

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE (TRAFFIC MATTERS)**

MEETING, 23rd MARCH, 2021

Present – Councillors Fairclough (Chairman), Dean (Vice-Chairman), Allen, Flitcroft, Galloway, Haworth, Khurram, Morris and Newall.

Councillor Fairclough in the Chair

29. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Committee held on 9th March, 2021 were submitted and signed as a correct record.

**30. MINUTES OF LICENSING (TRAFFIC) SUB –
COMMITTEE**

The minutes of the proceedings of the meeting of the Licensing (Traffic) Sub-Committee held on 19th January, 2021 were submitted and signed as a correct record.

31. 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.

32. 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/4/21 – the driver attended the meeting.**

That in respect of report numbered LERC/4/21, the application to renew a private hire vehicle be refused 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 and the offence from June 2019 of breach of requirements as to control of the vehicle mobile phones etc resulting in a fine and penalty points is an intermediate traffic offence under the Council's policy.

The Sub-Committee was concerned that the driver had breached the conditions of his licence by failing to declare conviction numbered 4 in the report. He had only declared the offence when he was required to submit a self-certification form that had been introduced by the Licensing Unit during the pandemic as a temporary measure to enable licences to be extended. As a result, the conviction was declared 298 days late.

Due to the offence, the driver's licence had not been extended and had subsequently expired.

The driver had previously attended the Committee in May, 2014 and received a two week suspension for another offence and for non-declaration of that conviction. Members felt that he should have been aware of the need to declare future convictions and was not taking the conditions of his licence seriously.

Drivers have a duty of care to passengers and other road users and use of a mobile phone whilst driving is dangerous and could cause serious harm to other road users, passengers and himself.

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

A motion to refuse the application was moved and seconded.

Members voting for refusal of the application (8):

Councillors Allen, Dean, Fairclough, Flitcroft, Galloway, Khurram, Morris and Newall.

Members voting against refusal of the application (1):

Councillor Haworth.

(ii) LERC/5/21 – the driver and his wife attended the meeting.

That in respect of report numbered LERC/5/21, a warning letter be issued to the driver reminding him of the need to adhere to speed limits at all times as exceeding them can be a real danger to the public.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the offence from February, 2020 of exceeding the statutory speed limit on a public road resulting in a fixed penalty is a minor offence under the Council's policy.

It was acknowledged that the driver had declared the conviction in accordance with the conditions of his licence. He had not been carrying passengers at the time of the offence.

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

There is therefore reasonable cause to issue a warning letter to the driver.

A motion to issue a warning letter to the driver was moved and seconded.

Members voting for the issue of a warning letter (9):

Councillors Allen, Dean, Fairclough, Flitcroft, Galloway, Haworth, Khurram, Morris and Newall.

(iii) LERC/6/21 – the driver attended the meeting.

That in respect of the report numbered LERC/6/21, a warning letter be issued to the driver reminding him of the need to adhere to speed limits at all times as exceeding them can be a real danger to the public.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the offence from March, 2020 of exceeding the speed limit on a motorway resulting in a fine and penalty points is a major traffic offence (due to the amount of points awarded), under the Council's policy.

It was acknowledged that the driver had declared the conviction in accordance with the conditions of his licence. He had also not been carrying passengers at the time of the offence and not had any other convictions in the last 12 years.

The driver explained that he had been on the motorway and that there had been a variable speed limit in place. He had been returning from a personal business trip and had not noticed the speed limit in place. He was extremely sorry for his actions and realised his mistake could have caused harm to members of the public.

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

There is therefore reasonable cause to issue a warning letter to the driver.

A motion to issue a warning letter to the driver was moved and seconded.

Members voting for the issue of a warning letter (9):

Councillors Allen, Dean, Fairclough, Flitcroft, Galloway, Haworth, Khurram, Morris and Newall.

(iv) LERC/7/21 – the driver attended the meeting.

That in respect of the report numbered LERC/7/21, the licence to drive a private hire vehicle be revoked with immediate effect, as 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 January, 2020 of failure to give information as to the identity of the driver etc resulting in a fine and penalty points is a major traffic offence under the Council's policy.

The Sub-Committee was concerned that the driver had breached the conditions of his licence by failing to declare conviction numbered 4 in the report. He had only declared the offence when he was required to submit a self-certification form that had been introduced by the Licensing Unit during the pandemic as a temporary measure to enable licences to be extended. As a result, the conviction was declared 262 days late.

The driver had been interviewed by the Licensing Unit about the conviction. A copy of his statement was attached to the report at Appendix 3.

The Sub-Committee was also concerned that the driver had attended the Sub-Committee in November, 2016 for the same offence and had received a twelve week period of suspension.

He had also attended the Sub-Committee in September, 2011 for the same offence and received a one week suspension.

Members were extremely concerned that this was the third time that the driver had been convicted of the same offence and felt that he was developing a serious pattern of behaviour that was not acceptable for a licence holder. He was not taking the conditions of his licence seriously and was not learning from past mistakes.

Members were also concerned that the offence from January, 2020 had resulted in a substantial fine and six penalty points.

The driver attended the meeting and explained the circumstances surrounding the case. He stated that one of his family members had borrowed his car without his knowledge and committed a speeding offence. He had not managed to establish who had taken the keys and, although he had questioned everyone who had access to his car, no-one had admitted to speeding. As a result, he had not returned the necessary forms to the Police as to the driver of the vehicle at the time of the offence and had been convicted for not supplying the necessary information as to the driver.

The driver assured members that this would not happen again and had changed the insurance on his car so that no third party could drive it.

Members were extremely concerned that other members of the driver's family were able to have access to the car and drive it without the driver's knowledge. They felt that allowing an unlicensed driver to have access to and drive a licensed taxi posed a serious threat to the safety of the public and that the driver had been extremely irresponsible in allowing this to happen.

Drivers have a duty to maintain the safety of the public at all times and take the conditions of their licence seriously.

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

There is therefore reasonable cause to revoke the licence with immediate effect in order to maintain the safety of the public.

A motion to revoke the licence with immediate effect was moved and seconded.

An amendment to suspend the licence for 10 weeks was moved and seconded.

The amendment was put to the vote.

Members voting for approval of the amendment (2):

Councillors Haworth and Khurram

Members voting against approval of the amendment (7):

Councillors Allen, Dean, Fairclough, Flitcroft, Falloway, Morris and Newall.

The amendment was declared lost.

The original motion to revoke the licence with immediate effect was then put to the vote.

Members voting for approval of the motion (7):

Councillors Allen, Dean, Fairclough, Flitcroft, Galloway, Morris and Newall.

Members voting against approval of the motion (2):

Councillors Haworth and Khurram.

The original motion was declared carried.

(The meeting started at 2.00pm and finished at 3.50pm)