

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

MEETING, 31st MARCH, 2016

Present – Councillors Donaghy (Chairman), C. Burrows, Chadwick, Haslam and Wild.

Councillor Donaghy, Chairman.

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

The minutes of the proceedings of the meeting of the Sub-Committee held on 4th February, 2016 were submitted and signed as a correct record.

### **19. 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.

### **20. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LER/03/16**

The Director of Environmental Services 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 in respect of reports LERSC/03/16(a), LERSC/03/16(b), LERSC/03/16(c), LERSC/03/16(d) and LERSC/03/16(f), attended the meeting.

Resolved – (i) That in respect of report numbered LERSC/03/16(a) 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 September, 2015 of using a vehicle uninsured against third party risks and obstructing a police officer are serious traffic offences under the Council's policy.

Drivers have a duty to adhere to the law at all times.

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

(ii) That in respect of report numbered LERSC/03/16(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 offences from June and August, 2015 of exceeding the speed limit on a public road are minor offences under the Council's policy.

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 Sub-Committee also noted and were concerned by the litany of other driving-related offences since 2012 in terms of using a vehicle with no test certificate, failure to surrender to custody, using a vehicle with no insurance and driving whilst disqualified and a breach of requirements as to the control of the vehicle mobile phones etc and were concerned at the number of previous convictions the driver had for a range of offences including dishonesty and driving offences.

The driver also failed to declare the two latest speeding offences in accordance with the conditions of his licence.

There is therefore 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/03/16(c) the licence to drive a private hire vehicle be suspended for a period of six 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 August, 2015 of exceeding the speed limit on a motorway is an intermediate traffic offence under the Council's policy.

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 Sub-Committee also noted that the driver had also attended a meeting of this Sub-Committee in 2015 for the offence of using a vehicle with defective tyres and the driver's licence was suspended for a period of one month.

The Sub-Committee disregarded the driver's personal circumstances as these were an irrelevant consideration in determining the outcome of the case.

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

(iv) That in respect of report numbered LERSC/03/16(d) 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 offence from July, 2015 of exceeding the speed limit on a motorway is an intermediate traffic offence under the Council's policy.

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/03/16(e) consideration of this matter be deferred until the next meeting when the issue will be dealt with whether or not the driver is present.

(vi) That in respect of report numbered LERSC/03/16(f) 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 offences from December, 2014 of exceeding the speed limit on a motorway and from February, 2015 of exceeding the speed limit on a public road are intermediate traffic offence under the Council's policy. 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 also failed to declare one of the offences in accordance with the conditions of his licence.

The Sub-Committee disregarded the driver's personal circumstances as these were an irrelevant consideration in determining the outcome of the case.

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

(vii) That in respect of report numbered LERSC/03/16(g) consideration of this matter be deferred until the next meeting when the issue will be dealt with whether or not the driver is

present.

(The meeting started at 12.30pm and finished 2.30pm)