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Environment and Safety Committee Agenda

Wednesday, 15 March 2017 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
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1. Apologies for Absence	
2. Minutes of the meeting held on 6 September 2016	1 - 4
3. Declarations of Interest	
4. Notification of any additional urgent items	
5. 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.	
6. Confidential Business 'Fit and Proper' test for Licensed Hackney Carriage/Private Hire Driver <i>(Assistant Director Environment and Place)</i>	7 - 16

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Agenda Item 2

Public Document Pack ENVIRONMENT AND SAFETY COMMITTEE

6 SEPTEMBER 2016

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

12. APOLOGIES FOR ABSENCE

None.

13. MINUTES OF THE MEETING HELD 12 JULY 2016

RESOLVED – That the minutes of the meeting held on 12 July 2016 be approved as a true record and signed by the Chair.

14. DECLARATIONS OF INTEREST

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

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
B Dowling & Webb	19E	Personal – The applicants boss is known to him

15. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

16. CHANGES VEHICLE CONDITIONS FOLLOWING HACKNEY DELIMITATION

The Corporate Director, Environmental Services, submitted a report to inform members of the recommended new conditions for Hackney Carriage Vehicles following delimitation and as agreed by the Joint Authority / Trade Working Party.

The Licensing Manager advised of two amendments to the report. Page 6, Item 5, delete the words 'if appropriate'. Item 6, after the words Purpose Built, add the word 'taxi'.

A working party had been set up to consider the conditions to be applied to any new Hackney Carriage.

Graham Wallis, Secretary, Hackney Carriage Association, was in attendance with two colleagues. He explained his involvement and recommended the report be agreed and thanked everyone involved.

Councillor Rogers questioned why vehicle access for the new Hackney Carriages will be side loading instead of rear loading. The Licensing Manager explained that side loading would overcome the problems with hilly areas. It will be safer to load

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passengers from the pavement via a ramp, whereas rear loading would put passengers at risk as they would be on the road. He stated that James Button, President of the Institute of Licensing, had been consulted and had advised that side loading was the best way forward.

Councillor Cooke sought clarification on the spike for new applications, if more than 10% (5 plates) within a 12 month period occurs. The Licensing Manager advised that he was monitoring it and to date one person had applied.

Councillor Rogers proposed that the report be approved, seconded by Councillor Cooke.

RESOLVED (unanimously) that members consider the conditions as laid out below and that they be applied by the Licensing Manager with immediate effect.

- **Brand new unregistered vehicle.**
- **Wheel chair accessible (side loading)**
- **Purpose Built Taxi 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.**

17. 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>
18(E)	'Fit and Proper' test for Licenced Hackney Carriage/Private Hire Drivers Licence	Paragraph 4
19(E)	Applicant for Hackney Carriage/Private Hire Drivers Licence	Paragraph 4

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18. '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 Hire Driver who whilst renewing his driver's licence omitted to inform the authority of his court conviction within 7 days as required by licensing policy.

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.

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

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

The incident that the applicant reported was minor in relation to damage. He had lost the evidence to prove his case and had then paid for the damage and subsequent court fines. The committee believed that was punishment enough. However the Committee were very concerned over any driver in control of a car that was uninsured. Not having a renewal reminder is no excuse for any insured driver to use as a defence. Whilst the Committee were of the opinion that the issue was not serious enough to warrant suspension they were minded to inform the driver that they would take the matter seriously if he should appear before them again.

19. 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.

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.

With the agreement of the Chair and the applicant, the Licensing Manager circulated confidential supplementary information supplied by the Chief Officer of Police, for Members to consider under Appendix A of 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 Sinden.

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

The Committee were very concerned that the applicant had been convicted and received an endorsement for failing to supply a specimen for analysis in June 2013. Although the applicant had included that on his application. The applicant had, however, failed to mention on his application that he had two previous convictions for using a mobile phone whilst driving and one for speeding. He had also failed to mention an offence in which he had received a custodial sentence and a Caution for being drunk and disorderly. Taking this into account and after listening to the applicant's submissions the Committee were concerned that there remains a risk to the public in licensing the applicant. Public Safety is of paramount importance.

(The Chair declared the meeting closed at 7.07 pm)

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

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