

## LICENSING BOARD, 27 NOVEMBER 2002

Present:: - Councillors Charlesworth, Daniel (In the Chair),  
Hancock (as the duly appointed substitute for Councillor Soan)  
Lock and Rushbrook.

Apologies for absence were received from Councillor Soan

### **22. MINUTES**

**RESOLVED** – that the minutes of the meeting held on 25 September 2002 be approved.

### **23. EXCLUSION OF THE PUBLIC**

**RESOLVED** – 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.

Minute No.	Subject Matter	Paragraph No.
28(E)	Verbal Assault on Parking Attendant – DR958	4
29(E)	Verbal Assault on/Aggressive Behaviour Toward a Parking Attendant – DR899	4
30(E)	Failure to Notify Motoring Conviction Within Relevant Time Scale – DR730	4
31(E)	Failure to Notify Motoring Conviction Within Relevant Time Scale. Accumulated Penalty Points Exceeding Six – DR306	4
32(E)	Failure to Notify Motoring Conviction Within Relevant Time Scale. Accumulated Penalty Points Exceeding Six – DR944	4
33(E)	Driving Whilst	4

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	<b>Employed as a HGV/LGV Driver - DR397</b>	
<b>34(E)</b>	<b>Failure to Notify Motoring Conviction Within Relevant Time Scale. Disqualified From Driving – DR342</b>	<b>4</b>

**24. REVIEW OF THE TEMPORARY VARIATION OF THE PUBLIC  
ENTERTAINMENT LICENCE FOR PIERPOINT CABARET**

The Head of Environment and Highways advised on the outcome of further monitoring of noise levels from Pierpoint Cabaret on Hastings Pier following the grant of a temporary variation to the Public Entertainment Licence (PEL) by this Committee on 31 July 2002 (Minute 9 refers).

Since the temporary conditional variation was granted, two letters of objection had been received from a local resident. A further letter of objection from a local resident was circulated to members at the meeting.

Officers had undertaken late night background noise readings under quiet weather conditions and monitored noise levels on Saturday and Sunday nights. Low frequency noise emissions were discernable along Eversfield Place when garage/house music was being played. No action had been taken by the applicant to modify any of the sound equipment used, as had been previously discussed.

Mr Kahn, Mrs Stonham and Mr Turner, objectors, were in attendance to explain their reasons for opposing the variation.

Mr Hutchinson, the applicant, spoke in support of his application.

**RESOLVED – (By 3 votes to 2) that the variation for extended hours at the Pierpoint Cabaret be refused due to the failure of the applicant to comply with the noise condition previously imposed and the potential for this to continue to disturb and annoy residents, albeit a minority, and that it would be unreasonable to impose further noise conditions and limits to such a variation, which cannot be complied with or are highly technical and difficult to enforce.**

**25. REVIEW OF MEDICAL DOCUMENTATION FOR HACKNEY  
CARRIAGE AND PRIVATE HIRE DRIVERS**

The Head of Environment and Highways submitted a review of the current requirements for Hackney Carriage/Private Hire drivers' medical checks.

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Since the adoption of the original procedure, the Driver and Vehicle Licensing Authority (DVLA) had recommended that all drivers of vehicles carrying passengers for commercial gain meet the 'Group 2' entitlement.

A copy of the proposed revised guidance and new Medical Report Form were submitted.

Consultation had been carried out with the Hastings and St Leonards Licensed Taxicab Association. Their representative Mr B Wallace was in attendance and confirmed that the Association had no adverse comments.

**RECOMMENDED** –(unanimously) that Cabinet be recommended to:-

**1) adopt the revised medical form as set out in Appendix 2, in line with the DVLA Group 2 requirements, to come into effect from 1 January 2003;**

**2) adopt the following condition to replace the existing section Gi,1 of the Council's procedure for the licensing of Hackney Carriage/Private Hire drivers:-**

***"The applicant must provide a satisfactory medical certificate to the standards recommended by the DVLA from a doctor who has access to the applicant's medical records in the form provided when submitting their first application and on subsequent applications at 5 yearly intervals, until the age of 45, then 3 yearly intervals until the age of 60, then annually."***

**3) adopt the following condition to replace the existing Hackney Carriage/Private Hire driver condition 13:-**

***"Any driver who has been notified by a doctor that they may not work or is incapable of working or driving for more than 28 days, must inform the Council and may be required to provide a certificate of their fitness to drive or undergo a complete medical at the discretion of the relevant council officer."***

### **26. PROPOSED HACKNEY CARRIAGE FARE INCREASE**

The Head of Environment and Highways reported an application from the Hastings and St Leonards Licensed Taxicab Association for an increase in hackney carriage fares.

Officers had not supported the proposed increase which averaged 5.5% compared to a general inflation rate of 3%. Further discussions with the Hastings and St Leonards Licensed Taxicab Association had taken place to seek a formula for calculating future fare increases, based on officially published statistics.

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Since such a formula would take time to agree, the Association requested that the proposed increase be considered as an increase over a two year period, and no further increase applications would be made until April 2004.

### **RESOLVED** – (unanimously) that:-

1) the increases, as set out below , be agreed on the basis that no further application for an increase will be considered before April 2004, (except in exceptional circumstances).

**Tariff 1** Increase the pull off charge by 10p from £1.90 to £2.00

**Tariff 2** Increase the pull off charge by 20p from £2.40 to £2.60

**Tariff 3** Increase the pull off charge by 10p from £2.20 to £2.30

**Reduce the yardage from 180 yards to 175 yards;**

2) the proposed increase be published in the local press and any unresolved objections received be reported to a future meeting of the Licensing Board;

3) officers be requested to work with the Association to develop an agreed formula for calculating future fare increases based on officially published statistics.

### **27. LICENSES, REGISTRATIONS AND PERMITS ISSUED 1/9/02 TO 31/10/02**

**RESOLVED** – that the following action taken by the Head of Environment and Highways in accordance with the Scheme of Delegations and Standing Instructions to Chief Officers be noted:-

#### **BUTCHERS SHOP LICENCE**

<b>WE Mephram and Son</b>	<b>Appleyards Butchers</b>
<b>Priors Butchers</b>	

#### **DOOR SUPERVISOR REGISTRATION**

<b>Briasby D J</b>	<b>Mimer W J</b>
<b>Gridley P</b>	

#### **HACKNEY CARRIAGE VEHICLE LICENCE**

<b>Deeprise P</b>	<b>Wallace G J x 2</b>
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<b>Meaden C</b>	
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**HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER INITIAL LICENCE**

<b>Adams M T</b>	<b>Lunnon K C</b>
<b>Boswell P</b>	<b>Moor M C</b>
<b>Dormer S D</b>	<b>Tabrizi D</b>
<b>Geldart F D</b>	<b>Tolkien M J</b>
<b>Hearn A C</b>	<b>Walbrin D E</b>
<b>Hermitage H M</b>	<b>Whatley R</b>
<b>Histed S</b>	

**HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER RENEWAL LICENCE**

<b>Bacon M J</b>	<b>Leeves S J</b>
<b>Baker G V</b>	<b>Lewis D J</b>
<b>Barry R</b>	<b>Lloyd-King D J</b>
<b>Barry J</b>	<b>Lloyd-King T G</b>
<b>Bartlett J A</b>	<b>Maddox D C</b>
<b>Behan JJ</b>	<b>Marriner A J</b>
<b>Ben-Abdalla A</b>	<b>Maybury B</b>
<b>Bendon-Hill C</b>	<b>McGhin B</b>
<b>Berrett M J</b>	<b>McGill S</b>
<b>Berwick A J</b>	<b>Meaden L</b>
<b>Betts P G</b>	<b>Meaden B J</b>
<b>Blake M J</b>	<b>Meaden CK</b>
<b>Boniface K V</b>	<b>Meaden C</b>
<b>Bottini M N</b>	<b>Meaden B</b>
<b>Brown K</b>	<b>Miah H</b>
<b>Brown I R</b>	<b>Moon D E</b>
<b>Bywaters J F</b>	<b>Nanji I</b>
<b>Carey T</b>	<b>Nanji M</b>
<b>Carre A G</b>	<b>Nealer B</b>
<b>Coleman D J</b>	<b>North M J</b>
<b>Coleman S</b>	<b>Norton E A</b>
<b>Coleman C S</b>	<b>Norton A O</b>
<b>Coleman J D</b>	<b>Oak D L</b>
<b>Cowie R J</b>	<b>Okoliko F A</b>
<b>Cox S G</b>	<b>Oliver D R</b>
<b>Craig J</b>	<b>Orr G R</b>
<b>Crowe W S</b>	<b>Pawon T J</b>
<b>Cruttwell R L</b>	<b>Pearce T A</b>
<b>Cutting A</b>	<b>Pearce E G</b>
<b>Daniels S R</b>	<b>Pearson R M</b>
<b>Dann W P</b>	<b>Pelaou N</b>

