

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 2ND MAY, 2017

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

Councillor Donaghy in the Chair

19. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 12th April, 2017 were submitted and signed as a correct record.

20. 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.

21. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LERSC/02/17

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.

The drivers in respect of reports LERSC/01/17(a), LERSC/01/17(b), LERSC/02/17(c), LERSC/01/17(d) and LERSC/01/17(e) attended the meeting.

Resolved – (i) That, in respect of report numbered LERSC/01/17(a), the licence to drive a private hire vehicle be revoked with immediate effect 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, 2015 and September, 2016 of exceeding the statutory speed limit on a public road resulting in fixed penalties are minor traffic offences under the Council's policy.

The Sub-Committee also noted its concern that the driver had failed to declare the conviction from December, 2015 in accordance with the conditions of his licence. The Licensing Unit had issued a warning letter to the driver on this occasion reminding of the duty to declare convictions correctly.

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 were also concerned that both offences had occurred within a period of less than 12 months apart.

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

(ii) That in respect of report numbered LERSC/01/17(b), the licence to drive a private hire vehicle be revoked with immediate effect 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, 2016 of failure to give information as to the identity of the driver is a major traffic offence under the Council's Policy.

The Sub-Committee were concerned that the driver could not confirm whether the original offence related to speeding or failing to comply with a traffic signal.

The Sub-Committee also noted its concern that the driver had failed to declare the conviction in accordance with the conditions of his licence.

The Sub-Committee also considered the bundle of documents produced by the driver.

Drivers have a duty to adhere to the law at all times. The Sub-Committee noted that the Court had viewed the offence as serious by imposing a large fine and 6 penalty points.

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

(iii) That in respect of report numbered LERSC/01/17(c), the licence be suspended for a period of 16 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, 2015 of exceeding the statutory speed limit on a public road resulting in a fixed penalty and from September, 2016 of failing to comply with traffic light signals which are minor traffic 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.

Drivers have a duty to comply with traffic signals at all times and not abiding by the signals can be a real danger to public safety.

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 as a deterrent.

(iv) That in respect of report numbered LERSC/08/16(d), the licence to drive a private hire vehicle be suspended for a period of 12 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 that the offences from April, 2012, May, 2015 and August, 2016 of exceeding the statutory speed limit on a public road resulting in fixed penalties 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 were concerned that the driver was developing a pattern of bad driving habits.

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

(v) That, in respect of report numbered LERSC/08/16(e), the licences to drive a private hire and hackney vehicle be revoked with immediate effect 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 that the offence from August, 2016 of exceeding the statutory speed limit on a public road resulting in a fixed penalty is a minor offence under the Council's Policy.

The Sub-Committee also noted its concern that the driver had failed to declare the conviction in accordance with the conditions of his licence.

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.

Members also expressed great concern regarding the additional information provided by Greater Manchester Police relating to providing false information to the police.

There is therefore reasonable cause to revoke both hackney carriage and private hire licences as a warning and as a deterrent.

(The meeting started at 12.30pm and finished at 3.50pm)