

# Environment and Safety Committee Agenda

Thursday, 13 August 2020 at 6.00 pm

This meeting will be held digitally. A viewing link for this meeting will be posted on our website nearer the time.

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

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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.  Procedure for hearing applications	
6.	Applicant for a driver's licence with convictions, "Fit and Proper" test. <i>(Mike Hepworth, Assistant Director Environment and Place)</i>	7 - 10

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# Agenda Item 3 Public Document Pack

## ENVIRONMENT AND SAFETY COMMITTEE

10 JUNE 2020

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

### **132. APOLOGIES FOR ABSENCE**

None.

### **133. DECLARATIONS OF INTEREST**

None.

### **134. MINUTES OF PREVIOUS MEETING**

**RESOLVED-** That the minutes of the meeting held on 28 May 2020 be approved as a true record.

### **135. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS**

None.

### **136. EXCLUSION OF THE PUBLIC**

Councillor Bishop proposed a motion to exclude the public seconded by Councillor Roberts.

**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.

### **137. NEW APPLICATION FOR DRIVER LICENCE WITH CONVICTIONS., 25/03/2020 ENVIRONMENT AND SAFETY COMMITTEE**

The Assistant Director Environment and Place submitted a report to consider if the driver is a "fit and proper" person to continue holding a Hastings Borough Council Hackney Carriage/ Private Hire driver's licence as a result of having a specific type of conviction from a court'

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

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

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

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

### **RESOLVED (Unanimous)**

The Environment and Safety Committee for and on behalf of Hastings Borough Council has considered your application for Hackney Carriage and Private Hire Vehicle Driver's Licence and has decided that the Driver is not a 'Fit and Proper' person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence.

### **Reasons for the decision**

The applicant did not convince the Committee that there was any justification from departing from the Council's policy.

### **138. APPLICANT FOR DRIVER LICENCE WITH CONVICTIONS**

The Assistant Director Environment and Place submitted a report to consider if the driver is a "fit and proper" person to continue holding a Hastings Borough Council Hackney Carriage/ Private Hire driver's licence as a result of having a specific type of conviction from a court.

In line with Hastings Borough Council's disciplinary code, this meeting of the Environment and Safety Committee has been called to determine if the applicant is a 'Fit and Proper' person to continue to hold a Hackney Carriage/ Private Hire Vehicle Driver's Licence

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

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

### **RESOLVED (Unanimous)**

The Environment and Safety Committee for and on behalf of Hastings Borough Council has considered your application for Hackney Carriage and Private Hire Vehicle Driver's Licence and has decided that the Driver is a 'Fit and Proper' person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence.

### **Reasons for the decision**

The applicant has 'grown up' (in his own words) and changed his life style. He has been without conviction for a period of over three years in compliance with the Council's policy.

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### 139. APPLICATION FOR A NEW HBC HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE WITH CONVICTIONS.

The Assistant Director Environment and Place submitted a report to consider if the driver is a “fit and proper” person to continue holding a Hastings Borough Council Hackney Carriage/ Private Hire driver’s licence as a result of specific type of conviction from a court.

In line with Hastings Borough Council’s disciplinary code, this meeting of the Environment and Safety Committee has been called to determine if the applicant is a ‘Fit and Proper’ person to continue to hold a Hackney Carriage/ Private Hire Vehicle Driver’s Licence

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

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

#### **RESOLVED (Unanimous)**

The Environment and Safety Committee for and on behalf of Hastings Borough Council has considered your application for Hackney Carriage and Private Hire Vehicle Driver’s Licence and has decided that the Driver is a ‘Fit and Proper’ person to hold a Hackney Carriage and Private Hire Vehicle Driver’s Licence.

#### The reason for the decision

The Committee were impressed with the applicant’s honesty. He had experienced emotional trauma in his life that had caused him difficulties in managing his work and his home life.

He has now moved on from that time. He showed remorse for his previous actions.

The Committee would not want to see a repeat of any of his previous behaviour.

(The Chair declared the meeting closed at. 7.12 pm)

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# 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

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

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