

BOROUGH OF REIGATE AND BANSTEAD

REGULATORY COMMITTEE

Minutes of a meeting of the Regulatory Committee held at the Town Hall, Reigate on Wednesday, 14th January 2009 at 7.30 p.m.

Present: Councillors G.P. Crome (Chairman), S.S. Banwait, Mrs. L.J. Brunt, M.A. Brunt†, Dr. L.R. Hack, R. Miah, G.L. Norman, M.J. Selby†, J.M. Stephenson and S.T. Walsh.

†Substitute Member

40. MINUTES

RESOLVED that the Minutes of the meeting held on 10th December 2008 be approved as a correct record and signed.

41. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for Absence

Councillor S.N. Farrer
Councillor R. Harper

Substitute Members

Councillor M.A. Brunt
Councillor M.J. Selby

42. DECLARATIONS OF INTEREST

Councillor Banwait declared a personal and prejudicial interest in item 8 on the agenda, because he knew the applicant, and left the meeting after item 7 had concluded.

43. LICENSING PROCEDURE

The Committee noted the licensing procedures to be followed for the applications before it, as set out in Appendix B to the agenda.

44. EXEMPT BUSINESS

RESOLVED that the Press and public be excluded from the meeting for items 45 and 46 below, under Section 100A(4) of the Local Government Act 1972, on the grounds that:

(i) they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act; and

(ii) the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

45. **APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE
OU54 WHC**

The Committee considered a report on an application for a private hire vehicle licence. The report included a copy of the relevant application form, vehicle registration document and bill of sale, correspondence with the applicant and photographs of the vehicle. Coloured photographs of the exterior and interior of the vehicle were circulated at the meeting.

It was noted that the vehicle had been first registered on 4th September 2004 and was purchased by the applicant on 16th October 2008. The application for a private hire vehicle licence had been made on 28th November 2008.

In accordance with the Council's Private Hire Vehicles, Drivers and Operators booklet, officers are not authorised to grant a licence for any vehicle that is more than four years old at first registration. The applicant had, therefore, asked for his application to be considered by the Committee.

The Chairman set out the procedure to be followed to those present and invited the applicant to present his case.

The applicant made his submission and explained the background to his application. He then responded to questions from the Committee.

Following this, the applicant was given the opportunity to make a closing statement.

The Committee adjourned at 8.11 pm to deliberate in private session and reconvened at 8.38 pm to give its decision.

The Chairman stated that the Committee had carefully considered the applicant's submission. It had equally had regard to the Council's policy and had determined that, in this case, there were no exceptional circumstances to merit waiving the established criteria.

In these circumstances, the Committee

RESOLVED that the application for a private hire vehicle licence as set out in the report be **NOT GRANTED**.

46. **APPLICATION FOR A PRIVATE HIRE OPERATOR'S LICENCE
- ROAD RUNNERS (GATWICK) LTD, 16-18 STATION ROAD, REDHILL**

The Committee considered a report on an application for a private hire operator's licence. The report included a copy of the relevant application form, correspondence with the applicant, Officers' file notes and copy of an email from the local police officer.

Officers were recommending that the licence should be granted for a limited period of six months only, subject to conditions at the Committee's discretion, in view of the company's operating record and breaches of its licensing conditions over the past two years. Improvements in procedures had been made in recent months but it was considered expedient to continue monitoring and to put in place practices to ensure that no further breaches occurred.

The Chairman set out the procedure to be followed to those present and referred to two late appendices to be tabled at the meeting:

- list of seven conditions proposed by Officers to be attached to the licence, and
- letter from the applicant affirming its new procedures and proposing three additional conditions to be attached to the licence.

Members queried the background to the late papers. The Licensing Officer responded that the applicant had requested a further meeting on 9th January, following publication of the agenda, at which the conditions had been discussed. The applicant's letter in response had been received after close of business on 13th January.

The Committee adjourned at 8.56 p.m. to study the late submissions, and reconvened at 9.10 p.m.

Counsel for the applicant presented the application, followed by further submissions by the applicant himself.

The Committee then put forward a number of questions to the applicant, his counsel, the officer and the police representative.

Counsel for the applicant and the applicant were then given the opportunity to make closing statements.

The Committee adjourned at 10.31 p.m. to deliberate in private session and reconvened at 11.30 p.m.

The Chairman stated that in reaching its decision the Committee had had regard to the papers before it and the submissions of the applicant and his counsel. In these circumstances, it had

RESOLVED that the application for a private hire operator's licence as set out in the report **BE GRANTED** for a period of six months, subject to:

- (i) a formal review to be undertaken by Officers after three months; and
- (ii) application of the following conditions (in addition to the Council's current conditions), to be finalised in consultation between the applicant, Officers and the Chairman of the Committee:
 1. Management Plan to be prepared and complied with;
 2. Incident Register to be kept;
 3. CCTV recording system to be in operation;
 4. Security Industry Authority (SIA) marshals to be employed for crowd control; and
 5. Appropriate training for company employees.

Following the Chairman's presentation of the Committee's decision, further discussion took place between Officers, the applicant and the Committee to clarify the details of its application.

It was agreed that a meeting should be held promptly so that the Management Plan could be in place within two weeks.

47. **COMMITTEE PROCEDURE RULES**

At 10.18 p.m, during consideration of the above item and in accordance with paragraph 10.2 of the Committee Procedure Rules contained in the Council's Constitution, it was

RESOLVED that the meeting be continued after 10.30 p.m. to enable completion of the remaining items of business on the Agenda.

48. **PRESS RELEASE**

RESOLVED that no press release be issued in respect of the items considered under Minutes 45 and 46 above.

The meeting closed at 11.49 p.m.