

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

MEETING, 25<sup>TH</sup> FEBRUARY, 2020

Present – Councillors Dean (as deputy for Councillor P. Wild), Flitcroft and Morris

An apology for absence was submitted on behalf of Councillor P. Wild

### **21. APPOINTMENT OF CHAIRMAN**

Resolved – That in the absence of the Chairman, Councillor Dean be appointed Chairman of this Sub-Committee for the purposes of this meeting only.

Councillor Dean here took the Chair

### **22. MINUTES OF PREVIOUS MEETING**

The minutes of the proceedings of the meeting of the Sub-Committee held on 12<sup>th</sup> February, 2020 were submitted and signed as a correct record.

### **23. 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.

## **24. 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/9/20 – the driver and Mr Khan (trade representative) attended the meeting**

That in respect of report numbered LERC/9/20, the licence be revoked with immediate effect 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 September, 2019 of exceeding the speed limit on a motorway, is an intermediate offence under the Council's policy.

The driver had been interviewed by the Licensing Unit in relation to offence numbered 3 of the report and his statement was attached. The Sub-Committee also heard the driver's version of events. He stated that he had been stopped by the police whilst he was travelling alone on the motorway to Bolton at a recorded speed of 85mph. He was driving a new car and admitted that he had been speeding and that he had made a mistake. He apologised to the Sub-Committee and said that he would take extra care that this would not happen again.

Members noted that the driver had previously attended this Sub-Committee in August, 2019 in relation to convictions numbers 1 and 2 of the report and had received a 12 week suspension. They were concerned that the speeding offence numbered 3 in the report had taken place only 3 days after that.

In addition, they were concerned that the driver had failed to declare the conviction in accordance with the required timescales as specified in his licence. The conviction had been

declared 8 days late. The driver stated that he had declared it when he received his points.

Members also felt the driver was not taking the conditions of his licence seriously and that he was developing a pattern of bad driving habits and not learning from his mistakes. They were also concerned that his recorded speed at the time of the offence was significantly over the limit and that he had 9 points on his licence.

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.

**(ii) LERC/10/20 – the driver attended the meeting.**

That in respect of report numbered LERC/10/20, the licence to drive a private hire vehicle be suspended for a period of 6 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, 2019 of driving with a defective tyre is an intermediate 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 driver had previously attended the Sub-Committee in September, 2019 for offence numbered 1 in the report for which he had received a warning letter.

The driver had been interviewed by the Licensing Unit about the defective tyre and his statement was attached to the report. The Sub-Committee heard the driver's version of events. He explained that he had been driving a rental vehicle at the time of the offence and that the hire company had assured him that the vehicle was in a well maintained condition and that the

tyres had been checked five days before he was stopped and were safe to drive with.

The driver apologised and said he admitted that he should have taken responsibility for the vehicle even though it was hired. He understood the seriousness of the matter and that public safety could have been put at risk.

Drivers have a duty to maintain their vehicle in good working order and driving with defective tyres could put passengers, other road users and himself at risk and was a serious matter.

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

**(iii) LERC/11/20 – the driver and Mr Maddox (legal representative) attended the meeting.**

**The matter had been deferred at the meeting on 12<sup>th</sup> February, 2020 to enable the driver's legal representative to attend (Minute 20 (iv) refers).**

That, in respect of report numbered LERC/11/20, a warning letter be sent to the driver reminding him of the need to drive carefully at all times and to comply with road signs and markings to ensure that he was maintaining public safety.

In coming to its decision, the Sub-Committee considered a complaint that had been received by the Licensing Unit from a member of the public. The complainant had stated that the driver had been recorded on a dashcam speeding around the Town Centre, driving through a red traffic light and going down a no entry road. The complainant also stated that the vehicle had passed very close to the driver's car at speed whilst it was stationary at traffic lights. Footage of the dashcam recording of the events was shown to the Sub-Committee.

The driver had been interviewed by the Licensing Unit in respect of the complaints and had watched the dashcam footage. His statement was attached to the report at Appendix 1. He confirmed that at the time of the incident, he had been

the driver of the car and recalled that he had just been informed of the death of his uncle and that he was upset. He had driven into town to attend an appointment and had driven down a no entry street by mistake as he was anxious and had seen other drivers doing the same. He felt that the no entry signs were on an angle and difficult to see. He explained that he overtook a stationary vehicle at the traffic lights as they were about to change. He acknowledged that he had contravened some road signs and admitted that he should have taken more care.

Members of the Sub-Committee viewed the dashcam footage. They acknowledged that some of the driver's actions had contravened traffic and road signs but agreed with the driver that some of the road signage was poor. It was noted that he had no driving offences on his licence.

The Sub-Committee also heard of two previous complaints that had been received in June, 2016 in relation to the driver and which had been dealt with by the Licensing Unit. There had been no action taken in relation to the first complaint from 13<sup>th</sup> June, 2016 and a warning letter had been issued in relation to the second complaint from 24<sup>th</sup> June, 2016 regarding dangerous driving.

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

(The meeting started at 10.00am and finished at 11.40am)