

Environment and Safety Committee Agenda

Thursday, 24 March 2022 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 - 2
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.	Licensed driver with excess penalty points on HBC driver licence (<i>Mike Hepworth, Assistant Director Environment and Place</i>)	5 - 22

This page is intentionally left blank

Agenda Item 3 Public Document Pack

ENVIRONMENT AND SAFETY COMMITTEE

24 FEBRUARY 2022

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

163. APOLOGIES FOR ABSENCE

None received.

164. DECLARATIONS OF INTEREST

None received.

165. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 15th July 2021 be approved as a true record.

166. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

No urgent items.

167. EXCLUSION OF THE PUBLIC

Councillor Roberts proposed a motion to exclude the public, seconded by Councillor Marlow-Eastwood.

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.

168. LICENSED DRIVER WITH EXCESS PENALTY POINTS ON HBC DRIVER LICENCE

The Licensing Lead Officer 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 dual driver’s licence as a result of accumulating excess penalty points on his licence.

The Licensing Lead Officer gave an overview of his report and answered questions from the Committee.

The driver made submissions to the Committee and answered questions from Councillors.

RESOLVED (4 votes in favour, 1 abstention):

ENVIRONMENT AND SAFETY COMMITTEE

24 FEBRUARY 2022

The Environment and Safety Committee for and on behalf of Hastings Borough Council has considered the report of the licensing officer and the submissions made by the driver and decided the driver is not a "Fit and Proper person" to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence and instruct the Environmental Health and Licensing Manager to revoke his licence.

The reasons for the decision are:

1. The Committee applied the fit and proper person test as per paragraph 5.12 of Statutory Taxi & Private Hire Vehicle Standards July 2020 and found on the balance of probabilities that the driver should not hold a licence.
2. The Committee did not have confidence the driver was focused when driving.
3. The Committee did not believe the driver made sufficient submissions to allay the Committee's fears that he would drive safely in the future and this was expected of a professional driver as safety was paramount.
4. The Committee was mindful of the driver's previously clean record prior to the incidents raised before the Committee however the driver had got his licence back in November 2021 following a previous incident and within 2 months he was caught speeding at 23mph above the speed limit of 30mph. The driver's license should have meant everything to him at that stage but his actions suggest it was not. Although the Committee keenly felt the weight of the driver's previous employment record the safety of the general public was the overriding concern.

(The Chair declared the meeting closed at 7.50pm)

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, 2 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, 2 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, 2 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, 2 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, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank