

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 26th JULY, 2016

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

Councillor Donaghy, Chairman.

4. MINUTES OF THE LAST MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 7th June, 2016 were submitted and signed as a correct record.

5. 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.

6. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LERC/05/16

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/05/16 (a), LERSC/05/16 (b), LERSC/05/16 (c), LERSC/05/16 (d) and LERSC/05/16 (f) attended the meeting.

Resolved – (i) That in respect of report numbered LERSC/05/16(a) 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 June, 2015 was an intermediate offence under the Council's Policy.

Drivers have a duty to keep to the statutory speed limits and exceeding the limit can be a real danger to public safety.

The Sub-Committee also noted that the driver had attended the Licensing Committee in July, 2015 due to an overloaded vehicle and the driver's licence was suspended until its expiry in October, 2015.

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

(ii) That in respect of report numbered LERSC/05/16(b) the licence to drive a private hire vehicle be suspended for a period of eight 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 2014 and 2015 were minor traffic offences under the Council's Policy.

Drivers have a duty to adhere to the statutory speed limits and exceeding the speed limit can be a real danger to public safety.

The conviction in 2014 was not declared in accordance with the conditions of the driver's licence.

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

(iii) That in respect of report numbered LERSC/05/16(c) the licence to drive a private hire vehicle be suspended for a period of twelve 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, 2014 of using a vehicle uninsured against third party risks is a major traffic offence 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.

(iv) That in respect of report numbered LERSC/05/16(d) the licence to drive a private hire vehicle be suspended for a period of twelve 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 February, 2016 is an intermediate traffic offence under the Council's Policy.

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

The conviction comes against a background of many previous speeding offences and indicates a pattern of behaviour.

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

(v) That in respect of report numbered LERSC/05/16(e) the licence to drive a hackney carriage vehicle be suspended for a period of nine months 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 2014 and 2015 of using a vehicle uninsured against third party risks are serious offences under the Council's Policy.

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

The driver also failed to declare the 2014 conviction in accordance with the bye-laws attached to his hackney carriage driver licence.

The driver has not declared the 2015 conviction in accordance with the bye-laws attached to his hackney carriage driver licence.

This was the second time the driver had failed to attend this Sub-Committee in relation to these offences.

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

(vi) That in respect of report numbered LERSC/05/16(f) the licence to drive a private hire vehicle be suspended for a period of eight 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, 2015 is an intermediate traffic offence under the Council's Policy.

Drivers have a duty to maintain their vehicles properly at all times and using a vehicle with defective tyres can put the safety of the public at risk.

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

(vii) That in respect of report numbered LERSC/05/16(g) the licence to drive a private hire vehicle be suspended for a period of nine months 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 2015 of using a

vehicle uninsured against third party risks is a serious offence under the Council's Policy.

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

This was the second time the driver had failed to attend this Sub-Committee in relation to these offences.

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

(The meeting started at 1.35pm and finished 3.01pm)