

# ENVIRONMENT AND SAFETY COMMITTEE

12 JULY 2016

Present: Councillors Dowling, Sinden, Webb and Cooke

## 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rogers.

## 2. MINUTES OF THE MEETING HELD 6 APRIL 2016

**RESOLVED** – That the minutes of the meeting held on 6 April 2016 be approved as a true record and signed by the Chair.

## 3. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at this meeting.

## 4. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

## 5. ADDITIONAL URGENT ITEMS (IF ANY)

None.

## 6. 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>
7(E)	'Fit and Proper' test for Licenced Hackney Carriage/Private Hire Drivers Licence	Paragraph 4
8(E)	Applicant for Hackney Carriage/Private Hire Drivers Licence	Paragraph 4
9(E)	'Fit and Proper' test for Licenced Hackney Carriage/Private Hire Drivers Licence	Paragraph 4
10(E)	Applicant for Hackney Carriage/Private Hire Drivers Licence	Paragraph 4
11(E)	'Fit and Proper' test for Licenced Hackney	Paragraph 4

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	Carriage/Private Hire	
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### **7(E) 'FIT AND PROPER' TEST FOR LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER**

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

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 Drivers Licence.

With the agreement of the Chair, a DVD showing CCTV footage from the drivers safety camera was played of the incident. The Licensing Manager confirmed the driver had viewed the CCTV footage prior to the committee meeting.

With the agreement of the Chair, the Licensing Manager circulated his interview notes with the driver regarding the incident for Members to consider. The Committee were given the opportunity to read the information.

The driver and his friend were in attendance and both made a submission.

Councillor Cooke proposed a motion to refuse the application, which was seconded by Councillor Webb.

**RESOLVED by (3 votes to 1 against) that the driver is not a “Fit and Proper person” to hold a Hackney Carriage/Private Hire Vehicle Driver’s Licence and uphold the previous decision to revoke the licence.**

**Reasons for this decision:**

**The safety of the public is of paramount importance. Drivers will undoubtedly have to deal with passengers of a vulnerable disposition at some point in their working life. The driver should not have acted in the way he did. More self-control and care of the person was needed. At the least the driver should have driven away and not engaged in the conduct that brought him before the Committee. This is a serious matter dealt with by the police by means of a Conditional Caution.**

### **8(E) APPLICANT FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE**

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

With the agreement of the Chair and the applicant, the Licensing Manager circulated a DBS certificate supplied by the Chief Officer of Police, for Members to consider as part of the report.

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The driver was in attendance and made a submission.

Councillor Sinden proposed a motion to grant the application, which was seconded by Councillor Cooke.

**RESOLVED (unanimously) that the driver is a “Fit and Proper person” to hold a Hackney Carriage/Private Hire Vehicle Driver’s Licence and instruct the Licensing Manager to issue a licence.**

**Reasons for this decision:**

**The applicant has been free of conviction for a period of over 6 years. His convictions took place during a difficult time in his life. He has held down a job for 18 months and is remorseful of his past.**

### **9(E) ‘FIT AND PROPER’ TEST FOR LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER**

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

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 Drivers Licence.

The driver was in attendance and made a submission.

Councillor Dowling proposed a motion to grant the application, which was seconded by Councillor Webb.

**RESOLVED (unanimously) that the driver is a “Fit and Proper person” to continue to hold a Hackney Carriage/Private Hire Vehicle Driver’s Licence and to instruct the Licensing Manager to issue a caution.**

**Reasons for this decision:**

**Whilst the committee were of the opinion that the issue was not serious enough to warrant suspension and there is no threat to public safety they were minded to inform the driver that they would take the matter very seriously should he appear before them again. Whilst eventually the applicant did apologise for his behaviour to those concerned his attitude was not in any way conciliatory.**

### **10(E) APPLICANT FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE**

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

The driver was in attendance and made a submission.

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Councillor Webb proposed a motion to grant the application, which was seconded by Councillor Sinden.

**RESOLVED by (3 votes to 1 against) that the driver is a “Fit and Proper person” to hold a Hackney Carriage/Private Hire Vehicle Driver’s Licence and to instruct the Licensing Manager to issue a licence when all the conditions are met.**

**Reasons for this decision:**

**In line with its policy the offences were very nearly three years old. The applicant committed the offences at a bad period in his life and has since turned his life around.**

### **11(E) 'FIT AND PROPER' TEST FOR LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER**

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

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 Drivers Licence.

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

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

Councillor Cooke proposed a motion to grant the application, which was seconded by Councillor Sinden.

**RESOLVED (unanimously) that the driver is a “Fit and Proper person” to continue to hold a Hackney Carriage/Private Hire Vehicle Driver’s Licence and issue a letter of caution.**

**Reasons for this decision:**

**Whilst the Committee were disappointed that the applicant did not turn up they did not believe that the offences were serious enough, on this occasion to warrant suspension of the licence. However, they wanted the applicant to be aware that they would take any further incidents of this nature very seriously should he come to Committee again in the future.**

(The Chair declared the meeting closed at. 8.00 pm)