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<b>Deering P A</b>	<b>Pemberton T</b>
<b>Demetriades D M</b>	<b>Perry B F</b>
<b>Dwyer D M</b>	<b>Petter C R</b>
<b>Eichler k</b>	<b>Phillips G E</b>
<b>Elmes P</b>	<b>Pivert Y</b>
<b>Fairall A N</b>	<b>Prime B</b>
<b>Foster D R</b>	<b>Prime J</b>
<b>Fox S M</b>	<b>Quilter D</b>
<b>Francis A R</b>	<b>Rickaby D</b>
<b>Fullick R</b>	<b>Roberts D L</b>
<b>Gale J A</b>	<b>Rolfe R J</b>
<b>Gardner M</b>	<b>Ross J A</b>
<b>Goble L J</b>	<b>Row S F</b>
<b>Gould R</b>	<b>Rummery j M</b>
<b>Grass M H</b>	<b>Saxby A J</b>
<b>Greenhalf G A</b>	<b>Shoesmith S P</b>
<b>Greenhalf J</b>	<b>Shoesmith L I</b>
<b>Guest E M</b>	<b>Sines L J</b>
<b>Hall K J</b>	<b>Smith T R</b>
<b>Halsey R G</b>	<b>Smith D M</b>
<b>Hardy K A</b>	<b>Smith G</b>
<b>Harmer R P</b>	<b>Smith J A</b>
<b>Harris M P</b>	<b>Smith S P</b>
<b>Harris M J</b>	<b>Southgate M J</b>
<b>Haywood S</b>	<b>Streeter D J</b>
<b>Henderson J</b>	<b>Tate K M</b>
<b>Henham C J</b>	<b>Thorogood D O</b>
<b>Hermitage S C</b>	<b>Torrance P W</b>
<b>Hesmer R D</b>	<b>Torrance P</b>
<b>S Heitt</b>	<b>Tubb A</b>
<b>K Hitchman</b>	<b>Vale C R</b>
<b>Hook B</b>	<b>Vaughan R C</b>
<b>Jinks D</b>	<b>Vinicombe M</b>
<b>Jowat M J</b>	<b>Wallace G J</b>
<b>Joyce P G</b>	<b>Wallace J A</b>
<b>Keates S A</b>	<b>Walton R J</b>
<b>Kennett O J</b>	<b>Ward E M</b>
<b>Kingsman C</b>	<b>Watson M</b>
<b>Knight T J</b>	<b>Whale R D</b>
<b>Kolimbarides B</b>	<b>Wheeler P D</b>
	<b>White L</b>
	<b>White R J</b>
	<b>Winn JR</b>
	<b>Winter L M</b>
	<b>Winter R</b>
	<b>Woods K B</b>

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	Young D A
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**HOUSE TO HOUSE COLLECTION PERMIT**

Shelter
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**LOTTERIES AND AMUSEMENTS PERMIT**

Hastings Town Youth 2000
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**PET SHOP LICENCE**

Academy Aquariums	31 Bexhill Road
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**PRIVATE HIRE OPERATORS LICENCE**

Bottini M N	Lloyd- King T G
Carey T	Meaden C
Coates R F W	Norton E A
Coleman J D	Pearce T A
Deering B J	Vale C
Hamer S F	Wallace G

**PRIVATE HIRE VEHICLE LICENCE**

Bottini M N	Nanji S x 2
Catt G C x 3	O'Hara S
Coates R	Pearce T
Coleman J d	Ransom P
Craig J	Roberts D G
Dann P	Sines L J
Edmonds P A	Torab I x 2
Fox S x 2	Vale C x 2
Harding R J	Sanders N
Heneke V R	
Hitchman K	
Hooper D B	
Hunt R M	
Kingsman C	
Ladak A	
Lloyd-King	
Meaden C x 8	

**PUBLIC ENTERTAINMENTS LICENCE**

Fluid	20 Robertson Street

**FISHERMAN REGISTRATION**

Adams R J	Coglan D
Adams Jason	Dudley B
Adams Darrell	Edmunds S
Adams James	Edmunds M
Adams Dean	Hamilton S
Ball M	Joy P D
Ball R	Joy D
Banfield H	Kelly R
Barrow M	Knight P
Bartlett J	Stephens C
Bollen K	White C
Bossom G D	

**STREET COLLECTION PERMIT**

Terence Higgins Trust (HIV & Aids Charity for Life)
St Michaels Hospice x 2
International Cancer Research
Hastings Bonfire Society
Gaol Break (for Battle Round Table)
Childrens Society
National Kidney Research Fund
Senlac Arrows (The New Running Club – for St Michaels Hospice)

**28(E) HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS**

**LICENCE – DR958**

**VERBAL ASSAULT ON PARKING ATTENDANT**

The Head of Environment and Highways reported on a currently licensed driver who had allegedly verbally abused a Parking Attendant when asked to move his vehicle from a Bus Stop Clearway.

A letter had been received from the driver's Solicitor requesting that the matter be deferred.

