

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 24th OCTOBER, 2017

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

An apology was submitted on behalf of Councillor L. Byrne

Councillor Donaghy in the Chair

10. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 12th September, 2017 were submitted and signed as a correct record.

11. 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.

12. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LERSC/07/17

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/07/17(a), LERSC/07/17(b), LERSC/07/17(d) and LERSC/07/17(e).

The driver and his representative attended in respect of report numbered LERSC/07/17(c).

Resolved – (i) (Councillor Chadwick dissenting) That, in respect of report numbered LERSC/07/17(a), the application to renew a licence to drive a private hire vehicle be approved and suspended for a period of 20 weeks as 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 offences from October, 2016 and December, 2016 of exceeding the statutory speed limit on a public road resulting in fixed penalties are minor traffic offences under the Council's policy.

The Sub-Committee noted that the driver had previously attended this Sub-Committee in July, 2003 in respect of the offences numbered 1, 2, 3 and 4 of the report. Members had considered the matter and had granted the driver a licence.

The Sub-Committee noted that the driver had previously attended this Sub-Committee in May, 2013 in respect of the offence numbered 8 in the report. The Sub-Committee had issued a warning letter to the driver about the need to avoid using a mobile phone whilst driving.

The Sub-Committee noted that the driver had again attended this Sub-Committee previously in May, 2014 in respect of the offence numbered 9 in the report. He had also failed to declare in accordance with the conditions of his licence. At that time, his licence had been suspended for a period of one week.

With regard to the latest convictions numbered 10 and 11 in the report, members noted that the driver had failed to declare them in accordance with the conditions of his licence. They were concerned that despite the driver having previously been in attendance at various Sub-Committee meetings and having been reminded of the need to declare convictions in accordance with his licence, he had still failed to declare these latest convictions.

The Sub-Committee were also concerned that the two offences had occurred within two months of each other. There was also concern 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.

The driver's licence had expired on 26th August, 2017.

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

(ii) That in respect of report numbered LERSC/07/17(b), the licence to drive a private hire vehicle be suspended for a period of 12 weeks 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 traffic offence from October, 2015 of driving without due care and attention resulting in a fine, costs and penalty points is an intermediate traffic offence under the Council's policy.

The Sub-Committee acknowledged that the driver had declared the conviction in accordance with the terms and conditions of his licence.

The Sub-Committee felt that the circumstances of the case of driving without due care and attention gave rise to concern as they involved a motor cycle and the incident had occurred near a school. There was also a passenger in the car at the time of the accident.

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

(iii) That, in respect of report numbered LERSC/07/17(c), the application to renew a licence to drive a private hire vehicle be

approved and suspended for a period of 20 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 November, 2015 of exceeding the statutory speed limit on a public road resulting in a fine and penalty points is a major offence under the Council's policy and the offence from September, 2016 of exceeding the speed limit on a motorway resulting in a fixed penalty and points is an intermediate offence under the Council's policy.

With regard to conviction numbered 5 in the report, the driver had declared the offence in July, 2016 via email to the Licensing Unit but had sent it to the incorrect email address and was not received by the Unit. He also completed an online conviction declaration form in July, 2016. He then declared the offence on his licence renewal form in August, 2016. However, due to an error by Licensing Team, the offence was not brought before the Sub-Committee for consideration at that time.

With regard to the offence numbered 6 in the report, the driver had failed to declare the conviction in accordance with the conditions of his licence.

The Sub-Committee expressed concern that the driver had failed to notify both conditions in accordance with the terms and conditions of his licence. It was acknowledged that he had declared the convictions on his licence renewal form.

The Sub-Committee were also concerned at the large fine and penalty points in respect of conviction numbered 5 in the report.

Further, they were also concerned that the two offences had occurred within a year of one another and that the driver was developing a pattern of bad driving habits.

The Sub-Committee were also concerned that the driver was currently responsible for transporting children and that their safety was paramount.

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.

The driver's licence had expired on 16th August, 2017.

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

(iv) That, in respect of report numbered LERSC/07/17(d), the application to renew a licence to drive a private hire vehicle be refused 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 of using a vehicle uninsured against third party risks (date unknown) resulting in a conviction in September, 2016 of an unknown fine and penalty points and the offence from February, 2017 of failure to give information as to the identify of driver etc. resulting in a fine and penalty points were major offences under the Council's policy.

The Sub-Committee were concerned that the driver had failed to declare both of the convictions in accordance with the conditions of his licence. He had also failed to declare both convictions on his application for renewal of his licence.

The driver was a relatively new licence holder and should have known he had a requirement under the terms and conditions of his licence to declare the conditions.

The Sub-Committee felt that the driver had acted dishonestly in failing to declare the convictions and they had only come to light through a routine DVLA check at the time of renewal by the Licensing Unit.

They were also concerned that conviction numbered 1 had occurred within only a month of the driver being granted his license.

The members also noted that the conviction numbered 2 in the report had resulted in the driver being liable to disqualification under the totting up procedure and that he currently had 12 points on his licence. The driver had claimed exceptional hardship at the time in order to avoid being disqualified from driving. The Sub-Committee also had regard for the Council's policy in relation to the totting up procedure when making its decision. They were also concerned at the large fine and significant penalty points imposed in respect of this offence.

The driver's licence had expired on 2nd August, 2017.

There is therefore reasonable cause to refuse to renew the licence.

(v) That in respect of report numbered LERSC/07/17(e), the licence to drive a private hire vehicle be suspended for a period of 20 weeks 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 from January, 2017 of failing to give information as to the identity of the driver etc. resulting in a fine and penalty points is a major traffic offence under the Council's policy.

The Sub-Committee were concerned that the driver had failed to declare the conviction in accordance with the terms and conditions of his licence.

The Sub-Committee was not satisfied with the version of events that the driver provided surrounding the offence numbered 4 in the report and felt that the driver had acted dishonestly in this regard.

The Sub-Committee were also concerned at the large fine and significant penalty points imposed in relation to the offence numbered 4 in the report.

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

(The meeting started at 12.30pm and finished at 3.30pm)