

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 24TH SEPTEMBER, 2019

Present – Councillors P. Wild (Chairman), Donaghy, Flitcroft and Haslam

Councillor P. Wild in the Chair

An apology for absence was submitted on behalf of Councillor Morris

8. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 27th August, 2019 were submitted and signed as a correct record.

9. 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.

10. 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/20/19 – the driver and his representative attended the meeting.

The matter had been deferred at the meeting on 27th August, 2019 to allow the driver to attend with his legal representative (Minute 7(iii) refers).

That, in respect of report numbered LERC/20/19, the licence to drive a private hire vehicle be suspended for a period of three 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 January, 2019 of exceeding the statutory speed limit on a public road resulting in a fine and penalty points is a minor offence under the Council's policy.

The Sub-Committee was concerned that the driver had failed to declare the conviction in accordance with the required timescales as specified in his licence. The conviction numbered 5 in the report had been declared 9 days late. The driver had previously been sent a warning letter in 2017 reminding him of the need to declare convictions and should have known of the need to do so. He was also carrying passengers at the time of the offence.

Members were also concerned that the driver had been convicted of two other speeding offences in May, 2017 and November, 2017 and felt that he was developing a pattern of speeding habits.

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.

The driver's financial circumstances could not be taken into consideration.

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

(ii) LERC/21/19 – the driver attended the meeting.

The matter had been deferred at the meeting on 27th August, 2019 to allow the driver to attend (Minute 7(i) refers).

That, in respect of report numbered LERC/21/19, a warning letter be sent to the driver reminding him of the need to declare convictions in a timely manner, to declare any convictions on renewal application forms and to adhere to speed limits at all times.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the traffic offence from May, 2018 of exceeding the statutory speed limit on a public road resulting in a fixed penalty is a minor traffic offence under the Council's policy.

The Sub-Committee was concerned that the driver had failed to declare the conviction in accordance with the required timescales as specified in his licence. He had also failed to declare the conviction on the application form to renew his licence in September, 2018. The conviction had only been discovered when the Licensing Unit had made a routine enquiry to the DVLA.

It had also come to light during the meeting that the driver had attended a speed awareness course approximately two years ago.

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.

(iii) LERC/22/19 – the driver attended the meeting.

The matter had been deferred at the meeting on 5th March, 2019 at the request of the driver to enable him to resolve the issues identified (Minute 18(ii) refers)

That, in respect of report numbered LERC/22/19, the licence to drive a private hire vehicle be suspended for a period of six 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 offences from January, May and November, 2018 of exceeding the statutory speed limit on a public road resulting in fixed penalties are minor offences under the Council's policy.

The Sub-Committee was concerned that the driver had failed to declare conviction numbered 3 in the report in accordance with the conditions of his licence. He had previously been warned about the need to declare convictions in March, 2013 and should have known that it was a condition of his licence.

In relation to conviction numbered 4 in the report, it was noted that the driver had completed an online declaration form but had advised the Licensing Unit that he was in the process of disputing this offence.

In addition, the driver had not declared conviction numbered 2 on his application form in May, 2017 despite having declared it at the time.

Members felt that the driver was not taking the conditions of his licence seriously and that he should have known to declare the convictions as he had previously been warned on the matter.

In addition, they were concerned that the three offences had all occurred within 12 months of one another and that the driver currently had 9 points on his licence. They felt that he was developing a pattern of bad driving habits.

It also came to light during the meeting that the driver had attended a speed awareness course in the past but could not remember when.

Drivers have a duty to adhere to speed 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.

The Sub-Committee advised that the driver's licence could have been revoked if it were not for his previous good driving record.

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

(iv) LERC/23/19 – the driver attended the meeting.

That, in respect of report numbered LERC/23/19, the licence to drive a private hire vehicle be suspended for a period of four 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 offences from March, 2018 and December, 2018 of exceeding the statutory speed limit on a public road resulting in fines and penalty points are minor offences under the Council's policy.

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

Members were concerned that the two offences had occurred within 10 months of one another and that the driver was developing bad driving habits. He currently had 6 points on his licence.

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

The Sub-Committee advised that the driver's licence could have been revoked however, his previous good driving record, the customer references he submitted and his timely declarations of convictions had prevented this.

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

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