

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 9th OCTOBER, 2018

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

Councillor Haworth in the Chair

7. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 4th September, 2018 were submitted and signed as a correct record.

8. 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.

9. 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/31/18 – the driver had put in a formal request for consideration of the matter to be deferred to the next meeting in order for him to obtain legal representation.

In respect of application numbered LERC/31/18, consideration of the report be deferred to the meeting of this Sub-Committee on 27th November, 2018 to enable the driver to be legally represented.

(ii) LERC/32/18 – the driver attended the meeting.

That, in respect of report numbered LERC/32/18, a warning letter be issued to the driver advising him of the need to declare convictions in a timely manner in accordance with the conditions of his licence.

(iii) LERC/33/18 – the driver and his wife attended the meeting.

That, in respect of report numbered LERC/33/18, the licence to drive a private hire vehicle be renewed and suspended for a period of 2 weeks 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 traffic offence from September, 2016 of failing to comply with traffic light signals resulting in a fixed penalty is a minor offence under the Council's policy.

The Sub-Committee was concerned that the driver had failed to declare conviction numbered 10 in the report in accordance with the conditions of his licence. He had also failed to declare the conviction on his application renewal form. The conviction had been discovered by the Licensing Unit during a routine DVLA check in 2017 as part of the renewal application process.

The driver had attended the Sub-Committee a number of times previously (in 2000, 2007 and 2008) and should have known that he needed to declare the conviction. Members felt he was not taking the conditions of his licence seriously.

It had also come to light during the course of the meeting that the driver had attended a speed awareness course approximately three years ago.

Drivers have a duty to maintain public safety at all times and failing to comply with traffic light signals and speeding limits can cause a real danger to other road users.

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

(iv) LERC/34/18 – the driver did not attend the meeting and the Sub-Committee agreed to consider the report in his absence.

It was noted that the driver had sought a deferral of the application due to work commitments. However, the Sub-Committee felt that he had given insufficient notice and grounds for a deferral and agreed to hear the matter in his absence.

That, in respect of report numbered LERC/34/18, the licence to drive a private hire vehicle be suspended for a period of 11 weeks 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 traffic offence from September, 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 policy states that for a single intermediate traffic offence where the conviction date is less than two years, the holder would normally have the licence revoked.

The Sub-Committee was concerned that the driver had failed to declare the conviction within the required period in accordance with the conditions of his licence. The online conviction declaration was 188 days late.

The driver had only held a licence since March, 2016 and was a relatively new driver and should have been well aware of the need to declare convictions within the required period.

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

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

(The meeting started at 12.30pm and finished at 14.40pm)