

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 9TH DECEMBER, 2020

Present – Councillors Dean (Chairman), Mrs Fairclough (as deputy for Councillor Fletcher), Morris and Newall.

Apologies for absence were submitted on behalf of Councillors Fletcher and Haworth

Councillor Dean in the Chair

1. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 25th February, 2020 were submitted and signed as a correct record.

2. 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.

3. 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/12/20 – the driver did not attend as his wife was unwell and he had asked that the matter be deferred.

In respect of application numbered LERC/12/20, consideration of the report be deferred to the next meeting of this Sub-Committee to enable the driver to attend.

(ii) LERC/13/20 – the driver attended the meeting.

That in respect of report numbered LERC/13/20, the licence to drive a private hire vehicle be revoked 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 offences from May and December, 2019 of exceeding the statutory speed limit on a public road resulting in fixed penalties are minor offences under the Council's policy.

The Sub-Committee was concerned that the driver had failed to declare conviction numbered 2 in accordance with the conditions of his licence. The conviction had only come to light following a DVLA enquiry by the Licensing Unit in March, 2020.

The driver had also failed to correctly declare conviction 3 in accordance with the conditions of his licence. He had completed an online declaration form in March, 2020 but had supplied the incorrect details. He later stated that he had meant to declare conviction numbered 3 in the report. This declaration was 79 days late.

The Sub-Committee was also concerned that the two speeding offences occurred within 8 months of one another and that he was developing a pattern of bad driving behaviour.

The Sub-Committee also considered a complaint that had been received about the driver by the Licensing Unit in May, 2020 from Greater Manchester Police. The complaint had stated that the driver had been witnessed on 1st May, 2020 undertaking a

u turn and then parking the vehicle on a street and running off from the car.

A routine check of the vehicle had revealed that it was not insured. The Police were extremely concerned that the vehicle was carrying members of the public without insurance but had confirmed that they would not be pursuing a prosecution as they were unable to determine beyond all reasonable doubt that the licence holder was driving the taxi at the time of the incident.

The Licensing Unit had subsequently interviewed the licence holder who had disclosed during the conversation that his vehicle insurance had lapsed on 30th April, 2020. He also stated that he had been visiting a friend and was unaware of the Police at the time.

The driver attended the meeting and addressed the Sub-Committee. He stated that due to the Covid Pandemic he had not been earning as much money as usual and could not afford the insurance for the vehicle when it came up for renewal. His friend had said that he would lend him the money and he had driven to where he was staying to collect it. He admitted that he had been uninsured at the time,

The driver stated that he was very sorry. He assured members that he was not carrying passengers at the time he was uninsured as his uber application would not allow him to. He also stated that he was unaware of the Police at the time of the incident and that he did not run away from the car. He explained that his wife was unable to work and he had a young family and there was no other way for him to support them.

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.

Drivers have a duty to insure their vehicles in order to maintain public safety and protect passengers.

There is therefore reasonable cause to revoke the licence.

(iii) LERC/14/20 – the driver attended the meeting.

That in respect of report numbered LERC/14/20, the licence to drive a private hire vehicle be revoked 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 offence from June, 2020 of using a vehicle uninsured against third party risk resulting in penalty points is a major offence under the Council's policy.

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

The driver had submitted a statement explaining how the offence had occurred. He stated that during the recent pandemic lockdown, he had been employed in an alternative role as a delivery driver which required him to drive a vehicle supplied by his new employer. He had been assured by the new employer that he was insured to drive the vehicle but had subsequently been stopped by the police who stated that although the vehicle was insured, he was not insured to drive it. He did not know why this had happened or if the employer had changed the policy and not made him aware. He had spoken to the employer about the matter but said they were unhelpful and he had left the job that day.

The driver attended the meeting and explained what had happened and that he was very sorry. He assured members that he had not intentionally driven the vehicle knowing that he was not insured and would never had done so had he known. He had held a licence for 14 years and had a clean driving record up to now.

He had never received a proper explanation from his employer and felt that it was their mistake. He stated that that he had not attended Court and was found guilty in his absence.

Drivers have a duty to insure their vehicles in order to maintain public safety and protect passengers.

There is therefore reasonable cause to revoke the licence.

(iv) LERC/15/20 – the driver attended the meeting.

That in respect of report numbered LERC/15/20, no action be taken.

In coming to its decision, the Sub-Committee acknowledged that the driver had declared the conviction in accordance with the conditions of his licence. He had also sent a letter to the Licensing Unit on the day after the incident advising them of what had happened, a copy of which was attached to the report.

The driver attended the meeting and explained to members what had happened at the time of the accident. He had accepted full responsibility for his actions and been cooperative throughout the investigation process and court proceedings. He expressed his deep regret at what had happened and had written to the family expressing his sincere apologies and asking for forgiveness.

The driver also outlined the impact of the incident on his family and that he had been disqualified from driving for 12 months.

Members listened to the driver and carefully considered the events. It was noted that he had not been under the influence of any substances at the time of the incident and that he had reported it to the Licensing Unit straight away. He had taken full responsibility immediately and had been fully cooperative throughout the investigation and court proceedings. They also noted the sentence issued by the Court and that the driver had shown genuine remorse.

Whilst members acknowledged the severity of the offence, that was balanced against the drivers previous exemplary driving record. Additionally, the comments made by the Crown Court Judge referring to the driver as a hard-working family man who makes a significant contribution to the community and who has also shown considerable remorse in a number of different ways.

The Sub-Committee agreed that no further action should be taken

(The meeting started at 2.00pm and finished at 3.30pm)