

# Environment and Safety Committee Agenda

**Thursday, 26 October 2017 at 6.00 pm**

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.  
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For further information, please contact Emily Horne on 01424 451719 or Email: [ehorne@hastings.gov.uk](mailto:ehorne@hastings.gov.uk)

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|----|---|----------|
| 1. | Apologies for Absence   |          |
| 2. | Declarations of interest  |          |
| 3. | Minutes of the meeting held on 26 July 2017 and 2 August 2017   | 1 - 6    |
| 4. | Notification of any additional urgent items   |          |
| 5. | Exclusion of the public<br><br>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. | 'Fit and Proper' test for Licensed Hackney Carriage/Private Hire Driver<br><i>(Assistant Director Environment and Place)</i>  | 9 - 12   |

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# Agenda Item 3 Public Document Pack

## ENVIRONMENT AND SAFETY COMMITTEE

26 JULY 2017

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

### 33. APOLOGIES FOR ABSENCE

Lateness was noted for Councillor Cooke.

### 34. MINUTES OF THE MEETING HELD ON 12 APRIL 2017

**RESOLVED** – That the minutes of the meeting held on 12 April 2017 be approved as a true record and signed by the Chair.

### 35. DECLARATIONS OF INTEREST

None.

### 36. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

### 37. 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> |
|-------------------|---|----------------------|
| 38(E)             | Application for Hackney Carriage/Private Hire Drivers Licence | Paragraph 4          |

## ENVIRONMENT AND SAFETY COMMITTEE

26 JULY 2017

### 38. APPLICANT FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE WITH CONVICTIONS.

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 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.

The driver was in attendance and made a submission in his defence.

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

**RESOLVED (unanimously) that the applicant is a 'Fit and Proper' person to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence.**

**Reasons: The applicant has had a period free of offences for a period of over 5 years. None of the offences would have affected the welfare of under 18 year olds. The applicant has matured and recognises his responsibilities in life. He is teetotal. He has been offered a job which hopefully will give him a stable future. The Committee have made their decision in compliance with their policy. They want the applicant to know that they would take matters very seriously should he appear before them again.**

(The Chair declared the meeting closed at. 4.19 pm)

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ENVIRONMENT AND SAFETY COMMITTEE**

**2 AUGUST 2017**

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

**39. APOLOGIES FOR ABSENCE**

None.

**40. DECLARATIONS OF INTEREST**

None.

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

None.

**42. 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

| <b><u>Minute No.</u></b> | <b><u>Subject Matter</u></b>  | <b><u>Paragraph No.</u></b> |
|--------------------------|---|-----------------------------|
| 43(E)                    | 'Fit and Proper' test for Licenced Hackney Carriage/Private Hire Drivers Licence (DR 254) | Paragraph 4                 |
| 44(E)                    | 'Fit and Proper' test for Licenced Hackney Carriage/Private Hire Drivers Licence (DR 314) | Paragraph 4                 |

## ENVIRONMENT AND SAFETY COMMITTEE

2 AUGUST 2017

### **43(E) 'FIT AND PROPER' TEST FOR LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH EXCESS PENALTY POINTS (DR 254)**

The Corporate Director, Environmental Services, submitted a report regarding a licenced Hackney Carriage / Private Hire Driver with excess points.

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 in his defence.

Councillor Rogers proposed a motion to grant the application, which was seconded by Councillor Roberts.

**RESOLVED by (3 votes to 0, with 2 abstentions) that the applicant is a 'Fit and Proper' person to continue to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence.**

**Reasons: The Committee were extremely concerned about the driver parking on zig zag lines near the school and the incident of speeding. East Sussex County Council have been enforcing this issue for some time as parking in this way creates a dangerous environment for all persons in that vicinity. To address the issue of speeding the Committee would like the driver to undertake some form of speed awareness training as soon as possible. It is hoped this could be undertaken at the driver's place of employment. Once completed the Council's Licensing Manager should be notified.**

**The Committee would want the driver to know that they expect the driver not to infringe traffic regulations in the future. Any further incidents of this nature that would necessitate the applicant being brought before them again, would be taken very seriously.**

### **44(E) 'FIT AND PROPER' TEST FOR LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH EXCESS PENALTY POINTS (DR 314)**

The Corporate Director, Environmental Services, submitted a report regarding a licenced Hackney Carriage / Private Hire Driver with excess points.

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 Committee Administrator circulated a signed statement from the driver for Members to consider. The Committee were given the opportunity to read the information.

## ENVIRONMENT AND SAFETY COMMITTEE

2 AUGUST 2017

The Police were not present at the meeting. The Licensing Manager read out two written statements on their behalf, which were appended to the report under Appendix A.

With the agreement of the Chair, a DVD showing footage from the Police Officer's mobile phone was played detailing the incident.

The driver was in attendance, together with his Solicitor and a representative of the Turkish community. They made their submissions.

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

**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 an approved Taxi Driving test such as that carried out by the Blue Lamp Trust. The licence is suspended for a period of up to 4 weeks for this to be carried out. Once carried out the Council's Licensing Manager needs to be informed and shown the relevant documentation showing that the training has been undertaken. If the training can be carried out sooner and the relevant documentation shown to the Council's Licensing Manager satisfaction, the suspension period can be less than 4 weeks.**

**Reasons: The driver was aggressive in his dealings with the police. By his own admission he has a short fuse. There have been 2 occasions when he has flaunted road traffic law. The Committee hope that the period of suspension will give the driver a period to reflect on his behaviour and that the training will ensure that there will be no further incidents of this kind.**

(The Chair declared the meeting closed at 6:04pm)

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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

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

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