

BOROUGH OF REIGATE AND BANSTEAD

REGULATORY COMMITTEE

Minutes of a meeting of the Regulatory Committee held at the Town Hall, Reigate on Thursday, 29th November 2012 at 7.30 p.m.

Present: Councillor G.P. Crome (Chairman); Councillors S.S. Banwait, Mrs. L.J. Brunt, S.N. Farrer, R. Harper, D.J. Pay, P. Shillinglaw, Ms. B.J. Thomson, B. Truscott and C.T.H. Whinney.

21. MINUTES

RESOLVED that the Minutes of the meeting held on 25th July 2012 be approved as a correct record and signed.

22. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for Absence

Councillor J. Durrant
Councillor A.M. Lynch

Substitute Members

Councillor S.N. Farrer
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23. DECLARATIONS OF INTEREST

None.

24. ANY OTHER URGENT BUSINESS

There was no other business.

25. EXEMPT BUSINESS

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

- (i) they involve 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.

26. APPLICATION FOR A PRIVATE HIRE DRIVER LICENCE

The Committee considered an application for a private hire driver licence.

The application was before the Committee because the applicant (ref. 291112) did not initially disclose a criminal conviction from 1990 in his application and had given incomplete details of a conviction from 2008.

The report set out the background to the application, and details of the offences. The annexes to the report included a statement from the applicant explaining the circumstances of the omission, and references in his support from previous employers and a former work colleague employed by British Transport Police.

A copy of the CRB check was tabled at the meeting to members of the Committee only. It was collected for destruction immediately after the meeting.

The applicant attended the hearing and made representations.

The applicant apologised for not having listed all relevant details in his application form. He explained that it had been due to a combination of not realising that all the matters were relevant, and to having forgotten about some of the details.

The offence in 1990 related to having an air rifle in public. The applicant explained that he was in the garden of his home on a private estate. He was fined and bound over to keep the peace.

The applicant had one caution for battery from March 2008. The applicant explained that he had not included details on his application because he had been unaware at the time that he was being formally cautioned. The incident was very minor and no further action was taken.

The applicant had one conviction for battery from April 2008. The applicant explained that the victim had retracted her statement and asked for the charges to be dropped. He was fined £20 compensation for the destruction of property and received a conditional discharge for the charge of battery. The charge for battery came under s39 of the Criminal Justice Act 1988 which is the least serious of the types of battery offences.

All the offences dated back to more than four years and, in particular, the first offence was now 22 years old.

The applicant concluded by reporting that he had recently returned from security duties overseas at the time of the offences in 2008. The omission of these from his original application form was due to a genuine oversight and not through any attempt to hide anything as he had been aware that a CRB check would be completed.

The Committee adjourned to deliberate at 7.45 p.m and resumed at 8.20 p.m.

RESOLVED that the application for a private hire driver licence (ref.291112) be **GRANTED** as applied for.

Reasons for the decision

1. The Committee had read all the agenda papers and annexes, including the CRB Enhanced Disclosure circulated at the meeting.
2. The Committee listened carefully to the oral submissions made by the applicant and his responses to their questions.
3. The Committee had regard to sections 7.1, 7.2 and 6.6 of the Council's own licensing policy as well as to existing Human Rights legislation.
4. Based upon these facts, the Committee believed the applicant to be a fit and proper person to be granted a licence.

27. ANY OTHER URGENT BUSINESS

There was no other business.

The meeting closed at 8.21 p.m.

