

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 23RD JANUARY, 2018

Present – Councillors Donaghy (Chairman), Chadwick, Haslam, Haworth, Watters (as deputy for Councillor L. Byrne) and P. Wild.

Councillor Donaghy in the Chair

16. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 21st November, 2017 were submitted and signed as a correct record.

17. 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.

18. 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.

The drivers attended the meeting in respect of reports numbered LERSC/01/18 and LERSC/03/18.

The drivers and their representatives attended in respect of reports numbered LERSC/02/18 and LERSC/05/18.

The driver and his daughter and a representative attended in respect of report numbered LERSC/04/18.

Resolved – (i) That, in respect of report numbered LERSC/01/18, the application to renew a licence to drive a private hire vehicle be refused as the driver is not 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 offences from July, 2013 of using a mobile phone whilst driving and March, 2015 of driving without due care and attention are intermediate traffic offences under the Council's policy.

The Sub-Committee expressed concern that the driver had failed to declare conviction numbered 2 in accordance with the conditions of his licence.

The driver had failed to declare both convictions (1 and 2) on the application renewal forms he submitted in 2015, 2016 and 2017. The Sub-Committee were concerned that the driver had had three opportunities in which to declare the convictions and had not done so. They felt he had acted dishonestly in this regard.

The Sub-Committee were also concerned that both intermediate offences numbered 1 and 2 had occurred within 3 years of one another, that the driver was developing a pattern of bad driving habits and he was a relatively new licence holder.

Drivers have a duty to adhere to road traffic regulations and to drive with due care and attention at all times.

There is therefore reasonable cause to refuse the licence.

(ii) That in respect of report numbered LERSC/02/18, the application to renew a licence to drive a private hire vehicle be refused as 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 June, 2017 of driving without due care and attention is a major traffic offence under the Council's policy.

The Sub-Committee were concerned at the large fine and significant penalty points imposed as a result of the incident. They were also concerned that the licence holder was a relatively new driver and that the incident had occurred within 18 months of his licence being granted.

The driver explained the circumstances surrounding the incident of driving without due care and attention. He explained that he had attended Court to present his evidence.

The Sub-Committee considered all the mitigation put forward by the driver, including the fact that he had declared the conviction in accordance with his licence and that the driver had shown remorse.

The Sub-Committee were however, not convinced that the driver had shown proper due care and attention when carrying out the manoeuvre. Having watched the dashcam video produced by the driver, members did not agree that this was a momentary lapse of concentration, especially given that the magistrates had endorsed his licence with 8 penalty points. It was also noted that there was a fare paying passenger in the car at the time of the incident and serious injury was caused to the pedestrian.

There is therefore reasonable cause to refuse the licence.

(iii) (Councillor Chadwick dissenting) That, in respect of report numbered LERSC/03/18, the licence to drive a private hire vehicle be suspended for a period of seven weeks on the grounds that he is not 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 July, 2016 of

exceeding the statutory speed limit on a motorway was a major offence under the Council's policy.

Members were reminded that consideration of this application had been deferred at the meeting of the Sub-Committee on 15th August, 2017 to enable further information to be obtained by the applicant. This information had now been provided and was in the form of documentation from Worcestershire Magistrates Courts and was attached to the report at Appendix 2.

The Sub-Committee were concerned that the driver had failed to declare the conviction in accordance with the conditions attached to his licence. It was noted that the driver had later completed an online convictions declaration on 18th March, 2017 which was approximately 7 weeks late. At that time, he had declared that the conviction was an SP30.

The Sub-Committee were concerned at the large fine and number of penalty points imposed as a result of the incident.

The details provided by Worcestershire Courts confirmed that the driver had received an SP50 for speeding on a motorway that had a 50mph temporary restriction and prohibition of traffic order in place at the time.

The Sub-Committee was concerned that the speed at the time of the offence had been recorded at 66mph which accounted for the large fine and points awarded.

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) (Councillor Chadwick dissenting) That, in respect of report numbered LERSC/04/18, the licence to drive a private hire vehicle be renewed and suspended for a period of two weeks on the grounds that he is not 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 May, 2016 of exceeding the statutory speed limit on a public road resulting in a fixed penalty was a minor traffic offence under the Council's policy.

The Sub-Committee were concerned that the driver had failed to notify the conviction to the Licence Unit in accordance with the conditions of his licence. The offence was discovered following a Driver and Vehicle Licensing Agency enquiry completed by a Licensing Officer as part of consideration of the application to renew the licence on 1st August, 2017.

The driver had also failed to declare the offence on the application forms for renewal of his licence submitted in 2016 and 2017. The Sub-Committee noted that the driver had had the opportunity to declare the convictions on two separate occasions.

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 renew and suspend the licence as a warning and as a deterrent.

(v) That in respect of report numbered LERSC/05/18, the licence to drive a private hire vehicle be revoked as 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.

The driver had previously attended a meeting of this Sub-Committee on 11th September, 2012 where members had considered convictions numbered 1 to 6 in the report. The Sub-Committee had taken no action in relation to his licence to drive a private hire vehicle but had issued a letter of warning concerning the intermediate traffic offence under the Council's

policy from March, 2012 of using a mobile phone whilst driving a motor vehicle.

The driver had now come before this Sub-Committee following the receipt of a complaint by a member of the public regarding the standard of driving following an incident on 8th November, 2017. A full copy of the complaint was attached to the report at Appendix 3.

The complainant had also provided a visual recording of the incident taken by a dashcam installed in the complainant's vehicle. The recording was shown to members.

The complaint and accompanying visual recording showed the taxi being driven through a red traffic light. The Licensing Unit had also verified that the vehicle was carrying fare paying passengers at the time of the incident.

The Licensing Unit had carried out an informal interview with the driver on 22nd November, 2017. A copy of the formal notes of the meeting was attached to the report at Appendix 4.

The driver was asked to explain the incident and why it had happened.

The driver acknowledged that his actions had been dangerous and could have caused a serious accident/injury. He expressed remorse about the incident and about the fact that he had fee paying passengers and other members of the public at risk.

The Sub-Committee expressed grave concern that the vehicle was carrying fee paying passengers at the time of the incident. Public safety was of the greatest importance and of primary concern to members and he could have caused serious injury by his actions.

The Sub-Committee were also concerned that the driver had been convicted of a similar offence in 2009.

After watching the dashcam footage, members were concerned that the driver had gone through the red light at speed and was posing a danger to himself and others.

There was therefore reasonable cause to revoke the licence.

(The meeting started at 12.30pm and finished at 4.15pm)