

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 5TH MARCH, 2019

Present – Councillors Haworth (Chairman), Haslam, McKeon, Murray (as deputy for Councillor Donaghy) and P. Wild.

An apology for absence was submitted on behalf of Councillor Donaghy.

Councillor Haworth in the Chair

16. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 31st January, 2019 were submitted and signed as a correct record.

17. 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.

18. 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/5/19 – the driver attended the meeting. (The matter had been deferred from the meeting in January, 2019 at the request of the driver to enable him to attend a hospital appointment).

That, in respect of report numbered LERC/5/19, the licence to drive a private hire vehicle be suspended for a period of two 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 February, 2018 of failure to give the identity of the driver 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 Sub-Committee heard the driver's version of events and felt that it was his responsibility to respond to letters from the Police in a timely manner. The personal financial circumstances put forward by the driver could not be taken into account by members.

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

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

(ii) LERC/6/19 – the driver attended the meeting

That, in respect of report numbered LERC/6/19, consideration of the matter be deferred to a future meeting of the Sub-Committee in response to various issues raised by the driver.

(iii) LERC/7/19 – the driver attended the meeting.

That, in respect of report numbered LERC/7/19, the licence to drive a private hire vehicle be suspended for a period of twelve 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 offence from March, 2018 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 was declared 96 days late.

Members were also concerned that the driver had previously attended the Sub-Committee in June, 2017 for a motorway speeding offence (numbered 1 in the report) which he had also failed to declare at the time. He had also not declared the conviction on his licence renewal form in 2016. The driver had been suspended for a period of 10 weeks at that time and should have been aware of the need to declare convictions in a timely manner.

It had also come to light during the meeting that the driver had attended a speed awareness course approximately three to four years ago.

Drivers have a duty to adhere to speed 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.

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