

# Environment and Safety Committee Agenda

**Wednesday, 12 April 2017 at 6.00 pm**

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.  
Please enter the building via the Tourist Information Centre entrance.

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

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2.	Minutes of the meeting held on 15 March 2017	1 - 2
3.	Declarations of Interest	
4.	Notification of any additional urgent items	
5.	Update on new Hackney Carriage Applications (Assistant Director Environment and Place)	3 - 8
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	9 - 10
7.	'Fit and Proper' test for Licensed Hackney Carriage/Private Hire Driver (Assistant Director Environment and Place)	11 - 16

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# Agenda Item 2

## Public Document Pack

### ENVIRONMENT AND SAFETY COMMITTEE

15 MARCH 2017

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

#### 20. APOLOGIES FOR ABSENCE

Absence was noted for Councillor Webb.

#### 21. MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2016

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

#### 22. DECLARATIONS OF INTEREST

None.

#### 23. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

#### 24. 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>
25(E)	'Fit and Proper' test for Licenced Hackney Carriage/Private Hire Drivers Licence	Paragraph 4

#### **25(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 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 together with his father who worked for the same taxi company and both made a submission in his defence.

## ENVIRONMENT AND SAFETY COMMITTEE

15 MARCH 2017

The complainant had chosen not to attend the meeting. The Licensing Manager read out a written statement on her behalf.

With the agreement of the Chair, a DVD showing CCTV footage from the complainant's car camera and also that of the driver's safety camera were played detailing the incident.

Councillor Rogers proposed a motion to suspend the licence, which was seconded by Councillor Cooke.

**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 until he has undertaken professional training that includes but is not limited to, dealing with anger management and how not to drive in an aggressive manner. The licence is suspended for a period of up to 8 weeks for this to be carried out and an assessment document showing that this training has been carried out is given to the satisfaction of the Council's Licensing Manager. This gives the opportunity for the training to be consolidated if possible and the suspension to be less than 8 weeks.**

**Reasons: The driver acted in an unprofessional and extremely aggressive manner. By his own admission he stated that he was late for a job. He also said that he had personal issues and on reflection he should not have worked that day. Nevertheless he did, causing him to drive aggressively and make another driver feel threatened. Public Safety is of paramount importance to the Committee. Other drivers, pedestrians or passengers could have been hurt or subject to this abusive language. At times he had both hands off the wheel. On this occasion the driver had lost his self-control.**

**The Committee noted that the drivers first licence was issued on 12<sup>th</sup> January 2017 and he was caught speeding on the 17<sup>th</sup> January 2017. This incident occurred on the 10<sup>th</sup> February 2017. The Committee hope that the driver takes full advantage of the training he is to undertake.**

(The Chair declared the meeting closed at. 6.55 pm)

# Agenda Item 5



**Report to:** Environment and Safety Committee

**Date of Meeting:** 12<sup>th</sup> April 2017

**Report Title:** Update on new Hackney Carriage licences following decision to remove the limit on numbers.

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

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## Purpose of Report

To inform members of the current situation with new Hackney Carriage applications following the decision in 2016 to delimit numbers.

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## Recommendation(s)

- 1. Members to note content of report.**

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## Reasons for Recommendations

Hastings Borough Council had for many years limited the number of Hackney Carriages within the Borough, but to retain that limit an unmet demand survey was required every 3 – 5 years. Such surveys are expensive to conduct and in February 2016 Council decided to remove the restriction.

The decision to remove was subject to all new applications complying with strict criteria laid down by a working party made up by Council officers, the trade and the disability forum. That working party agreed a set of conditions for new vehicle applications, which were implemented in early October 2016. It was also agreed that a six month report be prepared and presented to Environment and Safety committee on the impact of the new conditions and the trade, which is due now.

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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 stood 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” was no longer appropriate.
4. At the same time, it was decided to delimit but 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 formulated a set of conditions for new hackney carriage applications.
6. The conditions suggested by the working party were accepted by the Environment and Safety Committee in October 2016 and were applied with immediate effect. A very thorough set of conditions were agreed, to ensure that any new applications raise the standard of the fleet in the Borough and in particular raise the availability of disabled access vehicles for the local population. Copy of the conditions attached Appendix A.
7. At the time of writing this report no new applications have been received, although the licensing department are aware of 2 potential new vehicles being prepared for licensing very shortly. Both of these planned applications are for “high end” vehicles which fully comply with the conditions set by the working party.
8. When the change was made in 2016, the main concern of the trade representatives was a large spike in new applications, this has not proved to be the case. However, the licensing manager has agreed to keep new applications under review and should we receive a spike in excess of 10% (5 vehicles) in any calendar year he will report back to Full Council for it to consider if a new survey would be required.

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## Wards Affected

Insert the list of wards affected

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## Policy Implications

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

Equalities and Community Cohesiveness  
Crime and Fear of Crime (Section 17)  
Risk Management  
Environmental Issues  
Economic/Financial Implications  
Human Rights Act  
Organisational Consequences  
Local People's Views  
Anti-Poverty

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## Additional Information

Appendix A. List of new Hackney Conditions..

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## Officer to Contact

Bob Brown. Licensing Manager  
bbrown@hastings.gov.uk  
01424 783249

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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.

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# Agenda Item 6

## **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) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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