

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 20TH MARCH, 2018

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

(An apology for absence was submitted by Councillor Chadwick)

Councillor Donaghy in the Chair

22. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 6th March, 2018 were submitted and signed as a correct record.

23. 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.

24. APPLICATIONS FOR RENEWAL AND MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS

(Councillor P. Wild declared an interest in relation to item (V) as he knew the driver and left the meeting taking no part in the discussions or decision)

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 LERC/10/18, LERC/12/18, LERC/13/18 and LERC/14/18.

In relation to report numbered LERC/10/18 the driver asked for consideration of the matter to be deferred due to his solicitor being unavailable. He also requested the grant of a temporary licence.

Resolved – (i) That, in respect of report numbered LERSC/10/18, consideration of the matter be deferred until a future meeting and in the meantime no temporary licence is granted.

(ii) That in respect of report numbered LERSC/11/18, consideration of this matter be deferred until a future meeting in order to try and ensure that the driver is present.

(iii) Further to Minute 21(ii) of the previous meeting when the matter had been deferred to enable the driver to attend this meeting, the Sub-Committee considered report numbered LERSC/12/18.

The Sub-Committee agreed that the licence to drive a private hire vehicle be suspended for a period of three weeks as the driver is not a fit and proper person to hold such a licence.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the traffic offence from July, 2017 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 driver also explained that he had attended a speed awareness course in 2016 which points to an additional speeding offence.

The Sub-Committee expressed concern that the driver had failed to declare conviction numbered 4 in accordance with the conditions of his licence despite having previously been warned about this in August, 2012 and July, 2014.

The driver had previously attended the Sub-Committee in August, 2012 in respect of the offences numbered 1 to 3 of the report when members agreed to suspend his licence. At that time, he had failed to declare the offence numbered 3 in accordance with his licence which was the third time he had failed to declare his conviction on time.

The driver had again attended the Sub-Committee in June, 2014 in respect of the offences numbered 1 to 3 of the report where his licence was granted and a warning letter issued regarding the need to report convictions in accordance with his licence.

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

The loss of livelihood is an irrelevant consideration in the determination of this matter.

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

(iv) That, in respect of report numbered LERSC/13/18, the licence to drive a private hire vehicle be suspended for a period of ten 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, 2017 of exceeding the speed limit on a motorway resulting in a fixed penalty is an intermediate traffic offence under the Council's policy.

The Sub-Committee was concerned that the driver had failed to notify the conviction to the Licensing Unit within the required timescales, in accordance with the conditions of his licence. The conviction had been declared online 52 days late.

It was noted that during a routine enquiry to the DVLA, the offence had been recorded as an SP30 (exceeding the speed

limit on a public road). However, on further enquiry, it was confirmed that the offence was actually an SP50 and had occurred on the M62.

It had further come to light that the driver had undertaken a speed awareness course for a speeding offence on 27th March, 2017.

The Sub-Committee was concerned that the speeding offences had occurred within 3 months of one another and that the driver was developing a pattern of bad driving habits.

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.

(v) That, in respect of report numbered LERSC/14/18, the licence to drive a private hire vehicle and Operator's Licence be suspended for a period of sixteen 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, 2017 of exceeding the speed limit on a motorway resulting in a fixed penalty is an intermediate traffic offence under the Council's policy.

The Sub-Committee was concerned that the driver had failed to notify the conviction to the Licensing Unit within the required timescales, in accordance with the conditions of his licence. The conviction had been declared online 140 days late.

The driver had previously attended the Sub-Committee in February, 2016 in relation to the conviction numbered 5 in the report which related to exceeding the speed limit on a motorway resulting in a fine and penalty points. He had also failed to declare the conviction in accordance with this licence

conditions. The Sub-Committee at the time had suspended the driver's licence for a period of six weeks.

Members were concerned that the two intermediate offences had occurred within 2 and a half years of one another and that the driver had failed to declare the offences on both occasions in accordance with his licence. They felt he was developing a pattern of bad driving habits and was not taking the reporting of the offences seriously despite having previously been warned about the matter.

The Sub-Committee felt that because of the short timescale between the last two intermediate speeding offences which both occurred on a motorway and the failure of the driver to declare both convictions in accordance with the conditions of his licence and previous speeding convictions in 2013, there was reasonable cause to suspend both licences as a warning and as a deterrent.

(The meeting started at 12.30pm and finished at 3.10pm)