

ENVIRONMENT AND SAFETY COMMITTEE

7 NOVEMBER 2019

Present: Councillors Bishop (Chair), Cox (Vice-Chair), Bacon, Marlow-Eastwood and Roberts

104. APOLOGIES FOR ABSENCE

None

105. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Bacon	109	Personal- The applicants representative is known to him
Roberts	109	Personal- The applicants representative is known to him
Roberts	110	Prejudicial- The applicant is known to him well

106. MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 29 May 2019 be approved as a true record and signed by the Chair

107. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None

108. EXCLUSION OF THE PUBLIC

Councillor Roberts proposed a motion to exclude the public seconded by Councillor Bacon

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.

109. APPLICATION FOR A DRIVERS LICENCE FOLLOWING A REVOCATION.

The Assistant Director, Environment and Place submitted a report to decide if the applicant is a “fit and proper” person to hold a Hackney Carriage / Private Hire Driver licence.

Hastings Borough Council policy requires applicants for Hackney Carriage / Private Hire Driver Licences who have a specific type of conviction from a court, to appear before the committee to consider if they are a "fit and proper" person to hold a Hastings Borough Council licence. Any decision reached after hearing all the evidence can be appealed at Hastings Magistrates Court.

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The applicant made a submission to the Committee regarding the application. Committee members asked questions of the applicant.

The Licensing Manager gave a brief overview of the application and his subsequent discussions with the applicant.

Councillor Marlow-Eastwood proposed a motion to decide that the applicant is a "Fit and Proper" person to hold a Hackney Carriage/ Private Hire Vehicle Driver's licence, seconded by Councillor Cox.

Resolved (Votes: 4 For, 1 Abstention) that:

Applicant a 'Fit and Proper' person to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence.

The reasons for this decision:

The applicant has shown remorse for his actions. He admitted that his mind was elsewhere when he made his mistake. A young member of his family was seriously ill. He corroborated that fact with evidence. The applicant has spent 6 weeks without his licence which had focused his mind. He had taken another driving test on his own volition. He had not had any previous incidents, his driving licence was clear.

110. LICENSED DRIVER WITH EXCESS PENALTY POINTS. (FIT AND PROPER TEST)

Councillor Roberts having declared a prejudicial interest left the Council Chamber for this item.

The Assistant Director, Environment and Place submitted a report to decide if the applicant is a "fit and proper" person to hold a Hackney Carriage / Private Hire Driver licence.

Hastings Borough Council policy requires applicants for Hackney Carriage / Private Hire Driver Licences who have a specific type of conviction from a court, to appear before the committee to consider if they are a "fit and proper" person to hold a Hastings Borough Council licence. Any decision reached after hearing all the evidence can be appealed at Hastings Magistrates Court.

The applicant made a submission to the Committee regarding the application. Committee members asked questions of the applicant.

The Licensing Manager gave a brief overview of the application and his subsequent discussions with the applicant.

Councillor Marlow-Eastwood proposed a motion to decide that the applicant is not a "Fit and Proper" person to hold a Hackney Carriage/ Private Hire Vehicle Driver's licence, seconded by Councillor Bacon.

Resolved (unanimously) that:

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Applicant not a 'Fit and Proper' person to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence.

He is suspended until he shows the Council's Licensing manager that he has successfully completed a new Blue Lamp Trust certificate.

The reasons for this decision:

Public safety is of paramount importance. The driver seemed to have complete disregard of the law stating that his passengers had told him which way they wanted to go. The Committee brought to the driver's attention that he should be in control of the vehicle and not be influenced by his passengers as to which route to take to their destination. The driver did not seem at all bothered by the accumulation of points on his licence.

(The Chair declared the meeting closed at 7.09 pm)