

**ENVIRONMENT AND SAFETY COMMITTEE**

**15 OCTOBER 2014**

Present: Councillors Charlesworth, Roberts (Chair), Rogers (Vice-Chair), Sinden (as the duly appointed substitute for Cllr Dowling) and Webb (as the duly appointed substitute for Cllr Street).

**8. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Dowling and Street.

**9. MINUTES OF THE MEETING HELD ON 8 JULY 2014**

**RESOLVED** – that the minutes of the meeting held on 8 July 2014 be approved as a true record and signed by the Chair.

**10. DECLARATIONS OF INTEREST**

The following councillors declared an interest in the minutes as indicated:

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Roberts	5E	Personal – The applicant is known to him
Charlesworth	5E	Personal – The Solicitor is known vaguely to her

**11. NOTIFICATION ANY ADDITIONAL URGENT ITEMS**

None.

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

None.

**13. 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>
40(E)	'Fit and Proper' test for	Paragraph 4

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	Operator's Licence	
41(E)	Applicant for Licenced Hackney Carriage/Private Hire Drivers Licence	Paragraph 4
42(E)	'Fit and Proper' test for Licenced Hackney Carriage/Private Hire Drivers Licence	Paragraph 4

### 14. **'FIT AND PROPER' TEST FOR OPERATOR'S LICENCE**

The Corporate Director, Environmental Services, submitted a report regarding a licensed operator who was in breach of conditions.

The purpose of the report was to determine if the Licenced operator was a "Fit and Proper" person to hold an operator licence.

The licensed operator was present, together with her husband and was represented by her solicitor, Mr Lake.

Mr Lake also circulated a written submission on behalf of his client for Members to consider. The Committee were given the opportunity to read the information.

Councillor Rogers proposed a motion to grant the Operator's Licence, which was seconded by Councillor Sinden.

**RESOLVED** by (4 votes to 0, with 1 abstention) that the operator is a "Fit and Proper person" to continue to hold a Private Hire Vehicle Operator's Licence.

**Reasons for this decision: The Operator has resolved the issue of insurance. There had been a relationship of trust with the insurance broker. The Operator had no reason to believe that they were not insured. However, the Committee commented that in running a business the Operator should be aware of whether they have the correct insurance certificates and keep records of business transaction as legislation requires.**

**The Committee want the Operator to be aware that any further incidents of this nature that would necessitate the Operator being brought before them again would be taken seriously.**

### 15. **APPLICANT FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

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

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The driver was in attendance and made a submission.

With the agreement of the Chair and the applicant, the Licensing Manager circulated further information for Members to consider in relation to the report. The Committee were given the opportunity to read the information.

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

**RESOLVED (unanimously) that the applicant is not a “Fit and Proper Person” to hold a Hackney Carriage/Private Hire Vehicle Driver’s Licence and therefore not to issue a licence.**

**Reasons for this decision: Public Safety is of paramount importance. The committee have taken into account their own policy. They also are aware that the applicant was legally represented at trial, had an interpreter, was convicted and did not appeal his sentence.**

### **16. 'FIT AND PROPER' TEST FOR LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (DR534)**

The Corporate Director, Environmental Services, submitted a report regarding a previously licensed Hackney Carriage / Private driver seeking licence reinstatement following a period of suspension.

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.

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 decided to hear the case in the driver’s absence.

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: Public Safety is of paramount importance. The driver is not fit to drive and did not appear at Committee. The Licence had been previously suspended.**

(The Chair declared the meeting closed at. 7.25 pm)

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