

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

MEETING, 21<sup>st</sup> NOVEMBER, 2017

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

An apology for absence was submitted on behalf of Councillor L. Byrne.

Councillor Donaghy in the Chair

### **13. MINUTES OF PREVIOUS MEETING**

The minutes of the proceedings of the meeting of the Sub-Committee held on 24<sup>th</sup> October, 2017 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 LERSC/08/17**

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 attended the meeting in respect of reports numbered LERSC/08/17(a) and LERSC/08/17(d).

The drivers and their representatives attended in respect of reports numbered LERSC/08/17(b), LERSC/08/17(c) and LERSC/08/17(e).

Resolved – (i) That, in respect of report numbered LERSC/08/17(a), the licence to drive a private hire vehicle be revoked as 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 March, 2014, September, 2016 and April, 2017 of exceeding the statutory speed limit on a public road resulting in fixed penalties are minor traffic offences under the Council's policy.

The Sub-Committee expressed concern that the driver had failed to declare conviction numbered 1 on his application form. A warning letter had been issued by the Licensing Unit in this regard.

With regard to conviction numbered 3, the driver had failed to declare this on his application renewal form. He had also failed to declare this on a second declaration form. The Sub-Committee were concerned that the driver had had three opportunities in which to declare the conviction and had not done so. They felt he had acted dishonestly in this regard.

The Sub-Committee were also concerned that the offences numbered 2 and 3 had occurred within 7 months of one another and that the driver was developing a pattern of bad 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 revoke the licence.

(ii) (Councillor Chadwick dissenting) That in respect of report numbered LERSC/08/17(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 traffic offences from February, 2006 and March, 2016 of exceeding the statutory speed limit on a public road resulting in fixed penalties are minor traffic offences under the Council's policy and the offence from October, 2010 of the breach of requirements as to control of the vehicle, mobile phones etc. is an intermediate offence under the Council's policy.

The Sub-Committee noted that the driver had previously attended this Sub-Committee in July, 2011 where his licence had been suspended for a period of four weeks. This had been as a result of the driver's failure to declare convictions numbered 1 and 2 in the report.

The Sub-Committee were concerned that the driver had failed to declare the conviction numbered 3 in accordance with the terms and conditions of his licence despite having appeared before this Sub-Committee previously. He also failed to declare all of the convictions on his application renewal form in 2016.

The Sub-Committee felt that the driver had acted dishonestly in not declaring the convictions.

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) (Councillor Chadwick dissenting) That, in respect of report numbered LERSC/08/17(c), the licence to drive a private hire vehicle be suspended for a period of 7 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 August, 2009 of breach of requirements as to control of the vehicle mobile phones etc. resulting in a fixed penalty and from November, 2013 of using a vehicle with defective tyres are intermediate traffic offences under the Council's policy, and the offence from April, 2016 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 expressed concern that the driver had failed to notify conviction numbered 3 in the report in accordance with the terms and conditions of his licence. The conviction was identified when renewing the licence following a DVLA enquiry.

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) (Councillor Chadwick dissenting) That, in respect of report numbered LERSC/08/17(d), the licence to drive a private hire vehicle be suspended for a period of 12 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 April, 2016 and November, 2016 of exceeding the statutory speed limit on a public road resulting in fixed penalties were minor traffic offences under the Council's policy.

The Sub-Committee were concerned that the driver had failed to declare both of the convictions in accordance with the conditions of his licence. He had also failed to declare both convictions on his application for renewal of his licence.

The Sub-Committee felt that the driver had acted dishonestly in failing to declare the convictions and they had only come to light through a routine DVLA check at the time of renewal by the Licensing Unit.

A warning letter had been issued to the driver by the Licensing Unit advising him of the need to declare convictions.

They were also concerned that the offence numbered 1 in the report had occurred within only a month of the driver being granted a licence and that, being a new driver, he should have known that he was required to declare the conviction. Further, the offences from April and November, 2016 had occurred only seven months apart. They felt that the driver was developing a pattern of bad 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.

(v) That in respect of report numbered LERSC/08/17(e), the application to renew the licence to drive a private hire vehicle be refused 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 November, 2013 of exceeding the statutory speed limit on a public road resulting in fine and penalty points is an intermediate offence under the Council's policy.

The driver had also received convictions for previous offences in February, 2001 (major), September, 2006 (minor) and May, 2006 (major).

The Sub-Committee was concerned that the driver had failed to declare the convictions on his renewal forms in 2014, 2015 and

2016. In addition, he had failed to declare conviction numbered 4 of the report in accordance with the terms and conditions of his licence. This conviction had been identified during the application process to renew the licence submitted by the driver in July, 2017. In addition, the Sub-Committee were concerned that in 2014, the driver had submitted an old driving licence to the Licensing Unit which did not have the convictions detailed on it. The Sub-Committee felt that the driver had acted dishonestly on these occasions.

The Sub-Committee were also concerned at the large fine imposed in relation to the offence numbered 4 in the report. The driver explained that he was out of the country at the time of the conviction and did not attend the court case and that was the reason for the large fine. The Sub-Committee were not convinced about this explanation.

The Sub-Committee had grave concerns about the driver's continual non-declaration of all his convictions.

There was therefore reasonable cause to refuse to grant the licence

(The meeting started at 12.30pm and finished at 3.45pm)