not to grant a Private Hire Vehicle Driver's Licence. (In view of the fact that information would be revealed relating to an individual and the identity and financial or business affairs of that individual, this report is confidential and has therefore been circulated to Members and relevant Officers only.)</p> <p>(Report attached)</p>
<p>7. Private Hire Vehicle Driver's Licence - Application (Pages 13 - 16) Head of Environment</p>	<p>To consider whether or not to grant a Private Hire Vehicle Driver's Licence. (In view of the fact that information would be revealed relating to an individual and the identity and financial or business affairs of that individual, this report is confidential and has therefore been circulated to Members and relevant Officers only.)</p> <p>(Report attached)</p>
<p>8. Enforcement Matters - Officer Update(s) Head of Environment</p>	<p>To consider, subject to the Chair's agreement of the matter(s) as general Urgent Business, any item(s) of an enforcement nature which need to be considered before the next meeting of the Committee. (In view of the fact that information may be revealed in relation to individuals, the identities and financial or business affairs of those individuals and the prosecution of crimes, any reports will be confidential and circulated to Members and relevant Officers only.)</p> <p>(No Specific Ward Relevance)</p>