

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 12TH FEBRUARY, 2020

Present – Councillors Dean (as deputy for Councillor P. Wild), Flitcroft and Morris

An apology for absence was submitted on behalf of Councillor P. Wild

17. APPOINTMENT OF CHAIRMAN

Resolved – That in the absence of the Chairman, Councillor Dean be appointed Chairman of this Sub-Committee for the purposes of this meeting only.

Councillor Dean here took the Chair

18. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 14th January, 2020 were submitted and signed as a correct record.

19. 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.

20. 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/5/20 – the driver did not attend as he was currently out of the country.**

The matter had been deferred at the meeting on 14th January, 2020 to allow the driver to attend (Minute 16(i) refers).

In respect of application numbered LERC/5/20, consideration of the report be deferred to the meeting of the Sub-Committee scheduled for 24th March, 2020 to enable the driver to attend.

(ii) LERC/6/20 – the driver's legal representative attended the meeting.

The matter had been deferred at the meeting on 14th January, 2020 to allow the driver to attend with his legal representative and to enable the Sub-Committee to hear the driver's version of events as it was a major traffic offence (Minute 16(iii) refers).

Appendix 3 outlined in the report was removed before circulation. This did not form part of the report before the Committee.

That, in respect of report numbered LERC/6/20, the licence to drive a private hire vehicle be revoked on the grounds that the driver is not a fit and proper person to hold such a licence at this time. The decision to revoke the licence was based solely on the MS90 conviction and the breach of licence conditions.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the traffic offence from February, 2019 of failing to give information as to the identity of the driver

resulting in a fine and penalty points is a major 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 was declared 15 days late.

The driver had been interviewed by the Licensing Unit and his statement was submitted to the Sub-Committee. In that statement, the driver explained that he had not been driving at the time of the offence and that he had loaned the car to a relative who had not correctly filled in the Police form requesting the identity of the driver. He had pleaded guilty to the offence in Court.

The driver's representative put forward the driver's version of events in his absence. He advised that the driver had acknowledged that he should have taken responsibility for filling in the Police request for information form himself and not relied on his friend to complete it.

Drivers have a duty to declare convictions in accordance with the conditions of their licence.

It was noted that the Sub-Committee, in coming to its decisions, did not take account of the previous allegations referred to in the report.

(iii) LERC/7/20 – the driver and his brother attended the meeting.

That, in respect of report numbered LERC/7/20, the licence to drive a private hire vehicle be suspended for a period of three months, 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 September, 2018 of failure to give information as to the identity of the driver

resulting in a fine and penalty points was a major offence under the Council's policy.

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

The driver had been interviewed by the Licensing Unit and his statement was submitted. He stated that he had loaned his vehicle to a friend who had committed a speeding offence.

Members heard the driver's version of events where he explained that the offence had occurred when he has loaned his family car to a friend. He had subsequently received a Police form requesting the identity of the driver which he had filled in with the other driver's details and returned. Despite this, he had been found guilty in court of failing to provide the identity of the driver.

The Sub-Committee acknowledged that the driver had declared the conviction in accordance with his licence and that it had been his personal car that his relative's friend was driving at the time of the offence and not his taxi. He had also declared the conviction in accordance with the conditions of his licence.

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

(iv) LERC/8/20 – the driver had submitted a formal request that the application be deferred to the next meeting of the Sub-Committee to enable his legal representative to attend.

That, in respect of report numbered LERC/8/20, consideration of the application be deferred for consideration at the next meeting of the Sub-Committee on 25th February, 2020 to enable his legal representative to attend.

(The meeting started at 10.00am and finished at 11.00am)