

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

MEETING, 9TH FEBRUARY, 2015

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

Councillor Jones, Chairman.

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

The minutes of the proceedings of the meeting of the Sub-Committee held on 12<sup>th</sup> December, 2014 were submitted and signed as a correct record.

### **15. 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.

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

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

The drivers in relation to reports, LERSC/01/15(a), LERSC/01/15(b), LERSC/01/15(c), LERSC/01/15(d), LERSC/01/15(e), LERSC/01/15(f) and LERSC/01/15(g)

attended the meeting.

Resolved – (i) That in respect of report numbered LERSC/01/15 (a) the licence to drive a private hire vehicle be suspended for a period of two 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 intermediate traffic offence under the Council's Policy, from September, 2014, of driving without due care and attention can be a serious danger to the public.

The Sub-Committee is also concerned that this is the third driving offence in the last few years.

The driver also failed to declare the offence in accordance with the conditions of his licence although the Sub-Committee noted that the driver did inform the Licensing Unit of the accident.

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

(ii) That in respect of report numbered LERSC/01/15 (b) 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 from November, 2013 of a failure to give information as to identity of driver is a serious traffic offence under the Council's Policy.

The Sub-Committee struggled to find the driver's version of events to be credible and at his previous appearance before this Sub-Committee the driver would have been aware of this pending matter.

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

The Sub-Committee's primary duty is of concern for the safety and wellbeing of the public and this includes the most vulnerable in the community and the driver would be working in an unsupervised environment.

The Sub-Committee also considered the issue of the conviction for racially aggravated Section 5 Public Order from April, 2014 and the decision of this Sub-Committee which had not been implemented and agreed that the penalty be not re-imposed.

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.

(iii) That in respect of report numbered LERSC/01/15 (c) the licence to drive a private hire vehicle be suspended for a period of four 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 September, 2014, of driving with a defective tyre was an intermediate traffic offence under the Council's Policy. Drivers have a duty to maintain their vehicles properly at all times.

The Sub-Committee also did not take into account the driver's mentioned personal circumstances as they were not relevant to the determination of whether the driver was a fit and proper person to continue to hold a licence.

The driver also failed to declare the offence in accordance with the conditions of his licence although the Sub-Committee noted that the driver did inform the Licensing Unit of the accident.

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

(iv) That in respect of report numbered LERSC/01/15 (d) the licence to drive a hackney carriage vehicle be suspended for a

period of four 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 September, 2014, of driving with defective tyres was an intermediate traffic offence under the Council's Policy. Drivers have a duty to maintain their own vehicles and those in which they drive properly at all times.

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

(e) That in respect of report numbered LERSC/01/15 (e) no further action be taken in relation to the licence to drive a private hire vehicle but a warning letter be issued reminding the driver of the need to properly control passengers in his vehicle.

(f) That in respect of report numbered LERSC/01/15 (f) the licence to drive a private hire vehicle be suspended for a period of four 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 offences, from December, 2014, of driving with two defective tyres was an intermediate traffic offence under the Council's Policy. Drivers have a duty to maintain their vehicles properly at all times.

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

(g) That in respect of report numbered LERSC/01/15 (g) the licence to drive a private hire vehicle be suspended for a period of four 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 October, 2014, of driving with a defective tyre was an intermediate traffic offence under the Council's Policy. Drivers have a duty to maintain their vehicles properly at all times.

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

(The meeting started at 2.00pm and finished at 4.15pm)