

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

MEETING, 17<sup>TH</sup> APRIL, 2018

Present – Councillors Donaghy (Chairman), Haslam, Haworth, McKeon and P. Wild.

An apology for absence was submitted on behalf of Councillor Gillies

Councillor Donaghy in the Chair

### **25. MINUTES OF PREVIOUS MEETING**

The minutes of the proceedings of the meeting of the Sub-Committee held on 20<sup>th</sup> March, 2018 were submitted and signed as a correct record.

### **26. 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 they involve 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.

### **27. APPLICATIONS FOR RENEWAL AND MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS**

The Director of Place 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 driver and his representative and a friend attended in respect of report numbered LERC/15/18 and the driver and a friend in respect of report numbered LERC/17/18.

The driver in respect of report numbered LERC/18/18 had submitted a request that consideration of his case be deferred to the meeting of this Sub-Committee in May, 2018 as he was unable to attend the meeting today due to a personal matter.

The application in respect report numbered LERC/16/18 had been withdrawn.

Resolved – (i) Further to Minute 24(i) of the meeting of this Sub-Committee held on 20<sup>th</sup> March, 2018, the Sub-Committee considered report numbered LERSC/15/18 and agreed that the licence to drive a private hire vehicle be renewed and suspended for a period of 10 weeks on the grounds that he is not 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 traffic offence from June, 2017 of exceeding the statutory speed limit on a public road resulting in a fixed penalty is a minor offence under the Council's policy.

The Sub-Committee was concerned that the driver had failed to declare conviction numbered 7 in the report within the required period in accordance with the conditions of his licence. The conviction had been declared on line 86 days late.

The Sub-Committee was also concerned that the driver had previously attended the Sub-Committee in May, 2013 in respect of the offence numbered 6 of the report when he had also failed to declare the conviction. His licence had been suspended for a one week period at that time.

Members were also advised that a complaint had been received about the driver in March, 2013 which alleged dangerous driving on a motorway. According to the complainant, his actions had caused other drivers to swerve and he was also carrying a front seat passenger at the time of the incident. The complaint had been recorded on the driver's licence by the Licensing Unit and no further action had been taken at the time.

Members were concerned that the driver had failed to declare his conviction in 2012 and had been 86 days late in declaring the conviction from 2017. They felt he was not taking the conditions of his licence seriously and was developing a pattern of bad driving habits.

It has also come to light during the meeting that the driver had undertaken a speed awareness course for a speeding offence in 2017.

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

Drivers have a duty to drive carefully at all times, particularly when carrying passengers, as public safety was paramount.

The driver's licence had expired on 24<sup>th</sup> January, 2018.

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

(ii) That it be noted that the report numbered LERSC/16/18 had been withdrawn by the applicant.

(iii) That, in respect of report numbered LERSC/17/18, the licence to drive a private hire vehicle be renewed and suspended for a period of 4 weeks on the grounds that he is not 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 November, 2013 and October, 2017 of exceeding the speed limit on a motorway resulting in fixed penalties are intermediate traffic offences under the Council's policy.

It was acknowledged that the driver had declared conviction numbered 3 of the report in accordance with the conditions of his licence although he had omitted to identify the type of conviction on the declaration. This was only identified when the

Licensing Team had made a DVLA enquiry in January, 2018 which confirmed that the offence was an SP50.

The driver had previously attended this Sub-Committee in March, 2014 for the offences numbered 1 and 2 of the report and a warning letter had been issued regarding the need to keep to statutory speed limits.

It had also come to light during the meeting that the driver had undertaken a speed awareness course for a motorway speeding offence in January, 2018 which had occurred on the same day as the offence numbered 3 of the report.

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.

The driver's licence had expired on 19<sup>th</sup> April, 2018.

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

(iv) That, in respect of report numbered LERSC/18/18, and at the request of the driver, consideration of the matter be deferred until the meeting of this Sub-Committee in May, 2018 to enable the driver to attend.

(The meeting started at 12.30pm and finished at 2.30pm)