

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

MEETING, 19<sup>TH</sup> JANUARY, 2021

Present – Councillors Dean (Chairman), Khurram (as deputy for Councillor Haworth), Morris and Newall.

An apology for absence was submitted on behalf of Councillor Haworth

Councillor Dean in the Chair

### **7. MINUTES OF PREVIOUS MEETING**

The minutes of the proceedings of the meeting of the Sub-Committee held on 12<sup>th</sup> January, 2021 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. 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/5/21 – the driver attended the meeting.**

That in respect of report numbered LERC/5/21, the licence to drive a private hire vehicle be suspended for 20 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, 2018 and September, 2019 of exceeding the statutory speed limit on a public road are minor traffic offences under the Council's policy.

The Sub-Committee was concerned that the driver had breached the conditions of his licence by failing to declare the offence numbered 26 in the report. He had been sent a warning letter by the Licensing Unit in February, 2019 reminding him of the conditions of his licence and the need to declare convictions in accordance with the timescales required.

The driver again breached the conditions of his licence by not declaring the offence numbered 27 in the report, in accordance with the required timescales, despite having received the warning letter reminding him of the need to do so. The online form was submitted 54 days late.

The driver submitted to the Sub-Committee that the late declaration of offence numbered 27 was an error and he had been waiting for the points to be issued onto his licence before declaring the offence to the Licensing Unit.

It also came to light during the meeting that the driver had attended a speed awareness course in the last few years which indicated that he may have committed an additional traffic contravention to what was contained in the report.

Members felt that the driver was not taking the conditions of his licence seriously despite having received a warning about the need to do so, and that he was becoming a persistent offender with 8 known traffic offences since 2005.

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.

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

**(ii) LERC/6/21 – the driver attended the meeting.**

That in respect of report numbered LERC/6/21, the licence to drive a private hire vehicle be suspended for 24 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 offence from January, 2020 of failing to comply with traffic signal (excluding stop signs, traffic lights or double white lines) is a minor offence under the Council's policy.

The Sub-Committee was concerned that the driver had breached the conditions of his licence by not declaring the conviction within the timescales required. The conviction was declared 17 days late.

Members were also mindful that the driver had attended the Sub-Committee on two previous occasions in 2014 and 2017 where his licence had been suspended for serious driving offences, complaints and non-declaration of offences. He had been warned at that time of the need to declare convictions within the required timescales and should have known of the need to do so for his recent offence.

The driver informed Sub-Committee that the circumstances of the offence were that he was stopped by police for reversing down a one-way street. He received a fixed penalty notice and 3 points on his licence. No explanation was provided to the Sub-Committee as to why he had failed to declare the offence to the Licensing Unit within the given timescale.

The Sub-Committee felt that the driver was not taking the conditions of his licence seriously, developing a pattern of bad driving habits and not learning from past mistakes.

Drivers have a duty to adhere to traffic signals at all times as failure to do so can be a real danger to the public.

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.

**(iii) LERC/7/21 – the driver and his representative attended the meeting.**

**The application had been deferred for consideration at the meeting of this Sub-Committee held on 12<sup>th</sup> January, 2021 to enable the driver to attend with a trade representative (Minute 6(iv) refers).**

That, in respect of report numbered LERC/7/21, a written warning be issued to the driver reminding him of the need to adhere to speed limits at all times, as exceeding them can be a real danger to the public, and to declare convictions and any other changes to his circumstances, in accordance with the conditions of his licence.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the three offences from May, 2019 of exceeding the statutory speed limit on a public road are minor offences under the Council's policy.

The Sub-Committee was concerned that the driver had breached the conditions of his licence by not declaring the convictions within the timescales required. The convictions numbered 1, 2 and 3 were declared 207, 201 and 198 days late respectively.

The driver had been interviewed by the Licensing Unit in March, 2020 in relation to the offences. A copy of the notes of the meeting were appended to the report.

A DVLA summary provided by the driver to the licensing team in December 2020 also identified that the driver had changed his surname by Deed Poll and had also moved address. The driver had breached the conditions of his licence by failing to notify the Licensing Unit of the change of address within the timescale required.

The driver attended the meeting and explained to members what had happened at the time of the offences. He accepted full responsibility for his actions and acknowledged that speeding was a serious matter. He understood that he could have put members of the public and himself at risk and apologised for his actions. He realised that he was a relatively new driver and that he should have known better.

The driver further explained that he had been undergoing several personal issues at the time of the offences which had affected him and his family.

The driver assured members that he had learned from his mistakes and that he had taken extra care to adhere to all speed limits since the offences. He assured members that he was a responsible person and was taking the matter of his licence and public safety seriously. He understood the need to declare convictions and any other changes affecting his licence to the Licensing Unit in a timely manner.

Members listened to the driver's explanation and carefully considered the events. They felt that he had been going through an unsettling period in his personal life when the offences occurred and that he had been truthful in his

explanations. They felt that he had shown genuine remorse for his actions, understood that he could have caused harm to the public and given assurances that this would not happen again.

There is therefore reasonable cause to issue a warning letter to the driver.

(The meeting started at 2.00pm and finished at 3.20pm)