

## **LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)**

MEETING, 6<sup>TH</sup> MARCH, 2018

Present – Councillors Donaghy (Chairman), Chadwick, Haslam, Haworth 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 23rd January, 2018 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. 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.

The driver attended the meeting in respect of report numbered LERC/06/18.

The driver and his representative attended in respect of report numbered LERC/08/18.

In respect of report numbered LERC/09/18, the driver had agreed that the matter be considered in his absence.

Resolved – (i) (Councillor Donaghy dissenting) That, in respect of report numbered LERSC/06/18, the application to renew a licence to drive a private hire vehicle be refused as the driver is not 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 April, 2017 of exceeding the speed limit on a motorway resulting in a fixed penalty is an intermediate offence under the Council's policy.

The Sub-Committee expressed concern that the driver had failed to declare conviction numbered 16 in accordance with the conditions of his licence. He had also failed to declare the offence on his application renewal form in 2017. The offence was discovered during a routine DVLA check undertaken by the Licensing Officer as part of the renewal application process in 2017.

The Sub-Committee felt that the driver had a history of dishonesty and were further concerned that he had again failed to declare his most recent conviction.

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 driver had previously attended Sub-Committee in March, 2011 in respect of the offences numbered 1 to 15 of the report.

The driver's licence had expired on 16th September, 2017.

There is therefore reasonable cause to refuse the licence.

(ii) (Councillor Chadwick dissenting) That in respect of report numbered LERSC/07/18, consideration of the matter be deferred pending the attendance of the driver at the next meeting of this Sub-Committee on 20<sup>th</sup> March, 2018.

(iii) (Councillor Chadwick dissenting) That, in respect of report numbered LERSC/08/18, the application to renew a private hire vehicle be approved and suspended for a period of three weeks on the grounds that he is not 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, 2017 of exceeding the speed limit on a motorway resulting in a fixed penalty is an intermediate offence under the Council's Policy.

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

The driver had also attended a meeting of this Sub-Committee in September, 2013 in respect of the offence numbered 2 of the report. He had received a warning letter reminding him of the need to adhere to speed limits.

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 driver's licence had expired on 17<sup>th</sup> October, 2017.

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

**(iv) The Sub-Committee noted that the driver had agreed that this matter be considered in his absence.**

That, in respect of report numbered LERSC/09/18, the licence to drive a private hire vehicle be suspended for a period of six weeks on the grounds that he is not 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 June, 2017 of exceeding the statutory speed limit on a public road resulting in

penalty points and a fine is an intermediate motoring offence under the Council's policy.

The Sub-Committee were concerned that the driver had failed to notify the conviction numbered 4 in the report to the Licensing Unit within the required period in accordance with the conditions of his licence.

The Sub-Committee was also concerned that the driver had not attended the meeting today or sent in any supporting information.

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.

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

(The meeting started at 12.30pm and finished at 2.25pm)