

BOROUGH OF REIGATE AND BANSTEAD
REGULATORY COMMITTEE

Minutes of a meeting of the Regulatory Committee held at the Town Hall, Reigate on Wednesday 17 February 2016 at 7.30 pm

Present: Councillors S. Bramhall, G. Crome (Chairman), Dr. Z. Grant-Duff*, R. Harper, A. Horwood, A. Lynch, S. Rickman*, C. Stevens and Ms B. Thomson

* Substitutes

14. MINUTES

RESOLVED that the Minutes of the meeting held on 22 July 2015 be approved as a correct record and signed.

15. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Jackson (substitute: Councillor Dr. Z. Grant-Duff), Councillor Kelly (substitute: Councillor S Rickman) and Councillor Mantle.

16. DECLARATIONS OF INTEREST

There were no declarations of interest.

17. ANY OTHER URGENT BUSINESS

There was no other business.

18. EXEMPT BUSINESS

RESOLVED that members of the Press and public be excluded from the meeting for the following item of business under Section 100A (4) of the Local Government Act 1972 on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act; and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

19. **APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE**

The Committee was requested to determine an application for a private hire driver's licence.

The Chairman welcomed all those present and invited introductions.

It was noted that the applicant was attending the meeting to present his application, accompanied by his fiancée.

The licensing officer then introduced the report outlining the application.

The applicant had two previous convictions for driving without insurance, both of which he had fully disclosed on his application. One offence dated back 12 years and the other took place in 2012.

The annexes to the report set out the circumstances of both incidents and the applicant's explanation for these.

There were no questions to the licensing officer.

The Chairman then invited the applicant to present his application and to make submissions, during the course of which the following points were noted.

- The applicant confirmed that the earlier offence occurred when he took the wheel of a friend's car without realising that he was not insured. It resulted in a 28-day disqualification from driving.
- When the second offence occurred in 2012, the applicant's insurance policy had literally only just run out. For this offence he was awarded six points on his licence.
- The applicant fully accepted responsibility for his actions on both occasions and expressed his regrets.
- In mitigation he explained that, for the first offence, he had been much younger and had acted without thinking.
- In 2012, his insurance cover had only just expired and he had genuinely been unaware of this.

The Chairman invited the Committee to put questions to the applicant and the following points were noted.

- For the past three years the applicant had been working as a personal trainer in London.
- The applicant hoped to move to Redhill, to settle down with his fiancée, and he had been offered employment by a local private hire company if his application was successful.

- The applicant would not own his own vehicle and would be driving a fleet car which was covered by a company insurance policy.

In his closing statement the applicant repeated his regrets for the previous offences. He reiterated that that he had been much younger at the time of the earlier offence and it had been a moment of youthful forgetfulness.

When he was stopped in 2012 his insurance had only just expired and his insurance company could provide paperwork to confirm this if required.

The applicant was hopeful that the committee would take account of the circumstances surrounding the two offences and his genuine remorse for these, and give him this opportunity to start a new life in Redhill by approving his application.

*The Committee adjourned to deliberate at 7.48 pm
and resumed at 8.11 pm.*

RESOLVED that the application for a private hire driver's licence be **GRANTED**.

The Chairman advised the applicant that in reaching its decision:

1. The Committee had reviewed the report and the annexes circulated with the agenda, together with the supplementary papers tabled at the meeting.
2. The Committee paid careful attention to all the submissions made orally during the hearing by the applicant, his representative and the licensing officer.
3. The Committee gave due regard to the individual merits of this application, section 51 of the Local Government (Miscellaneous Provisions) Act 1976, the Council's own Taxi and PHV Licensing Criminal Convictions Policy, section 149 of the Equality Act 2010, human rights legislation and in particular Article 8 and Article 1 First Protocol of the European Convention on Human Rights and the rules of natural justice.
4. The Committee noted that the applicant had no further convictions in the past three years and that the first conviction was over 12 years old.
5. The Committee was appreciative of the fact that the applicant had made full disclosure in his application and that he was fully accepting responsibility for his past actions.
6. The applicant had also demonstrated to the Committee's satisfaction that he regretted his past mistakes and was deserving of the Committee's discretion in approving the application.

In support of its reasons, the Committee asked that it be also noted that:

7. The Committee had debated for some time and wished to strongly state that the matters were serious and that they expected the applicant to keep a clean driving and private hire driver's licence. If there were any further offences the suitability of the applicant to be a Private Hire Driver would be brought back before the Committee to consider.

The meeting closed at 8.13 pm