

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 27th NOVEMBER, 2018

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

Councillor Haworth in the Chair

10. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 9th October, 2018 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. 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/35/18 – the driver attended the meeting (the matter had been deferred from the meeting in October, 2018 at the request of the driver to enable him to be legally

represented today - he had however been unable to get legal representation and represented himself)

That, in respect of report numbered LERC/35/18, a warning letter be issued to the driver reminding him of the need to adhere to speed limits and the conditions of his licence.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the two traffic offences from December, 2017 of exceeding the statutory speed limit on a public road resulting in fixed penalties are intermediate offences under the Council's policy.

It was acknowledged that the driver had declared the convictions in accordance with the conditions of his licence.

In relation to the offence numbered 6 of the report, it was noted that the driver had declared the conviction on line but had not specified the type of offence. Enquiries by the Licensing Unit to the DVLA had revealed that it was an SP30.

In relation to offence numbered 7 of the report, it was noted that the driver had incorrectly recorded the offence as an SP50 on his online declaration. Enquiries by the Licensing Unit to the DVLA had revealed that it was an SP30. The driver advised that he had been liaising with the Police who had since confirmed that it was an SP50.

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

There is therefore reasonable cause to issue a warning letter to the driver regarding the need to adhere to speed limits.

At this point, Councillor Donaghy left the meeting.

(ii) LERC/36/18 – the driver attended the meeting.

That, in respect of report numbered LERC/36/18, the licence to drive a private hire vehicle be suspended for a period of one week on the basis 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 December, 2017 of using a vehicle with defective tyre(s) is an intermediate traffic offence under the Council's policy.

It was acknowledged that the driver had declared the offence in accordance with the conditions of his licence.

Drivers have a duty to maintain their vehicle in good working order and driving with defective tyres could put passengers, other road users and himself at risk. Members were concerned that he was carrying passengers whilst driving with a defective tyre.

There is therefore reasonable cause to suspend the private hire driver's licence as a warning and a deterrent.

With regard to the Operator's licence, no action be taken.

(iii) LERC/37/18 – the driver attended the meeting.

That, in respect of report numbered LERC/37/18, the licence to drive a private hire vehicle be suspended for a period of four 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 December, 2017 of using a vehicle with defective tyre(s) is an intermediate traffic offence under the Council's policy.

It was acknowledged that the driver had declared the offence in accordance with the conditions of his licence.

Drivers have a duty and a responsibility to maintain their vehicle in good working order and driving with defective tyres could put passengers, other road users and himself at risk.

Members were concerned that the driver was carrying passengers whilst driving with defective tyres. He knew he had one serious faulty tyre but continued to drive with it despite the fact that he he had a spare tyre that he could have used. Members felt that he had acted irresponsibly in this regard.

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

(iv) LERC/38/18 – the driver and his representative attended the meeting.

That consideration of report numbered LERC/38/18 be deferred to a future meeting pending further investigation and additional information being sought.

The Sub-Committee considered the circumstances surrounding the traffic offence from August, 2017 of using a vehicle uninsured against third party risks resulting in a fine and penalty points which a major traffic offence under the Council's policy.

Members heard representations from the driver's representative and the driver, however, they felt that a number of matters that had come to light required further clarification. In this regard, members felt that the matter should be deferred to a future meeting to enable further investigations to take place.

(The meeting started at 12.30pm and finished at 16.30pm)