

# Environment and Safety Committee Agenda

**Tuesday, 6 September 2016 at 6.00 pm**

Bodichon Room, 5th Floor, Aquila House, Breeds Place, Hastings TN34 3UY.

Please enter the building via the Tourist Information Centre entrance.

For further information, please contact Emily Horne on 01424 451719 or Email: ehorne@hastings.gov.uk

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1.	Apologies for Absence	
2.	Minutes of the meeting held 12 July 2016	1 - 4
3.	Declarations of Interest	
4.	Notification of any additional urgent items	
5.	Changes Vehicle Conditions following Hackney Delimitation (Assistant Director Environment and Place)	5 - 10
6.	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	
7.	Applicant for Hackney Carriage/Private Hire Drivers Licence	13 - 20
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# Agenda Item 2 Public Document Pack

## 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

## ENVIRONMENT AND SAFETY COMMITTEE

12 JULY 2016

	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.

## ENVIRONMENT AND SAFETY COMMITTEE

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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)

# Agenda Item 5



**Report to: Environment and Safety Committee.**

**Date of Meeting: 6<sup>th</sup> September 2016**

**Report Title: Changes to Vehicle Conditions following delimitation.**

**Report By: Mike Hepworth. Assistant Director Environment and Place.**

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## **Purpose of Report**

To inform members of the recommended new conditions for Hackney Carriage Vehicles following delimitation and as agreed by the Joint Authority / Trade working Party.

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## **Recommendation(s)**

**1. Members instructions requested.**

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## **Reasons for Recommendations**

Local Authorities are allowed to set certain conditions for Hackney Carriage Vehicles licenced in their area. Prior to a Council meeting in February 2016, Hastings Borough Council always restricted the number of Hackney Carriages to 48. At that Council meeting the decision was taken to delimit the numbers and to set up a working party to consider the conditions to be applied to any new Hackney Carriage. The Environment and Safety Committee was seen as the proper committee to review those conditions and agree their implementation or suggest different conditions if appropriate. The existing 48 hackney plate holders retain full grandfather rights and are not bound by this decision.

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## Introduction

1. Hastings Borough Council is the licensing authority for the Borough in respect of hackney carriages, and for many years it has restricted the numbers of hackney licences issued in the borough.
2. The limit currently stands at 48 and could have continued at this figure provided the Council provided evidence of no unmet demand for hackney services in the Borough, the power being contained in Section 16 of the Transport Act 1985.
3. In February 2016 a full Council decision was taken to delimit our Hackney Carriage fleet and as a result the need for an “Unmet Demand Survey” is no longer appropriate.
4. At the same time, it was decided to delimit with conditions being attached to any new Hackney Carriage applications received. It was further agreed that the existing Hackney Carriage plate owners (HC 001 to HC 048) would retain grandfather rights forever going forward and that the Licensing Manager would prepare a six (6) month report after the implementation of delimitation to assess its impact on the trade and the Borough.
5. A working party consisting of trade representatives, a disability forum member and Council officers was formed and met on several occasions, it has formulated a set of conditions for new hackney carriage applications. In addition, it has recommended that once the delimitation goes live, the Licensing Manager will review all new applications, if a spike of more than 10% (5 plates) within a 12 month period occurs, a report will be prepared to consider the implications and if appropriate a new survey will be undertaken.
6. The conditions agreed by the working party for new Hackney Carriages are as follows;

Brand new unregistered vehicle.
Wheel chair accessible (side loading)
Purpose Built 8/7/5 seat vehicle, with Integral Roof Pod.
Euro VI emissions compliant engine.( Or Hybrid / Electric with prior approval)
Fitted with internal hearing loop.



Fitted with approved CCTV system with inward and outward facing cameras, the images of which are stored and not accessible to the driver. Supplied by an approved contractor. Proper CCTV warning notices also fitted to the vehicle.

Hackney colour conditions apply. Vehicle to be Dark Blue (Base Colour). (Colour Code 8M4-KJD6B ) and fitted with official crest of arms on the bonnet.

## Implications for Hastings

7. Hastings will no longer be one of the limited number of Authorities who restrict the numbers of hackney carriages. By maintaining “Grandfather rights” for the existing plates (1 to 48) the effect on the existing plate owners is mitigated, in that they can licence any appropriate vehicle for future use in line with the existing conditions.
8. The decision to delimit removes the requirement to hold an “unmet demand survey” every 3 to 5 years. The cost of such a survey is normally borne by the Authority when completed and then recovered by the plate holders over a limited timescale. The current cost of a survey is approximately £20K, this decision removes that financial burden for existing plate holders who have consistently indicated that they are operating in tight financial conditions.
9. Applying the conditions as above to all new applications, ensures that the fleet would only grow if, high quality disability accessible vehicles were purchased. It also places a safeguard that existing Private Hire vehicles cannot just be transferred across to the Hackney Fleet, which has occurred in some areas where conditions were not applied, in addition it gives the Borough an improved Hackney fleet that offers more services to the public as a whole.
10. The Hastings and St Leonards Taxi Association, which represents local hackney carriage operators and drivers, has played an important part in reaching this position despite the reservations of some of their members, their contribution should be recognised.

## Legal Considerations

11. Over the years there has been considerable litigation in this area, but it is clear that if a local authority has given proper consideration to all of the relevant matters, it can at any time decide to delimit the number of hackney carriages.
12. The relevant matters are a matter of fact in each case, but the following are amongst those thought to be relevant here:-
  - The financial impact on existing licence holders who may have invested in their licence.
  - The potential custom for existing licence holders.

- Congestion on hackney stands.
- Congestion on the roads generally.
- Benefits to the travelling public, such as improved service through increased competition, and better fleet accessibility.
- The opportunity for others to become involved in the trade as a means of securing a livelihood.
- The costs of commissioning a survey.
- The costs and practicalities associated with allocating a small number of additional licences.

13. All the above were considered in the report that went to full Council in February 2016 seeking delimitation and together with the work carried out by the working party we believe this is a sound and workable compromise moving forward.

### Options

14. Members to consider the conditions as laid out at 6 above and if appropriate agree that they be applied by the Licensing Manager with immediate effect.
15. If not considered appropriate, suggest conditions to be implemented and request the Licensing Manager to apply with immediate effect.
16. In addition, request that the Licensing Manager prepares and submits a report 6 months after the implementation date to highlight the changes and their effect on the Hackney trade. If necessary, request that he bring that report forward with immediate effect, if an unforeseen spike of over 10% of licences (5) are applied for in that period.

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### Wards Affected

None

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### Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

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### Additional Information

**Officer to Contact**

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bbrown@hastings.gov.uk  
01424 783249

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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 7

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of the Local Government Act 1972.

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# Agenda Item 8

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