

Environment and Safety Committee Agenda

Thursday, 7 November 2019 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Please enter the building via the Tourist Information Centre entrance.

If you are attending Muriel Matters House for this meeting, please enter the building via the Tourist Information Centre entrance. Members of public are advised that they will need to sign in to comply with health and safety legislation and will be escorted up to the Committee Room.

For further information, please contact Democratic Services on 01424 451484 or email: democraticservices@hastings.gov.uk

		Page No.
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of Previous Meeting	1 - 4
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.	Application for a Drivers licence following a revocation. <i>(Mike Hepworth, Assistant Director, Environment and Place)</i>	7 - 14
7.	Licensed driver with Excess penalty points. (fit and proper test) <i>(Mike Hepworth, Assistant Director, Environment and Place)</i>	15 - 22

This page is intentionally left blank

Agenda Item 3 Public Document Pack

ENVIRONMENT AND SAFETY COMMITTEE

29 MAY 2019

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

97. APOLOGIES FOR ABSENCE

Apologies received for Councillor Bacon (substituted by Councillor O'Callaghan)

98. DECLARATIONS OF INTEREST

None

99. MINUTES OF THE PREVIOUS MEETING HELD ON 11 APRIL 2019

RESOLVED – That the minutes of the meeting held on 11 April 2019 be approved as a true record and signed by the Chair.

100. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None

101. EXCLUSION OF THE PUBLIC

Councillor Roberts proposed a motion to exclude the public seconded by Councillor O'Callaghan

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.

102. APPLICANT FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE WITH A CONVICTION

With the agreement of the chair this item was moved down the agenda to item 7.

ENVIRONMENT AND SAFETY COMMITTEE

29 MAY 2019

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 was not present for this item

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

Councillor O'Callaghan 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 Cox.

Resolved (unanimously) that:

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

The reasons for this decision:

The matter was heard in the applicant's absence. The Committee were disappointed that the applicant did not attend the hearing to explain the circumstances of his conviction. He had not contacted the Council's Licensing manager to arrange an alternative date for the hearing or to discuss the matter. The Committee's responsibility is to ensure that public safety is of paramount importance. The applicant had not demonstrated in any way that he was aware of those responsibilities.

103. APPLICANT FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE WITH A CONVICTION

With the agreement of the chair this item was moved up the agenda to item 6.

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.

ENVIRONMENT AND SAFETY COMMITTEE

29 MAY 2019

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

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

Councillor Roberts 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 O'Callaghan.

Resolved (unanimously) that:

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

The reasons for this decision:

The applicant failed to explain in any convincing way the convictions that he had on his DBS certificate. He had said that he had been in the wrong place at the wrong time. The nature of the offences were concerning when considering public safety. Whilst the applicant protested his innocence he had not appealed any of his convictions. Some of the convictions were repeated offences. This demonstrates to the Committee that the applicant may not be reliable and does not seem to be aware of the expectations of being a taxi driver, being responsible for public safety.

(The Chair declared the meeting closed at. 6.52 pm)

This page is intentionally left blank

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.

This page is intentionally left blank

Agenda Item 6

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Agenda Item 7

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank