

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 12TH JANUARY, 2021

Present – Councillors Dean (Chairman), Morris and Newall.

Apologies for absence were submitted on behalf of Councillors Fletcher and Haworth.

Councillor Dean in the Chair

4. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 9th December, 2020 were submitted and signed as a correct record.

5. 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.

6. 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.

Resolved:- **(i) LERC/1/21 – the driver attended the meeting.**

That in respect of report numbered LERC/1/21, the licence to drive a private hire vehicle be suspended for a period of 8 weeks on the grounds that the driver is not a fit and proper person to hold such a licence at this time.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the two offences from November, 2017 of failing to comply with traffic light signals and exceeding the statutory speed limit on a public road are minor offences under the Council's policy and the offence from October, 2019 of using a vehicle with defective tyres is an intermediate traffic offence under the Council's policy.

The Sub-Committee was concerned that the driver had not declared any of the three convictions in accordance with the conditions of his licence. He had only declared the offences from November, 2017 on his application to renew his licence in June, 2019 and he had only declared the offence from October, 2019 on his application to renew his Licence in August, 2020.

In addition, members were concerned that the two offences in November, 2017 had occurred within 5 days of one another. The non-compliance with traffic signals and driving with a defective tyre were serious offences that could put the public at risk. They felt that the driver was developing a pattern of bad driving habits and not taking his licence seriously.

The driver had also accrued 9 penalty points on his driving licence since November, 2017, 6 of which had only recently expired.

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

Drivers have a duty to adhere to traffic signals at all times as not doing so can cause harm to members of the public and himself.

Drivers have a duty to maintain their vehicles in good operating condition as failure to do so can put members of the public at risk of harm.

Drivers have a duty to declare convictions in accordance with the conditions of their licence.

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

(ii) LERC/2/21 – the driver attended the meeting.

That in respect of report numbered LERC/2/21, no further action be taken

The Sub-Committee noted that the Police had confirmed that the offence was a non-endorsable fixed penalty and had been the result of a spot check of the vehicle by the Police and the Licensing Team. As such, the driver had not breached the conditions of his licence.

The driver attended the meeting and explained that he had been stopped by the Police and Licensing Unit whilst he was on his way to get a replacement back cover for his mirror following an incident outside his home where someone had smashed the window of his vehicle.

The Sub-Committee also took note of a complaint by one of the trade representatives in August, 2018 that the driver was not displaying the correct stickers on his car. The driver explained that he had never owned the car referred to in the complaint and that no action had been taken by the Licensing Unit in this regard.

(iii) LERC/3/21 – the driver and his representative attended the meeting

That in respect of report numbered LERC/3/21, the licence to drive a private hire vehicle be suspended for a period of 12 weeks on the grounds that the driver is not a fit and proper person to hold such 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, 2017 and October, 2019 of exceeding the statutory speed limit on a public road are minor traffic offences under the Council's policy, and the offence from February, 2020 of using a vehicle with a defective tyre is an intermediate offence under the Council's policy.

The Sub-Committee also took account of the witness statement that the driver had submitted prior to the meeting and to the submissions put forward on his behalf by his representative at the meeting. The driver stated that he had been a taxi driver for 33 years and had never received any complaints from passengers in that time. He felt that he was an honest person who had no criminal convictions or other offences apart from traffic ones. He explained that he had been confused about the deadline in which to report offence numbered 9. He assured members that there had been no intention to deceive and it had simply been a mistake which he apologised for. He also confirmed that the tyres of the vehicle had been checked by a mechanic approximately a week before and was told they were fine.

The Sub-Committee was concerned that the driver had breached the conditions of his licence by not declaring Conviction numbered 9 of the report within the required timescales. The online declaration had been submitted 127 days late. It was acknowledged that he had declared conviction numbered 10 of the report within the required timescale required by the conditions of his licence.

Members also noted that the driver had received a warning letter from the Licensing Unit in relation to conviction numbered 8 of the report.

In addition, the driver had also been interviewed by the Licensing Unit in March, 2020 regarding the offences numbered 8, 9 and 10 of the report. The officer's notes of the meeting were appended to the report. The driver had explained the circumstances surrounding each of the offences and stated that he was not carrying passengers at the time of the speeding incident in October, 2019 but could not remember about the incident in May, 2017. With regard to the defective tyre, he explained that his vehicle had been stopped for a spot check by the Police. He stated that the tyres had been checked by a mechanic approximately a week before and was told they were fine.

Members also noted with concern that the driver had accrued 9 penalty points on his driving licence since May, 2017, three of which had only recently expired. The felt he was developing a pattern of bad driving habits and not taking the conditions of his licence seriously.

The driver had also been suspended for one week for previous offences when he attended this Sub-Committee in February, 2013.

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

Drivers have a duty to declare convictions in accordance with the conditions of their licence.

Drivers have a duty to keep their vehicles in good condition and having a defective tyre could result in harm to members of the public and himself.

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

(iv) LERC/4/21 – the driver had submitted a formal request that the application be deferred to the next meeting of the Sub-Committee to enable his trade representative to attend.

That, in respect of report numbered LERC/4/21, consideration of the application be deferred to the next meeting of the Sub-Committee on 19th January, 2021 to enable the driver's trade representative to attend.

(The meeting started at 2.00pm and finished at 3.15pm)