

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 22nd NOVEMBER, 2016

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

An apology for absence was submitted on behalf of Councillor Watters

Councillor Donaghy in the Chair

10. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 27th September, 2016 were submitted and signed as a correct record.

11. 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.

12. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LERC/07/16

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/07/16(a), LERSC/07/16(d) and LERCS/07/16(e) attended the meeting.

Resolved – (i) That, in respect of report numbered LERSC/07/16(a), a decision on the licence be deferred to the

next meeting of the Sub-Committee on 13th December, 2016 to enable further information to be obtained.

(ii) That in respect of report numbered LERSC/07/16(b), the licence to drive a private hire vehicle be suspended for a period of 12 weeks on the basis that the Sub-Committee is 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 statutory speed limit on a public road resulting in a fixed penalty is a minor traffic offence under the Council's policy and the offence from November, 2015 of exceeding the statutory speed limit on a public road resulting in penalty points and a fine is a serious traffic offence under the Council's policy.

The Sub-Committee noted its concern that the driver had failed to declare the two convictions 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.

The Sub-Committee also noted its concern that the two traffic offences had occurred in a period of time of less than 12 months apart.

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

The Sub-Committee was also concerned that the driver had failed to attend the Sub-Committee on two occasions. After his non-attendance at the last meeting on 27th September, 2016, he had been sent a letter inviting him to attend the meeting today. The letter also stated that due to his failure to attend the last meeting, a decision on his licence would be made at the meeting today even if he did not attend.

(iii) That in respect of report numbered LERSC/07/16(c), consideration of the matter be deferred until the next meeting of the Sub-Committee on 13th December, 2016 when the issue will be dealt with whether or not the driver is present.

(iv) That in respect of report numbered LERSC/07/16(d), the licence to drive a private hire vehicle be suspended for a period of 12 weeks on the basis that the Sub-Committee is 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 failure to give information as to the identity of driver etc. resulting in penalty points and a fine is a serious 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.

It was also noted that the driver had a previous conviction for the same offence in 2011 and that the Sub-Committee had suspended his licence for a week.

The Sub-Committee felt that the driver's actions were dishonest in failing to provide the Police with the information they requested.

The driver has also received a caution for common assault in 2009 for which he had received a warning letter from the Licensing Unit regarding future conduct. The Sub-Committee expressed concern that the victim was a child.

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.

(v) That in respect of report numbered LERSC/07/16(e), a decision on the licence be deferred to the next meeting of the Sub-Committee on 13th December, 2016, to enable further information to be obtained.

(vi) That in respect of report numbered LERSC/07/16(f), consideration of the matter be deferred until the next meeting of the Sub-Committee on 13th December, 2016 when the issue will be dealt with whether or not the driver is present

(vii) That in respect of report numbered LERSC/07/16(g), consideration of the matter be deferred until the next meeting of the Sub-Committee on 13th December, 2016 when the issue will be dealt with whether or not the driver is present.

(The meeting started at 12.30pm and finished at 2.55pm)