

ENVIRONMENT AND SAFETY COMMITTEE

10 JANUARY 2019

Present: Councillors O'Callaghan, Bishop (Chair), Cox (Vice-Chair), Roberts and Marlow-Eastwood

83. APOLOGIES FOR ABSENCE

No apologies were received.

84. DECLARATIONS OF INTEREST

None.

85. MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 19 September 2018 be approved as a true record and signed by the Chair.

86. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

87. 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 be disclosure to them of 'exempt' information as defined in the paragraphs of the Schedule 12A to the Local Government Act 1972.

<u>Minute No.</u>	<u>Subject Matter</u>	<u>Paragraph No.</u>
76(E)	'Fit & Proper' test for Licensed Hackney Carriage/Private Hire Driver	Paragraph 4

88. 'FIT & PROPER' TEST FOR LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

The Assistant Director, Environment and Place submitted a report detailing a complaint received by the Authority in relation to an incident involving a Licensed Hackney Carriage/Private Hire Driver. As a result, the Authorities discipline system has issued the driver with 8 penalty points, 12 penalty points have now been accumulated on this license within 12 months.

In line with Hastings Borough Council's disciplinary Code, this meeting of the Environment and Safety Board has been called to determine if the applicant is a 'Fit

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and Proper' person to continue to hold a Hackney Carriage/Private Hire Drivers Licence.

With the agreement of the Chair, the Licensing Manager gave a brief update of the incident and his subsequent discussions with the driver. The incident in question was captured on the dashcam of the other vehicle involved. The video recording was shown.

The driver made a submission regarding the incident and the opportunity for Committee Members to question the driver on his actions and intentions was then given.

RESOLVED – (three votes to two against) that:

- **The driver is not a fit and proper person until such time as appropriate training has been carried out by his employers**
- **The training is to expressly cover controlling emotions and anger management**
- **The driver needs to alert himself to traffic signage on the routes that he takes**
- **The driver needs to be reminded how a professional taxi driver is to behave**
- **The Council's Licensing Manager to be informed as soon as training is completed with details of what training the driver has received**
- **The Hackney Carriage/Private Hire driver's licence is suspended until such time as the training has been completed satisfactorily.**

Reasons: The Committee listened very carefully to all the evidence before. Members were extremely concerned that the driver lost control of his emotions and displayed concerning behaviour by following someone he thought had overtaken him. He continually flashed his lights at the other car and followed it until it reached its destination. This is threatening and intimidating behaviour. To make matters worse the driver had a fare paying passenger with him whilst he displayed this behaviour; this is not what a fare passenger should expect. The Committee also believed that the driver should have known the road better. The other driver was NOT at fault. However, the driver was apologetic about his behaviour. Although he displayed behaviour not acceptable in a licensed driver he did not drive dangerously and did not tailgate the other driver. He has had 10 years of holding a licence without concern.

The Committee want to driver to be aware that they would take matters very seriously should he appear before them again.

(The Chair declared the meeting closed at. 7.03 pm)