

Environment and Safety Committee Agenda

Tuesday, 2 December 2014 at 6.00 pm

Committee Room 3 - Town Hall, Queens Road, Hastings TN34 1QR

If you are attending the Town Hall for this meeting, please enter the building via the Community Contact Centre entrance.

For further information, please contact Emily Horne or email ehorne@hastings.gov.uk

		Page No.
1.	Apologies for Absence	
2.	Minutes of the meeting held on 15 October 2014	1 - 4
3.	Declarations of Interest	
4.	Notification of any additional urgent items	
5.	Additional urgent items (if any)	
	Exclusion of the Public	
	To resolve that the public be excluded from the meeting during the consideration of the items of business listed below because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt' information as defined in the paragraphs of Schedule 12A to the Local Government Act 1972 referred to in the relevant report.	
	Confidential Business	
6.	Applicant for Hackney Carriage/Private Hire Drivers Licence	7 - 14

Agenda Item 2

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Present: Councillors Charlesworth, Roberts (Chair), Rogers (Vice-Chair), Sinden (as the duly appointed substitute for Cllr Dowling) and Webb (as the duly appointed substitute for Cllr Street).

8. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Dowling and Street.

9. MINUTES OF THE MEETING HELD ON 8 JULY 2014

RESOLVED – that the minutes of the meeting held on 8 July 2014 be approved as a true record and signed by the Chair.

10. DECLARATIONS OF INTEREST

The following councillors declared an interest in the minutes as indicated:

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Roberts	5E	Personal – The applicant is known to him
Charlesworth	5E	Personal – The Solicitor is known vaguely to her

11. NOTIFICATION ANY ADDITIONAL URGENT ITEMS

None.

12. ADDITIONAL URGENT ITEMS (IF ANY)

None.

13. EXCLUSION OF THE PUBLIC

RESOLVED - that the public be excluded from the meeting during the consideration of the item of business listed below because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt' information as defined in the paragraphs of Schedule 12A to the Local Government Act 1972

<u>Minute No.</u>	<u>Subject Matter</u>	<u>Paragraph No.</u>
40(E)	'Fit and Proper' test for	Paragraph 4

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	Operator's Licence	
41(E)	Applicant for Licenced Hackney Carriage/Private Hire Drivers Licence	Paragraph 4
42(E)	'Fit and Proper' test for Licenced Hackney Carriage/Private Hire Drivers Licence	Paragraph 4

14. **'FIT AND PROPER' TEST FOR OPERATOR'S LICENCE**

The Corporate Director, Environmental Services, submitted a report regarding a licensed operator who was in breach of conditions.

The purpose of the report was to determine if the Licenced operator was a "Fit and Proper" person to hold an operator licence.

The licensed operator was present, together with her husband and was represented by her solicitor, Mr Lake.

Mr Lake also circulated a written submission on behalf of his client for Members to consider. The Committee were given the opportunity to read the information.

Councillor Rogers proposed a motion to grant the Operator's Licence, which was seconded by Councillor Sinden.

RESOLVED by (4 votes to 0, with 1 abstention) that the operator is a "Fit and Proper person" to continue to hold a Private Hire Vehicle Operator's Licence.

Reasons for this decision: The Operator has resolved the issue of insurance. There had been a relationship of trust with the insurance broker. The Operator had no reason to believe that they were not insured. However, the Committee commented that in running a business the Operator should be aware of whether they have the correct insurance certificates and keep records of business transaction as legislation requires.

The Committee want the Operator to be aware that any further incidents of this nature that would necessitate the Operator being brought before them again would be taken seriously.

15. **APPLICANT FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

The Corporate Director, Environmental Services, submitted a report regarding an application for a Hackney Carriage / Private Hire Driver's Licence.

The purpose of the report was to determine if the applicant was a "Fit and Proper" person to hold a Hackney Carriage / Private Hire Driver's Licence.

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The driver was in attendance and made a submission.

With the agreement of the Chair and the applicant, the Licensing Manager circulated further information for Members to consider in relation to the report. The Committee were given the opportunity to read the information.

Councillor Rogers proposed a motion to refuse the application, which was seconded by Councillor Charlesworth.

RESOLVED (unanimously) that the applicant is not a “Fit and Proper Person” to hold a Hackney Carriage/Private Hire Vehicle Driver’s Licence and therefore not to issue a licence.

Reasons for this decision: Public Safety is of paramount importance. The committee have taken into account their own policy. They also are aware that the applicant was legally represented at trial, had an interpreter, was convicted and did not appeal his sentence.

16. 'FIT AND PROPER' TEST FOR LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (DR534)

The Corporate Director, Environmental Services, submitted a report regarding a previously licensed Hackney Carriage / Private driver seeking licence reinstatement following a period of suspension.

The purpose of the report was to determine if the applicant was a “Fit and Proper” person to continue to hold a Hackney Carriage / Private Hire Driver’s Licence.

The driver had been invited to attend, but was not present. The Committee Administrator confirmed to the Committee that papers had been sent 1st class to the correct address.

The Committee decided to hear the case in the driver’s absence.

Councillor Charlesworth proposed a motion to refuse the application, which was seconded by Councillor Rogers.

RESOLVED-(unanimously) that the applicant is not a “Fit and Proper Person” to continue to hold a Hackney Carriage/Private Hire Vehicle Driver’s Licence and therefore the licence is to be revoked.

Reasons for this decision: Public Safety is of paramount importance. The driver is not fit to drive and did not appear at Committee. The Licence had been previously suspended.

(The Chair declared the meeting closed at. 7.25 pm)

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Agenda Annex

APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE LICENSES

Procedure for hearing applications at Environment and Safety Committee

1. Chair will introduce the item, explain roles of Members and Officers and explain Procedure. Chair will ensure that Applicant has received the report and is ready to proceed. Microphones will be in use for the duration of the meeting.
2. Licensing Officer to present report. Questions only:
 - a) Applicant to ask Licensing Officer on clarification of report or if he requires additional information
 - b) Members to ask questions of the Licensing Officer
3. Applicant/Representative may make submissions on the application:
 - a) Licensing Officer to ask questions of the Applicant/Representative
 - b) Members make ask questions of the Applicant/Representative
4. Applicant/Representative may call any witnesses in support of their case:
 - a) Officers may ask questions of the witnesses only
 - b) Members may ask questions of the witnesses only
 - c) Applicant may ask questions of the witnesses only
5. Members may seek clarification on the report from Officers (if required)
6. Officer summing up (if required)
7. Applicant summing up.
8. All persons, except Members of the Board, Committee Administrator and Legal Representative withdraw from the room.
9. Members may discuss the application, propose and second a recommendation and vote on this. In the event of an equal number of votes for and against the recommendation, the Chair will use their casting vote.
10. Decision is notified to the Applicant, in writing, within seven days of the meeting.

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Agenda Item 6

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