

## **LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)**

MEETING, 30th OCTOBER, 2014

Present – Councillors Jones (Chairman), D. Burrows, L. Byrne, Haslam and Wild.

An apology for absence was submitted by Councillor Chadwick.

Councillor Jones, Chairman.

### **8. MINUTES OF THE LAST MEETING**

The minutes of the proceedings of the meeting of the Sub-Committee held on 9<sup>th</sup> September, 2014 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 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.

### **10. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS**

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

The drivers in relation to reports, LERSC/07/14(a), LERSC/07/14(d) and LERSC/07/14(e), attended the meeting.

Resolved – (i) That in respect of report numbered LERSC/07/14 (a) no further action be taken regarding the licence to drive a private hire vehicle but a warning letter be issued reminding the driver of the need to keep to the statutory speed limits and also of the need to report convictions on time in accordance with the conditions of his licence.

(ii) That in respect of report numbered LERSC/07/14 (b) consideration of this matter be deferred until a future meeting of this Sub-Committee.

(iii) That in respect of report numbered LERSC/07/14 (c) 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 of driving without due care and attention from 4<sup>th</sup> August, 2013 is an intermediate traffic offence under the Council's Policy and the incident resulted in injuries being sustained by two individuals. Drivers have a duty to drive with care and not be a danger to the public.

The driver also failed to report the conviction in accordance with conditions of his licence.

The driver had now failed to attend two meetings to explain the reason for his misconduct and the Sub-Committee agreed to hear the misconduct case in the driver's absence.

There is reasonable cause to revoke the licence with immediate effect under Section 61 (2B) of the Local Government (Miscellaneous provisions) Act, 1976 in the interests of public safety.

(iv) That in respect of report numbered LERSC/07/14 (d) no further action be taken regarding the licence to drive a private hire vehicle but a warning letter be issued reminding the driver of the need to maintain his vehicle properly.

(v) That in respect of report numbered LERSC/07/14 (e) the licence to drive a private hire vehicle be suspended until 26<sup>th</sup> February, 2015 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 two offences of exceeding the speed limit on a public road from January and February, 2014 are intermediate offences under the Council's Policy. Also on two separate occasions in February and March, 2014 the driver failed to give information as to the identity of a driver and this is a serious offence under the Council's Policy.

The driver also failed to report the convictions in accordance with conditions of his licence.

The Sub-Committee also took note of the drivers verbal evidence in terms of his denial that he was the driver at the time of the offences.

There is therefore reasonable cause to suspend the licence until the return of the driver's driving licence as a warning and a deterrent.

(The meeting started at 3.00pm and finished at 3.55pm)