

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 14TH JANUARY, 2020

Present – Councillors P. Wild (Chairman), Flitcroft and Morris

Councillor P. Wild in the Chair

14. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 5th November, 2019 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 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.

16. 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/1/20 – the driver did not attend as he was currently out of the Country.**

In respect of application numbered LERC/1/20, consideration of the report be deferred to the next meeting of this Sub-Committee to enable the driver to attend.

(ii) LERC/2/20 – the driver and his wife attended the meeting.

That, in respect of report numbered LERC/2/20, the licence to drive a private hire vehicle be suspended for a period of two 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 April, 2019 of exceeding the statutory speed limit on a public road resulting in a fixed penalty is a minor traffic offence under the Council's policy.

The Sub-Committee was concerned that the driver had failed to declare the conviction in accordance with the required timescales as specified in his licence. The conviction had been declared 46 days late. He had previously attended a meeting of this Sub-Committee in 2017 where he had been warned about the need to declare convictions.

It also came to light during the course of the meeting that the driver had attended a speed awareness course in 2018.

The driver had submitted a statement and the Sub-Committee heard his version of events. He had not been carrying any passengers at the time of offence.

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

Drivers have a duty to declare convictions in accordance with the conditions of their licence.

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

(iii) LERC/3/20 – the driver's representative attended the meeting – he advised that the driver was unwell and had requested that the report be considered in his absence.

That, in respect of report numbered LERC/3/20, consideration of the application be deferred for consideration at the next meeting of the Sub-Committee. The conviction was a major offence under the Council's policy and members considered it necessary to hear the driver's version of events.

(iv) **LERC/4/20 – the driver attended the meeting.**

That, in respect of report numbered LERC/4/20, a warning letter be issued to the driver advising him of the need to adhere to speed limits and pay attention to traffic signals at all times in order to avoid causing danger to the public and of the need to disclose any convictions.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the traffic offences from February, 2016 of exceeding the speed limit on a motorway resulting in a fine and penalty points and from June, 2018 of failing to comply with traffic lights resulting in a fine and penalty points are intermediate and minor offences respectively under the Council's policy.

The driver had failed to declare the conviction numbered 2 in the report on the application form for the grant of his licence in September, 2018. He had subsequently filled in an online conviction form for the offence in March, 2019.

The driver had submitted a statement and the Sub-Committee heard his version of events in relation to the offences. It was noted that both offences had taken place prior to the driver being granted a licence.

Drivers have a duty to adhere to speed limits and traffic signals at all times and failure to do so can be a real danger to the public.

Drivers have a duty to declare convictions in accordance with the conditions of their licence.

(The meeting started at 12.30pm and finished at 1.45pm)