

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 30TH JULY, 2019

Present – Councillors P. Wild (Chairman), Dean (as deputy for Councillor Haslam), Donaghy, Flitcroft and McKeon (as deputy for Councillor Morris)

Apologies for absence were submitted on behalf of Councillors Haslam and Morris.

Councillor P. Wild in the Chair

1. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 16th April, 2019 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/12/19 – the driver and his representative attended the meeting

That in respect of report numbered LERC/12/19, the licence to drive a private hire vehicle be suspended for a period of 12 weeks on the basis 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 November, 2017 of exceeding the statutory speed limit on a public road resulting in a fine and penalty points is an intermediate offence and the two offences from January and March, 2018 of exceeding the statutory speed limit on a public road resulting in fixed penalties were minor offences under the Council's policy.

The Sub-Committee was concerned that the driver had failed to declare two of the convictions in accordance with the required timescales as specified in his licence. Conviction numbered 2 was declared 5 days late and conviction numbered 3 was declared 10 days late. He had also put the wrong date for Conviction numbered 2 on the online declaration form.

Members were also concerned that all three offences had taken place within four months of one another and that the driver had attended two speed awareness/training courses, one in March, 2016 for exceeding a 40mph speed limit, and one in March, 2018 for using a handheld mobile phone/device whilst driving a motor vehicle on a road. He had also received 9 penalty points on his licence within 6 months.

The Sub-Committee was concerned that the driver was developing a serious pattern of bad driving habits and potentially putting members of the public at risk. The driver was carrying a passenger when the speeding offence in March, 2018 occurred.

The driver apologised for the offences and assured members that he would take extra care not to speed in future and that there would be no repetition of his behaviour.

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.

(ii) LERC/13/19 – the driver attended the meeting

That, in respect of report numbered LERC/13/19, the licence to drive a private hire vehicle be suspended for a period of 4 weeks on the basis 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 offences from August, 2016 and October, 2018 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 was concerned that the driver had failed to declare conviction numbered 1 in the report in accordance with the conditions of his licence and at the time of the offence. The conviction had only come to light when the driver declared it on his renewal of application form and was 68 days late.

A warning letter had been issued to the driver for the offence and breach of condition.

Members noted that the Conviction numbered 2 in the report had been declared in accordance with the conditions of his licence.

Members were concerned that the driver had only held his licence for 9 months when the first speeding offence had occurred. In addition, the driver had admitted that he had become distracted whilst talking to his passenger when the second offence occurred.

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

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

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

(iii) LERC/14/19 – the driver attended the meeting.

That, in respect of report numbered LERC/14/19, the matter be deferred for further information on the issues now raised, and that the application be dealt with at the next meeting of this Sub-Committee.

(iv) LERC/15/19 – the driver and his representative attended the meeting.

That, in respect of report numbered LERC/15/19, the licence to drive a private hire vehicle be suspended for a period of 6 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.

The Sub-Committee was informed of a complaint that had been received from Greater Manchester Police regarding an incident from May, 2019 where dashcam footage showed a vehicle overtaking a car that had stopped at red traffic lights, on the wrong side of the road.

The vehicle concerned was a licensed private hire vehicle and was registered to the driver.

The Licensing Unit had conducted telephone interview with the driver who said he had no knowledge of the incident. However, the driver had subsequently attended a meeting with the Unit

and viewed the dashcam footage. He agreed that it was his vehicle and that he was the driver at the time.

The Police had subsequently offered the driver the option to attend a training course as an alternative to a conditional offer of fixed penalty, which he had attended.

The Sub-Committee viewed the dashcam footage and asked the driver to explain his version of the incident. He explained that he had driven around the car in front of him to avoid an accident as the vehicle had stopped suddenly and he did not want to crash into the back of it. He apologised for his actions and realised that it had been a foolhardy decision and had been unsafe.

Members were concerned that the driver had carried out an extremely dangerous manoeuvre that could have put himself and members of the public in danger. He was also carrying a passenger at the time.

Drivers had a duty to comply with traffic regulations at all times and failure to do so could put the driver and other members of the public at risk.

In coming to its decision, the Sub-Committee acknowledged that the Police had chosen not to prosecute the driver and had offered a training course instead which he had attended.

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

(The meeting started at 12.30pm and finished at 3.55pm)