

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 13TH DECEMBER, 2016

Present – Councillors Donaghy (Chairman), Chadwick, Haslam, Watters and P. Wild

An apology for absence was submitted on behalf of Councillor Whitehead

Councillor Donaghy in the Chair

13. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 22nd November, 2016 were submitted and signed as a correct record.

14. 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.

15. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LERC/07/16

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 drivers in respect of reports LERSC/08/16(a), LERSC/08/16(c), LERSC/08/16(d) and LERSC/08/16(e) attended the meeting. The driver and a representative attended the meeting in respect of report LERSC/08/16(b).

Resolved – (i) That, in respect of report numbered LERSC/08/16(a), the licence to drive a private hire vehicle be suspended for a period of 6 weeks on the basis that the Sub-Committee are 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 April, 2015 and November, 2015 of exceeding the statutory speed limit on a public road resulting in fixed penalties are minor traffic offences under the Council's policy.

It was noted that the driver had attended the meeting on 22nd November, 2016 however the Sub-Committee had agreed to defer full consideration of the report pending receipt of additional information regarding the declaration of convictions. This had now been clarified by the Licensing Officer.

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 also noted its concern that the driver had failed to declare the convictions from April, 2015 and November, 2015 in accordance with the conditions of his licence.

The Licensing Unit had also issued a letter of warning to the driver in January, 2016 as to his future conduct as provided for by the conviction policy in force at the time.

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.

(ii) That in respect of report numbered LERSC/08/16(b), the licence to drive a private hire vehicle be suspended for a period of 12 weeks on the basis that the Sub-Committee are 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 July, 2015 of driving without due care and attention resulting in disqualification for 6 months and a fine is an intermediate 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 Sub-Committee noted that the Court had viewed the offence as serious by imposing a disqualification.

Serious injury was caused to a teenager. The Sub-Committee was also concerned about your version of events in relation to how the teenager became injured.

It was noted that you said you were frightened at the time of the incident and it has subsequently affected you.

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

(iii) That in respect of report numbered LERSC/08/16(c), the licence to drive a private hire vehicle be suspended for a period of 8 weeks on the basis that the Sub-Committee are 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 October, 2015 of exceeding the statutory speed limit on a motorway resulting in a fixed penalty is an intermediate traffic offence under the Council's policy.

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

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/08/16(d), the licence to drive a private hire vehicle be suspended for a period of 8 weeks, with the condition that the driver must successfully complete the Council's Drivers Testing Procedures, on the basis that the Sub-Committee are 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 July, 2014 and January, 2015 of exceeding the statutory speed limit on a public road which had resulted in penalty points and a fine on both occasions, were intermediate traffic offences under the Council's policy.

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

It was noted that the driver had attended the meeting of the Sub-Committee on 22nd November, 2016 and that the report had been deferred in order to obtain further information which had now been received.

The driver had previous convictions for the same offence in 2007, 2011 and 2012 and the Sub-Committee was concerned that he had a pattern of driving offences.

The Sub-Committee also expressed concern that the driver had previously completed a declaration form on three separate occasions stating that he had never been convicted of any offences.

Further, the Sub-Committee was concerned that the driver had given different reasons for not declaring the convictions at the previous meeting on 22nd November, 2016.

In addition, in January, 2013, the driver had previously attended the Sub-Committee where no action had been taken although the Licensing Unit had been asked to update him on the procedures for reporting convictions. There was concern that the driver had failed to report the latest two convictions despite the reminder.

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.

(v) That in respect of report numbered LERSC/08/16(e), the licence to drive a private hire vehicle be suspended for a period of 24 weeks on the basis that the Sub-Committee are 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 June, 2015 of exceeding the speed limit on a public road resulting in penalty points and a fine is an intermediate traffic offence in accordance with the Council's policy, from September, 2015 of failure to give information as to the identity of the driver etc. resulting in penalty points and a fine is a serious offence under the Council's policy and from February, 2016 of exceeding the speeding limit on a motorway resulting in penalty points and a fine is an intermediate traffic offence in accordance with the Council's policy.

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.

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

The Sub-Committee noted its concern that the driver had failed to declare the convictions for the offences in June and September, 2015 in accordance with the conditions of his licence.

The Sub-Committee also noted its concerns that the three traffic offences had occurred in a period of time of less than 12 months apart.

The Sub-Committee noted the substantial number of penalty points(13) and the large fines imposed (£1300) and that the driver had a propensity to commit traffic offences.

In addition, there was a serious offence in September, 2015 of failing to provide information to the Police and members felt that the driver's actions were dishonest.

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

(vi) That in respect of report numbered LERSC/08/16(f), the licence to drive a private hire vehicle be suspended for a period up to 24th February, 2017 (renewal date) on the basis that the Sub-Committee are 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 the January, 2016 of exceeding the speed limit on a motorway resulting in penalty points is an intermediate traffic offence under the Council's policy.

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

The Sub-Committee noted that the driver had only held his licence since February, 2016 and this offence had occurred in January, 2016. The driver should have declared the offence on his application and did not.

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.

The Sub-Committee was also concerned that the driver had failed to attend the Sub-Committee on two occasions. After his non-attendance at the last meeting on 22nd November, 2016, he had been sent a letter inviting him to attend the meeting today. The letter also stated that due to his failure to attend the last meeting, a decision on his licence would be made at the meeting today even if he did not attend.

(The meeting started at 10.00am and finished at 1.15pm)