

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 12th SEPTEMBER, 2017

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

Councillor Donaghy in the Chair

10. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 15th August, 2017 were submitted and signed as a correct record.

11. 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.

12. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LERSC/06/17

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/06/17(c) and LERSC/06/17(e).

The driver and his representative attended the meeting in respect of report numbered LERSC/06/17(a).

The driver and a taxi operator attended the meeting in respect of report numbered LERSC/06/17(b).

The driver and a relative attended the meeting in respect of report numbered LERSC/06/17(d).

Resolved – (i) That, in respect of report numbered LERSC/06/17(a), the licence to drive a private hire vehicle be revoked 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 March, 2017 of exceeding the statutory speed limit on a public road resulting in penalty points and a fine is an intermediate traffic offence under the Council's policy.

The Sub-Committee noted that the driver had previously attended this Sub-Committee in April, 2017 where his licence had been suspended for a period of 12 weeks due to three speeding offences numbered 1, 2 and 3 of the report and failure to notify one of the convictions in August, 2016 in accordance with his licence.

The Sub-Committee had also been concerned at the explanation provided by the driver regarding the circumstances of the offence in August, 2016 and that they felt the driver had been dishonest in respect of this.

With regard to the latest offence in March, 2017, the Sub-Committee expressed concern that it had occurred within a short period of time since the previous offence in August, 2016 and felt that the driver had developed a pattern of bad driving habits. The driver also now has 12 points on his licence.

In making its decision, the Sub-Committee had regard for the Council's policy in relation to the totting up procedure.

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 as a warning and as a deterrent.

(ii) That in respect of report numbered LERSC/06/17(b), the licence to drive a private hire vehicle be suspended for a period of four 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 three traffic offences and the use of a vehicle with defective tyres which had resulted in fixed penalties and fines are minor and intermediate traffic offences under the Council's policy.

The driver had also been convicted for an undefined contravention of pedestrian crossing regulations in September, 2009 which is a minor traffic offence under the Council's policy.

With regard to conviction numbered 5 in the report, the driver explained that this had been declared in error. The conviction did not appear on his DVLA record.

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/06/17(c), the licence to drive a private hire vehicle be suspended for a period of eighteen 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 five traffic offences involving breach of requirement as to control of the vehicle (mobile phones etc), failure to comply with traffic lights and exceeding

the statutory speed limit on a public road resulting in fixed penalties are intermediate and minor offences under the Council's policy.

The Sub-Committee were also concerned that the driver had failed to notify conviction numbered 11 in the report in accordance with the conditions of his licence despite having been previously warned about the non-declaration of conviction numbered 10 in the report by way of a letter from the Principal Licensing Officer.

The Sub-Committee also expressed concern that the offences numbered 11 and 12 in the report occurred within four months of one another and they felt that the driver was developing bad driving habits. They were also concerned that the driver was carrying a passenger when offence numbered 12 occurred.

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) That in respect of report numbered LERSC/06/17(d), the licence to drive a private hire vehicle be granted as the Sub-Committee are satisfied that the driver is a fit and proper person to hold a licence at this time.

However, the Sub-Committee agreed that a warning letter should be sent to the driver from the Principal Licensing Officer advising him of the need to be mindful of safety issues when driving with passengers.

(v) That in respect of report numbered LERSC/06/17(e), the licence to drive a private hire vehicle be suspended for a period of four 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 March, 2017 of exceeding the speed limit on a motorway which had resulted in a fixed penalty is an intermediate offence under the Council's policy.

The Sub-Committee noted that the driver had declared the conviction as soon as he was able to.

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.

(The meeting started at 12.30pm and finished at 3.20pm)