

Environment and Safety Committee Agenda

Tuesday, 31 May 2022 at 6.00 pm

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

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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>Andrew Palmer, Assistant Director</i>)	5 - 18

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ENVIRONMENT AND SAFETY COMMITTEE

24 MARCH 2022

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

169. APOLOGIES FOR ABSENCE

None received

170. DECLARATIONS OF INTEREST

None received

171. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 24th February 2022 be approved as a true record.

172. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received.

173. EXCLUSION OF THE PUBLIC

Councillor Marlow-Eastwood 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.

174. 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 and his representatives made a submission to the Committee and answered questions from Councillors and the Licensing Lead Officer.

RESOLVED (Unanimously)

ENVIRONMENT AND SAFETY COMMITTEE

24 MARCH 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 his representatives and have decided the driver is a “Fit and Proper person” to hold a Hackney Carriage/Private Hire Vehicle Driver’s Licence but instruct the Environmental Health and Licensing Manager to issue a letter to the driver confirming it is the driver’s responsibility to report to the Council any accidents within 72 hours and disclose any convictions to the Council within 48 hours.

Reasons for the decision

1. The Committee had regard to the Council’s Hackney Carriage & Private Hire Licensing Policy as well as the Department for Transport’s Statutory Taxi and Private Hire Vehicle Standards from July 2020 and Taxi and Private Hire Vehicle Licensing: Best Practice Guidance from March 2010 when making their decision.
2. The Committee applied the fit and proper person test as per paragraph 5.12 of Statutory Taxi & Private Hire Vehicle Standards from July 2020 and found on the balance of probabilities that the driver should hold a licence.
3. The Committee noted the Driver had apologised and was honest with the Committee.
4. The Committee was impressed that the Driver had made changes to his work life balance.
5. The Committee was confident that the driver took his role as a professional driver seriously and understood the gravity of his job.

(The Chair declared the meeting closed at. 7.13 pm)

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

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