

Environment and Safety Committee Agenda

Thursday, 24 August 2023 at 6.00 pm

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

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	Page No.
1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of Previous Meeting 26/09/22	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. "Fit and Proper" test.	5 - 12

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26 SEPTEMBER 2022

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

180. APOLOGIES FOR ABSENCE

None received.

181. DECLARATIONS OF INTEREST

None received.

182. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 31st May 2022 be approved as a true record.

183. EXCLUSION OF THE PUBLIC

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

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.

184. 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 their licence.

The Licensing Lead Officer gave an overview of his report and answered questions from the Committee. A video of the incident was shown to the Committee.

The driver and their representatives made a submission to the Committee and answered questions from Councillors.

RESOLVED (unanimously):

ENVIRONMENT AND SAFETY COMMITTEE

26 SEPTEMBER 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 warning letter.

Reasons:

1. The Committee had regard to the 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 noted the driver had an exemplary record of fourteen years prior to the incident which brought him before the Committee.
3. The Committee considered the nature and seriousness of the incident as shown in the CCTV footage when coming to its decision.
4. The Committee could see that the driver was remorseful.
5. The Committee believed the driver was sincere when he stated he wished to never engage in similar behaviour again.
6. The Committee understood the stress of being in police custody was the reason the driver had failed to properly report the incident to the Council’s licensing department within the required time.

(The Chair declared the meeting closed at 6.48pm)

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

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