

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 15TH SEPTEMBER, 2015

Present – Councillors Donaghy (Chairman), Chadwick, D. Burrows (as deputy for Councillor C. Burrows), Haslam and Wild.

Councillor Donaghy, Chairman.

5. MINUTES OF THE LAST MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 28th July, 2015 were submitted and signed as a correct record.

6. 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 it involves 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.

7. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LERSC/04/15

(Councillor Haslam declared an interest in relation to report LERSC/04/15 (b) and left the room taking no part in the debate or vote thereon.)

The Director of Environmental Services submitted a report which provided details of four drivers who had been convicted of offences during the period of their licences.

The drivers in relation to reports, LERSC/04/15 (a), LERSC/04/15 (b), LERSC/04/15 (c) and

LERSC/04/15 (e) attended the meeting.

Resolved – (i) That consideration of report numbered LERSC/04/15(a) be deferred until the next meeting of this Sub-Committee on 22nd September, 2015 at 2.00pm.

(ii) That in respect of report numbered LERSC/04/15 (b) the licence to drive a private hire vehicle and a hackney carriage vehicle be suspended for a period of eight 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 January, 2015 of exceeding the speed limit on a motorway was an intermediate traffic offence under the Council's Policy. Drivers have a duty to adhere to the statutory speed limits at all times and exceeding the speed limit can be a real danger to public safety.

The driver also failed to declare the offence in accordance with the conditions of his private hire driver's licence.

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

(iii) That in respect of report numbered LERSC/04/15 (c) the licence to drive a private hire vehicle be suspended for a period of sixteen 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, 2014 of using a vehicle uninsured against third party risks is a serious traffic offence under the Council's Policy. This was also the second offence of the same nature.

The driver also failed to declare the offence in accordance with the conditions of his private hire driver's licence.

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

(iv) That consideration of report numbered LERSC/04/15(d) be deferred until a future meeting of this Sub-Committee.

(v) That in respect of report numbered LERSC/04/15 (e) the licence to drive a private hire vehicle and a hackney carriage vehicle be suspended for a period of six 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, 2014 of exceeding the speed limit on a motorway was an intermediate traffic offence under the Council's Policy. Drivers have a duty to adhere to the statutory speed limits at all times and exceeding the speed limit can be a real danger to public safety.

This also comes against a background of other previous traffic offences.

The driver also failed to declare the offence in accordance with the conditions of his private hire driver's licence.

The Sub-Committee considered the effect of the loss of livelihood as an irrelevant matter.

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

(vi) That consideration of report numbered LERSC/04/15(f) be deferred until a future meeting of this Sub-Committee.

(The meeting started at 12.30pm and finished 2.09pm)