

Regular Meeting – Chauffeur’s Permit AppealJuly 10, 2012

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Knox Mountain Meeting Room, 1435 Water Street, Kelowna, B.C., on Tuesday, July 10, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Andre Blanleil; Colin Basran, Robert Hobson, Luke Stack and Gerry Zimmermann.

Council members absent: Councillors Maxine DeHart, Gail Given and Mohini Singh.

Staff members in attendance were: City Manager, Ron Mattiussi; and City Clerk, Stephen Fleming.

Guests: RCMP Cpl. Jayson Lucash, NCO in charge of the Central Okanagan Traffic Section; RCMP Reserve Constable, Randy McEwan; Lawyer, Heritage Law Group, Martin Johnson; and Cab Driver, Resham Lal Bhatti.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 3:06 p.m.

2. CHAUFFERUR’S PERMIT APPEAL HEARING

Mayor Gray provided opening remarks with respect to the conduct of the Chauffeur’s Permit Appeal Hearing.

Cpl. Jayson Lucash, RCMP:

- Advised that Mr. Bhatti is the owner and operator of Apple Cabs.
- Advised that based on Mr. Bhatti’s driving record and criminal record, the Chauffeur Permit was revoked in November 2011.
- Confirmed that Mr. Bhatti appealed the RCMP’s decision in March 2012 and Council upheld the RCMP’s decision.
- Advised that Mr. Bhatti re-applied for a Chauffeur’s Permit upon his birthday in April 2012, which application was once again denied by the RCMP, and subsequent appealed by Mr. Bhatti.
- Presented incidents regarding Mr. Bhatti’s driving record, including convictions and contested, outstanding tickets. These are being appealed; however no trial date has been set.
- Confirmed that the incidents occurred in the Fall of 2011.
- Reviewed Mr. Bhatti’s criminal record which included convictions in 1983 and 1998.

Reserve Constable Randy McEwan, RCMP:

- Made comments regarding his interaction with Mr. Bhatti while at the Kelowna International Airport.

Cpl. Jayson Lucash, RCMP:

- Advised that the short timeframe between Mr. Bhatti’s first Appeal and his re-application for a Chauffeur’s Permit is due to Mr. Bhatti’s birth date being in April.
- Advised that Mr. Bhatti’s poor driving record, the fact that his outstanding tickets are yet to be dealt with, and the fact that Mr. Bhatti had very little time to demonstrate a change in driving habits, it was determined by the RCMP that the circumstances surrounding Mr. Bhatti haven’t changed since the previous appeal.

Martin Johnson on behalf of Mr. Bhatti:

- Raised questions pertaining to the process followed by Stg. Swecera and the RCMP in revoking the permit in November 2011.
- Raised questions as to the lack of disclosure of the RCMP’s allegations and perceptions.

Regular Meeting – Chauffeur’s Permit AppealJuly 10, 2012

- Raised questions as to whether the RCMP has provided due process with respect to Mr. Bhatti’s permit review and decision.
- Advised that Mr. Bhatti could have applied to have his earlier convictions struck due to the passage of time.

Philip Patara, Royal Star Enterprises Inc.:

- Spoke as a character witness for Mr. Bhatti.

Council questions directed to the RCMP:

- Inquired as to the very short period of time between the first appeal decision in March and the reapplication due to Mr. Bhatti’s April birth date. How long is appropriate?
- Inquired as to the number of convictions, types of convictions, date of incidents, public safety implications being examined by the RCMP when making a determination of whether to issue or revoke a Chauffeur’s Permit.

Resham Lal Bhatti:

- Explained the circumstances surrounding the “purse incident”.

Cpl. Jayson Lucash, RCMP:

- Provided an overview of the Central Okanagan Traffic Section and staffing.

Council:

- Agreed that there is a need to establish a set of policy guidelines for reviewing Chauffeur’s Permits, including some thresholds that the RCMP will consider.
- Agreed that any policy guidelines need to be made known to the taxi companies.
- Believes that Mr. Bhatti’s criminal convictions are too old to consider.
- Believes that Mr. Bhatti’s being out of work since November 2011 has been a form of punishment.
- Believes that Mr. Bhatti needs to redeem himself.
- Agreed that a new Bylaw needs to clearly spell out some kind of notice and due process for Chauffeur’s Permits.
- Confirmed that the public safety is a paramount consideration of Council.

Moved by Councillor Blanleil/Seconded by Councillor Stack

R652/12/07/10 THAT Council reinstates the Chauffeur’s Permit for Resham Lal Bhatti subject to expire upon Mr. Bhatti’s birthday in April 2014.

Carried4. TERMINATION

The meeting was declared terminated at 4:49 p.m.

Certified Correct:_____
Mayor_____
City Clerk

/scf/slh