

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 15th AUGUST, 2017

Present – Councillors Donaghy (Chairman), L. Byrne, Chadwick, Haslam, Haworth 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 11th July, 2017 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 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.

9. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LERSC/05/17

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 LERSC/05/17(a), LERSC/05/17(b), LERSC/05/17(d) and LERSC/05/17(e).

The driver and his wife attended in respect of report numbered LERSC/05/17(c).

Resolved – (i) That, in respect of report numbered LERSC/05/17(a), the licence to drive a private hire vehicle be suspended for a period of 4 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, 2016 and October, 2016 of exceeding the statutory speed limit on a public road which had resulted in fixed penalties and points are minor traffic offences under the Council's policy.

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

The Sub-Committee also expressed concern that the two offences had occurred within 6 months of each other and that the driver was developing 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.

(ii) That in respect of report numbered LERSC/05/17(b), the licence to drive a private hire vehicle be suspended for a period of 10 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 October, 2016 of exceeding the statutory speed limit which had resulted in a fixed penalty and a fine is an intermediate offence under the Council's policy.

The Sub-Committee noted that the driver had failed to declare the conviction in accordance with the conditions of his licence. He had also failed to declare the conviction on his renewal licence form in February, 2017.

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/05/17(c), the licence to drive a private hire vehicle be suspended for a period of 26 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 offence in April, 2013 and April, 2015 which had resulted in fixed penalties and points are minor offences under the Council's policy and the traffic offence in April, 2013 which had resulted in a fine and penalty points was an intermediate offence under the Council's policy.

The Sub-Committee noted that the driver had failed to declare all the convictions in accordance with the conditions of his licence. He had also failed to declare the convictions on his renewal licence forms in 2016 and 2017. Members felt that the driver had behaved in a dishonest manner by not declaring the convictions on his renewal form.

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 Sub-Committee was concerned that the Conviction numbered 3 in the report had occurred whilst the driver had passengers in his vehicle.

The Sub-Committee expressed concern that the traffic offences in April, 2013 had occurred on the same date and within a few minutes of each other.

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

(iv) That in respect of report numbered LERSC/05/17(d), the licence to drive a private hire vehicle be suspended for a period of 16 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 November, 2015 of exceeding the speed limit on a motorway resulting in a fixed penalty and points is an intermediate offence under the Council's policy.

The Sub-Committee noted that the driver had failed to declare the conviction in accordance with the conditions of his licence. He had also failed to declare the conviction on his renewal licence forms in 2016 and 2017. The renewal form in February, 2016 was filled in only 10 weeks after the offence occurred. The Sub-Committee felt that the driver was acting in a dishonest manner.

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

(v) That in respect of report numbered LERSC/05/17(e), a decision on the matter be deferred to the next meeting of this Sub-Committee scheduled for 12th September, 2017 to enable further information to be obtained.

(The meeting started at 12.30pm and finished at 2.50pm)