

## BOROUGH OF REIGATE AND BANSTEAD

### REGULATORY COMMITTEE

Minutes of a reconvened meeting of the Regulatory Committee held at the Town Hall, Reigate on Thursday 14 May 2009 at 7.30 pm

Present: Councillors G.P. Crome (Chairman), Mrs. L.J. Brunt, M.A. Brunt†, S.N. Farrer, R. Harper, R. Miah, G.L. Norman, J.M. Stephenson and S.T. Walsh

†Substitute Member

Notes:

1. *Under Standing Orders, this being a reconvened meeting, the Committee remained the same as that at the meeting on 21 April 2009.*
2. *The Committee resolved to exclude the Press and Public as set out in Minute 66 of 21 April 2009.*
3. *The Chairman invited the Committee to make any declarations of interest that may have arisen since the meeting on 21 April 2009 and there were none.*

**The Chairman reconvened the meeting that had been adjourned at 8.22 pm on Tuesday 21 April 2009**

#### 69. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

**Apologies for Absence**

**Substitute Members**

Councillor D.J. Pay

#### 70. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 71. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1972 SECTION 52 – FIT & PROPER PERSON

The meeting of 21 April 2009 had been adjourned to allow the Committee an opportunity to study papers tabled by Mr x at that meeting in support of his submission.

It was noted that a full set of these papers, together with redacted copies of the letters of complaint summarised in the report, had been circulated to the Committee and Mr x prior to today's meeting.

The Chairman reminded the Committee that it was being invited to determine whether Mr x was a fit and proper person to hold a licence under the provisions of the Local Government (Miscellaneous Provisions) Act 1972 section 52, and, dependent upon its findings, to decide whether it wished to take any further action.

The Chairman set out the procedure to be following during the meeting.

Mr x attended the meeting, accompanied by his wife.

The Licensing Officer summarised the case before the Committee and referred to the additional papers circulated. He made particular reference to Mr x's rights under the Human Rights Act and set out the options before the Committee.

Mr x was invited to present his case. In the course of his submissions, Mr x made detailed comments and asked a number of questions in relation to the complaints made against him.

Mr x's wife then made a short statement and made particular reference to the bundle of references circulated in support of her husband.

The Chairman invited the Licensing Officer to respond to the questions put forward by Mr x and the Committee Members sought clarification on a number of points.

*The Committee adjourned at 9.42 pm, for a short break, and reconvened at 9.51 pm.*

The Chairman reconvened the meeting by emphasising the importance of having all the facts placed before the Committee and opened the floor to Members to put questions.

The Committee Members asked a number of questions, both of the applicant and the Licensing Officer, to which replies were given.

The Chairman then invited Mr x to make his closing statement.

*The Committee adjourned at 10.43 pm to deliberate in private session and reconvened at 00.12 am to give its decision.*

**RESOLVED** that a warning be issued to Mr x, to be valid until renewal of his licence, advising him that should the Council receive any further complaints about his conduct that is contrary to the actions of a fit and proper person during this period, then the licence will be presented for review to the Council's Regulatory Committee.

## **REASONS FOR THE DECISION**

The Committee considered the report, Mr x's submission and the representations made by Mr x's wife. The Committee also considered Mr x's relationship with fellow trade drivers.

The Committee fully support the Council's aim to ensure that the behaviour and conduct of all its licensed drivers is of the highest standard. The Committee, in its deliberations, had grave concerns about the incidents reported by the trade and especially actions by the applicant towards members of the public.

The Committee concluded, in compliance with s51 of the Local Government (Miscellaneous Provisions) Act 1976 that the applicant's conduct and behaviour as described in the report is of grave concern.

72. **COMMITTEE PROCEDURE RULES**

At 10.30 p.m. during consideration of the above item and in accordance with paragraph 10.2 of the Committee and Sub-Committee Procedure Rules contained in the Council's Constitution it was

**RESOLVED** that the meeting be continued to enable completion of the remaining items of business on the Agenda.

73. **PRESS RELEASE**

**RESOLVED** that no press release be issued in respect of the item considered under Minute 71 above.

**The meeting closed at 00.16 am\***  
(\*on Friday 15 May 2009)