

Environment and Safety Committee Agenda

Wednesday, 6 April 2016 at 6.00 pm

Council Chamber, Aquila House, Breeds Place, Hastings, TN34 3UY

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1. Apologies for Absence	
2. Minutes of the meeting held 16 March 2016	1 - 4
3. Declarations of Interest	
4. Notification of any additional urgent items	
5. Additional urgent items (if any)	
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 (Assistant Director Environment and Place)	7 - 16

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Present: Councillors Roberts (Chair), Rogers (Vice-Chair), Charlesworth, Dowling and Sinden

30. **APOLOGIES FOR ABSENCE**

None.

31. **MINUTES OF THE MEETING HELD 4 FEBRUARY 2016**

RESOLVED – That the minutes of the meeting held on 4 February 2016 be approved as a true record and signed by the Chair.

32. **DECLARATIONS OF INTEREST**

Councillors made no declarations of interest at this meeting.

33. **NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS**

None.

34. **ADDITIONAL URGENT ITEMS (IF ANY)**

None.

35. **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>
36(E)	Applicant for Hackney Carriage/Private Hire Drivers Licence	Paragraph 4
37(E)	'Fit and Proper' test for Licenced Hackney Carriage/Private Hire Drivers Licence	Paragraph 4

36. **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.

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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.

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

RESOLVED (unanimously) that the driver is not a “Fit and Proper person” to hold a Hackney Carriage/Private Hire Vehicle Driver’s Licence.

Reasons for this decision:

The applicant was not truthful on his application. The applicant mentioned two offences when in fact there were twenty. The committee considered this was too much. The applicant also had three offences of driving with excess alcohol. On one of those occasions he was using his mobile phone a fact that he did not mention to the Committee until questioned. The committee have had due regard to its own policy.

37. 'FIT AND PROPER' TEST FOR LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

The Corporate Director, Environmental Services, submitted a report regarding a licensed Hackney Carriage / Private driver following a complaint.

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.

With the agreement of the Chair, the Licensing Manager circulated notes of a conversation he had with the driver after the incident for Members to consider in addition to the report. The Committee were given the opportunity to read the information.

The driver was in attendance and made a submission.

With the agreement of the Chair and the Licensing Manager, the applicant circulated his transcript of the conversation with the passenger and circulated six character references for Members to consider. The Committee were given the opportunity to read the information.

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: The applicant seemed to change the position on when he had drafted his recollection of a conversation that had taken place with the Council’s Licensing Manager. The committee were not

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convinced by the applicant's explanation, nor by the transcript that he provided. The applicant had been before the Committee before and was previously suspended. The committee then had given him a strong warning as to future conduct, as had the Council's Licensing Manager. This seems to have fallen on deaf ears. The committee could not give full weight to the letters in support of the applicant as they had some doubt as to their validity. The Committee believed that public safety, which is of paramount importance, could be compromised if the applicant were to continue to hold a hackney carriage/private hire vehicles driver's licence.

(The Chair declared the meeting closed at. 7.02 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 7

By virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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