

# ENVIRONMENT AND SAFETY COMMITTEE

24 AUGUST 2023

Present: Councillors Roberts (Chair), Sinden (Vice-Chair), Jobson, Marlow-Eastwood and Cooke

Present: Kyle Rogers - Litigation Solicitor, Bob Brown - Senior Licensing Officer

## 185. APOLOGIES FOR ABSENCE

None received.

## 186. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Marlow-Eastwood	<i>All items</i>	Personal – Is an East Sussex County Councillor

## 187. MINUTES OF PREVIOUS MEETING 26/09/22

**RESOLVED** – that the minutes of the meeting held on 26<sup>th</sup> September 2022 be approved as a true record.

## 188. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

## 189. EXCLUSION OF THE PUBLIC

Councillor Cooke proposed a motion to exclude the public, seconded by Councillor Sinden.

**RESOLVED** (unanimously) – 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.

## 190. LICENSED DRIVER WITH EXCESS PENALTY POINTS. "FIT AND PROPER" TEST.

The Panel were informed that the Applicant had not attended. They made enquiries as to whether the Applicant was aware of the proceedings. The Licensing Lead Officer informed the Panel that the Applicant had been notified at interview. The Democratic Services Officer informed the Panel as to the process of sending the notice of hearing and confirmed to the best of their knowledge that it was served. The Panel determined

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on that basis that there was sufficient evidence that the Applicant had been notified of the hearing and resolved to proceed in his absence.

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 Senior Licensing Officer gave an overview of the report and answered questions from the Committee.

**RESOLVED** (3 for, 1 against and 1 abstention)

The Environment and Safety Committee for and on behalf of Hastings Borough Council has considered the report of the licensing officer and in the absence of the applicant the account given in interview and have decided that the driver is not a “Fit and Proper person” to hold a Hackney Carriage/Private Hire Vehicle Driver’s Licence and instruct the Licensing Manager to revoke his Licence.

### **Reasons for this decision:**

1. The Committee had regard to the Licensing Principles, Council’s 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 has posed the following question to itself:  
  
“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night.”
3. The Committee found that the account of the complainant, in her complaint dated 25 June 2023, was credible. The Committee found that the account of the applicant in interview was not credible.
4. The Committee found that the applicant had acted dishonestly in his approach to determining his fare and having failed to ensure that the meter was in action.
5. The Committee found that the applicant had acted contrary to the protection of the public in driving whilst watching his mobile phone and previously driving the wrong way down a one-way street. The Committee noted that these are potentially serious incidents.
6. The Committee found that the applicant had a total of sixteen penalty points.

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7. The Committee had no further information from the applicant upon which to consider.
8. The Committee found that the applicant was for those reasons not a 'Fit and Proper' person.

(The Chair declared the meeting closed at. 7.09 pm)