

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

MEETING, 12TH APRIL, 2017

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

Councillor Donaghy in the Chair

### **16. MINUTES OF PREVIOUS MEETING**

The minutes of the proceedings of the meeting of the Sub-Committee held on 13<sup>th</sup> December, 2016 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. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LERSC/01/17**

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.

Further to Minute 15 of the previous meeting, members were asked to rescind the decision to suspend the driver's licence in respect of report numbered LERSC/08/16(f). An administrative error had occurred during the processing of the driver's report and incorrect information had been submitted to the Committee. Members were now asked to consider the amended report LERSC/01/17(a) now submitted.

The drivers in respect of reports LERSC/01/17(a), LERSC/01/17(b), LERSC/01/17(d), LERSC/01/17(e) and LERSC/01/17(f) attended the meeting. The driver in respect of LERSC/01/17(c) had requested that consideration of his report be deferred until the next meeting.

Resolved – (i) That, in respect of report numbered LERSC/01/17(a), the decision to revoke the driver's licence be rescinded and that following consideration of the amended report now submitted, the licence to drive a private hire vehicle be suspended for a period of 4 weeks on the basis that the Sub-Committee are 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 January, 2016 of exceeding the statutory speed limit on a motorway resulting in penalty points is an intermediate traffic 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. As a new driver, with his licence only being granted in February, 2016, he should have been aware of the terms and conditions of his licence and the requirement to declare convictions.

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.

(ii) That in respect of report numbered LERSC/01/17(b), the licence to drive a private hire vehicle be suspended for a period of 12 weeks on the basis that the Sub-Committee are 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 offences from January, 2015, August, 2016 and September, 2016 of exceeding the statutory speed limit on public roads resulting in penalty points and fines are minor offences under the Council's Policy.

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 noted its concern that the driver had failed to declare the conviction for the offence in August, 2016 in accordance with the condition of his licence.

Members also expressed great concern about the explanation provided by the driver about the circumstance of the offence in August, 2016 and that the driver had been dishonest in respect of this.

It was felt that the driver was developing a pattern of bad driving habits and had acted irresponsibly in respect of his licence.

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

(iii) That in respect of report numbered LERSC/01/17(c), the Sub-Committee agreed to the request of the driver to defer consideration of his report to the next meeting to enable him to provide additional information. It was agreed that the matter would be considered in the absence of the driver if he failed to attend the next meeting.

(iv) That in respect of report numbered LERSC/08/16(d), the licence to drive a private hire vehicle be suspended for a period of 4 weeks on the basis that the Sub-Committee are 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, 2016 of

exceeding the statutory speed limit on a public road which had resulted in penalty points and a fine is a minor traffic offence under the Council's policy.

It was noted that the driver had attended the meeting of the Sub-Committee on 10<sup>th</sup> September, 2016 and had received a 12 week suspension for driving without due care and attention for an offence in December, 2015.

The Sub-Committee were concerned that the two offences had occurred within a short period of time.

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.

(v) That in respect of report numbered LERSC/08/16(e), no further action be taken but a warning letter be issued to the driver regarding the need to keep to the statutory speed limits. The Sub-Committee noted that the driver had reported the offence in accordance with the conditions of his licence.

(vi) That in respect of report numbered LERSC/08/16(f), the licence to drive a private hire vehicle be revoked with immediate effect on the basis that the Sub-Committee are 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 offences from April 2016 of using a vehicle with defective tyres which resulted in penalty points and a fine and driving without due care and attention which resulted in penalty points and a fine are intermediate traffic offences under the Council's policy.

Drivers have a duty to adhere to the law at all times and driving without due care and attention can be a real danger to public

safety. The Sub-Committee was extremely concerned that there were passengers in the car at the time of the accident.

In addition, the driver has a duty and responsibility to maintain the condition and safety of his vehicle at all times and members were concerned that 2 of the tyres were found to be defective. The driver has a responsibility to ensure his vehicle is fit for purpose when transporting members of the public and vulnerable people.

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

(The meeting started at 12.30pm and finished at 3.35pm)