

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 19TH JUNE, 2018

Present – Councillors Haworth (Chairman), Haslam, McKeon, Newall (as deputy for Councillor Donaghy) and P. Wild.

An apology for absence was submitted on behalf of Councillor Donaghy

Councillor Haworth in the Chair

1. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 8th May, 2018 were submitted and signed as a correct record.

2. 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.

3. 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.

The driver and his representative and a friend attended in respect of report numbered LERC/23/18.

The driver and his representative attended in respect of report numbered LERC/24/18.

The drivers attended in respect of reports numbered LERC/25/18 and LERC/26/18

Resolved:-

(i) That, further to Minute 30 (iv) of the meeting of this Sub-Committee held on 8th May, 2018, the Sub-Committee considered report numbered LERC/23/18 and agreed that the licence to drive a private hire vehicle licence be suspended for a period of two 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 traffic offence from November, 2017 of exceeding the speed limit on a motorway resulting in a fixed penalty is an intermediate offence under the Council's policy.

It was acknowledged that the driver had declared the conviction in accordance with the conditions of his licence.

The Sub-Committee noted that the driver had previously attended the Sub-Committee in April, 2011 in respect of the offences numbered 1, 2 and 3 the report. It had been agreed that no action be taken at that time.

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

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

(ii) That, further to Minute 30(ii) of the meeting of this Sub-Committee held on 8th May, 2018, the Sub-Committee considered report numbered LERC/24/18 and agreed that the licence to drive a private hire vehicle be suspended for a period

of four weeks on the basis 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 traffic offences from August, 2017 of exceeding the statutory speed limit on a public road resulting in a fixed penalty and from December, 2017 of exceeding the passenger vehicle speed limit resulting in a fixed penalty were minor and intermediate offences under the Council's policy.

The Sub-Committee was concerned that the driver had not declared either of the convictions in accordance with the conditions of his licence. The offence numbered 1 in the report was declared 25 days late and the offence numbered 2 in the report was declared 1 day late.

The Sub-Committee was also concerned that the two offences had occurred within four months of one another and the driver was developing a pattern of bad driving habits.

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

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

(iii) That, in respect of report numbered LERC/25/18, the application to renew a licence to drive a private hire vehicle be granted on the grounds that the driver is a fit and proper person to hold such a licence at this time.

In coming to its decision, the Sub-Committee considered the speeding conviction from August, 2016 and the non-declaration of the offence and balanced this against the great lengths the driver went to in assisting a person in need, full details of which were provided in the report.

In this regard, the Sub-Committee agreed to renew the private hire licence and issue a warning letter to the driver advising

him of the need to adhere to speed limits and the need to declare convictions and declare them in a timely manner.

(iv) That, in respect of report numbered LERC/26/18, the application to renew a private hire vehicle be granted on the basis that the driver is a fit and proper person to hold a licence at this time.

(The meeting started at 12.30pm and finished at 3.00pm)