

## **LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)**

MEETING, 27<sup>th</sup> SEPTEMBER, 2016

Present – Councillors Donaghy (Chairman), Chadwick, Mrs Fairclough (as deputy for Councillor Haslam), Greenhalgh (as deputy for P. Wild) and Whitehead

Apologies for absence were submitted on behalf of Councillors Haslam, Watters and P. Wild

Councillor Donaghy in the Chair

### **7. MINUTES OF PREVIOUS MEETING**

The minutes of the proceedings of the meeting of the Sub-Committee held on 26<sup>th</sup> July, 2016 were submitted and signed as a correct record.

### **8. EXCLUSION OF PRESS AND PUBLIC**

Resolved – That, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 3 (financial and business affairs) of Part 1 of Schedule 12A to the Act; and that it be deemed that, in all the circumstances of the case, the public interest in its exemption outweighs the public interest in its disclosure.

### **9. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LER/06/16**

The Director of Environmental Services submitted a report which provided details of private hire and hackney carriage drivers who had been convicted of offences during the period of their licence.

The drivers in respect of reports LERSC/06/16(a), LERSC/06/16(b), LERSC/06/16(c), LERSC/06/16(d) and LERSC/06/16(g) attended the meeting. The driver in respect of

report LERSC/06/16(a) was accompanied by a friend and the driver in respect of report LERSC/06/16(d) was accompanied by his brother.

Resolved – (i) That, in respect of report numbered LERSC/06/16(a), the licence to drive a private hire vehicle be suspended for a period of 4 weeks on the basis that the Sub-Committee were not satisfied that he is a fit and proper person to hold a licence at this time.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the offence from November, 2014 of a breach of requirements as to the control of the vehicle mobile phones etc. was an intermediate traffic offence under the Council's policy.

The Sub-Committee also noted its concern that the driver failed to declare the conviction in accordance with the conditions of his licence.

It was also noted that the driver had a previous conviction for the same offence in 2011 and had a pattern of driving offences.

Drivers have a duty to adhere to the law at all times.

There is therefore reasonable cause to suspend the licence as a warning and deterrent.

(ii) That in respect of report numbered LERSC/06/16(b), the licence to drive a private hire vehicle be suspended for a period of 4 weeks on the basis that the Sub-Committee were not satisfied that he is a fit and proper person to hold a licence at this time.

In coming to its decision the Sub-Committee was mindful of its duty to protect the public and the offences from May 2015 and September, 2015 of exceeding the statutory speed limit on a public road resulting in a fixed penalty are minor traffic offences under the Council's policy.

The Sub-Committee noted its concern that the two traffic offences had occurred in a period of time of less than 12 months apart. The Sub-Committee noted that on both occasions, the driver admitted to having been speeding at 43mph in a 30mph zone. On the first occasion the driver admitted being in a “world of his own” which caused concern to the Sub-Committee.

Drivers have a duty to adhere to statutory speed limits at all times and exceeding the speed limits can be a real danger to public safety.

There is therefore reasonable cause to suspend the licence as a warning and as a deterrent.

(iii) That in respect of report numbered LERSC/06/16(c) the licence to drive a private hire vehicle be suspended for a period of 8 weeks on the basis that the Sub-Committee were not satisfied that he is a fit and proper person to hold a licence at this time.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the offence from September, 2015 of exceeding the statutory speed limit on a public road resulting in a fixed penalty was a minor traffic offence under the Council’s Policy and the offence from October, 2015 of exceeding the speed limit on a motorway resulting in a fixed penalty is an intermediate traffic offence under the Council’s policy. The two offences were within a six week period.

The Sub-Committee also noted its concern that the driver failed to declare the conviction of exceeding the statutory speed limit on a motorway (October, 2015) in accordance with the conditions of his licence. The Sub-Committee were concerned that the driver had a pattern of motoring convictions and that he appeared not to have altered his driving habits.

Drivers have a duty to adhere to statutory speed limits at all times and exceeding the speed limits can be a real danger to public safety.

There is therefore reasonable cause to suspend the licence as a warning and as a deterrent.

(iv) That in respect of report numbered LERSC/06/16(d) the licence to drive a private hire vehicle be revoked with immediate effect on the grounds of public safety in accordance with Section 61(2)(B) of the Local Government Miscellaneous Provisions Act, 1976 on the basis that the Sub-Committee were not satisfied that he is a fit and proper person to hold a licence at this time.

In coming to its decision the Sub-Committee was mindful of its duty to protect the public and the offence from February, 2016 of driving without due care and attention resulting in a fixed penalty is an intermediate traffic offence under the Council's Policy. Revocation is one of the sanctions permitted under the Policy.

Drivers have a duty to adhere to the law at all times and driving without due care and attention can be a real danger to public safety.

The Sub-Committee noted that the driver had only held his licence since January, 2016 and this offence had occurred only a month later.

The driver informed Committee that the offence took place on the A666. This is a major traffic route – the driver initially informed the Sub-Committee that he had felt dizzy at the wheel and this had caused him to crash his vehicle. He then stated that he felt sleepy at the wheel. The Sub-Committee were concerned at both these explanations and noted the vehicle was so damaged as to make it undriveable.

The Sub-Committee were concerned that the driver might not be medically fit to hold the licence.

In addition, despite having only recently passed the P.H.D test, the driver appeared not to be able to communicate adequately with the Sub-Committee which caused concern as the ability to

communicate with members of the public is a crucial part of the job.

There is therefore reasonable cause to revoke the licence with immediate effect on the grounds of public safety.

(v) That in respect of report numbered LERSC/06/16(e), consideration of this matter be deferred until the next meeting when the issue will be dealt with whether or not the driver is present.

(vi) That in respect of report numbered LERSC/06/16(f), consideration of this matter be deferred until the next meeting when the issue will be dealt with whether or not the driver is present.

(vii) That in respect of report numbered LERSC/06/16(g), the licence to drive a private hire vehicle be suspended for a period of 12 weeks on the basis that the Sub-Committee were not satisfied that he is a fit and proper person to hold a licence at this time.

In coming to its decision the Sub-Committee was mindful of its duty to protect the public and the offence from December, 2015 of driving without due care and attention resulting in penalty points and a fine is an intermediate traffic offence under the Council's Policy.

Drivers have a duty to adhere to the law at all times and driving without due care and attention can be a real danger to public safety.

The driver informed the Sub-Committee that the offence had occurred on 25<sup>th</sup> December, 2015 and involved him performing a U-turn on a major route and colliding with another vehicle causing serious injury to passengers. The driver admitted responsibility for his actions.

The Sub-Committee is concerned this was a major accident which caused serious harm to members of the public.

There is therefore reasonable cause to suspend the licence as a warning and as a deterrent.

(The meeting started at 12.30pm and finished 3.35pm)