

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 16TH APRIL, 2019

Present – Councillors Haworth (Chairman), Haslam, McKeon and P. Wild.

Councillor Haworth in the Chair

19. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 5th March, 2019 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.

Resolved:- (i) LERC/8/19 – the driver had put in a formal request for consideration of the matter to be deferred to the next meeting in order for his legal representative to attend.

In respect of application numbered LERC/8/19, consideration of the report be deferred to the next meeting of this Sub-Committee to enable the driver to be legally represented.

(ii) LERC/9/19 – the driver attended the meeting

That, in respect of report numbered LERC/9/19, 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 offence from October, 2018 of using a vehicle uninsured against third party risks resulting in a fine and penalty points is a major offence under the Council's policy.

The Sub-Committee was concerned that the driver had failed to declare the major motoring conviction in accordance with the required timescales as specified in his licence. The conviction was declared 34 days late.

They were also concerned that driving without insurance was a very serious matter although it was acknowledged that he was not acting as a private hire driver at the time of the offence and had not used his licence for approximately 9 years.

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/10/19 – the driver attended the meeting.

That, in respect of report numbered LERC/10/19, no further action be taken.

(iv) LERC/11/18 – the driver attended the meeting.

That, in respect of report numbered LERC/11/18, the licence to drive a private hire vehicle be suspended for a period of 2 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 and the 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 under the Council's policy.

The Sub-Committee was concerned that the driver had failed to declare the conviction in accordance with the conditions of his licence. He had also failed to declare the conviction on his licence renewal form in September, 2018. The offence had only come to light when the Licensing Office had made enquiries to the DVLA and the driver had then been requested to submit a new declaration which he did in November, 2018. There was also a note on file that the driver had been signposted to the Council's website and given a guide on where to find the online declaration form in July, 2018.

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 2.40pm)