**RESOLVED** – that consideration of this matter be deferred at the request of the driver and a special meeting be convened to hear the case, on a date to be agreed.

**29(E) HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS**

**LICENCE – DR899**

**VERBAL ASSAULT ON/AGGRESSIVE BEHAVIOUR TOWARD A  
PARKING ATTENDANT**



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The Head of Environment and Highways reported on a currently licensed driver who had allegedly verbally assaulted and behaved aggressively toward a Parking Attendant when issued with a parking ticket.

The driver, together with a friend, was in attendance at the meeting and gave his explanation of the events. He denied verbally abusing the Parking Attendant but admitted swearing and throwing the parking ticket at her vehicle.

The Parking Attendant who had made the complaint, her supervisor, who had witnessed the event and their Line Manager were also in attendance. The Parking Attendants gave evidence to the Board.

**RESOLVED – (by 4 votes to 1) that the Hackney Carriage/Private Hire Vehicle Drivers Licence for Driver No. DR899 be revoked on the grounds that he is not considered to be a fit and proper person to hold such a licence, by virtue of his admission of aggressive behaviour toward a Parking Attendant, the Board's finding of fact that he verbally abused a Parking Attendant and his aggressive demeanour at this Board hearing.**

### **30(E) HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE – DR730 FAILURE TO NOTIFY MOTORING CONVICTION WITHIN RELEVANT TIME SCALE**

The Head of Environment and Highways reported on a currently licensed driver who had accumulated excess penalty points on his DVLA licence and had failed to notify the Council within the required time.

The driver was in attendance and explained the reasons for his failure to notify officers of the motoring convictions.

**RESOLVED – (unanimously) that Driver No. DR730 be issued with a formal warning regarding his failure to notify his motoring convictions within the relevant time scale.**

### **31(E) HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE – DR306 FAILURE TO NOTIFY MOTORING CONVICTION WITHIN RELEVANT TIME SCALE, ACCUMULATED PENALTY POINTS EXCEEDING SIX**

The Head of Environment and Highways reported on a currently licensed driver who had accumulated in excess of six penalty points on his DVLA licence and had failed to notify the Council within the required time.

The driver was in attendance and explained the reasons for his failure to notify officers of the motoring convictions.

**RESOLVED** – that: -

- 1) (By 3 votes to 2) the Hackney Carriage/Private Hire Vehicle Drivers Licence for Driver No. DR306 be suspended in view of the accumulation of nine penalty points on his DVLA licence and his failure to notify these motoring convictions within the relevant timescale.
- 2) (By 4 votes to 0) the suspension be for a period of one month.

**32(E) HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS  
LICENCE – DR944  
FAILURE TO NOTIFY MOTORING CONVICTION WITHIN  
RELEVANT TIME SCALE**

The Head of Environment and Highways reported on a currently licensed driver who had accumulated six penalty points on his DVLA licence and had failed to notify the Council within the required time.

The driver was in attendance and explained the reasons for his failure to notify officers of the motoring convictions.

**RESOLVED** – (unanimously) that Driver No. DR944 be issued with a formal warning regarding his failure to notify his motoring convictions within the relevant time scale.

**33(E) HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS  
LICENCE – DR397  
DRIVING WHILST EMPLOYED AS A HGV/LGV DRIVER**

The Head of Environment and Highways reported on a currently licensed driver who had stated on his renewal application form that he worked as an HGV driver on a full time basis and drove fifty hours per week/nine hours per day in the course of this employment.

The driver was not in attendance at the meeting but had written to the Licensing Officer explaining why he wished to retain his licence.

The Board agreed to hear the matter in his absence.

**RESOLVED** – (unanimously) that the Hackney Carriage/Private Hire Vehicle Drivers Licence for Driver No. DR397 be revoked in the interest of public safety, in view of the fact that the Board consider the holding of such a licence is incompatible with work as a full time HGV driver.

**34(E) HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS  
LICENCE – DR342  
FAILURE TO NOTIFY MOTORING CONVICTION WITHIN  
RELEVANT TIME SCALE, DISQUALIFIED FROM DRIVING**

The Head of Environment and Highways reported on a currently licensed driver who had been disqualified from driving for two years following a motoring conviction.

The driver was not in attendance at the meeting.

The Board agreed to hear the matter in his absence.

**RESOLVED – (unanimously) that the Hackney Carriage/Private Hire Vehicle Drivers Licence for Driver No. DR342 be revoked on the grounds that he is not a fit and proper person to hold such a licence by virtue of his conviction for driving or attempting to drive with an alcohol level above the legal limit and being disqualified from driving for two years.**

(The Chair declared the meeting closed at 9.50pm)

Licensing Board – 27.11 02