

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 27th JUNE, 2017

Present – Councillors Donaghy (Chairman), Chadwick, Haslam, Haworth, Watters (as deputy for Councillor L. Byrne) and P. Wild.

Councillor Donaghy in the Chair

1. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 2nd May, 2017 were submitted and signed as a correct record.

2. 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.

3. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LERSC/03/17

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.

The drivers in respect of reports LERSC/03/17(a), LERSC/03/17(b), LERSC/03/17(c), LERSC/03/17(d), LERSC/03/17(e) and LERSC/01/17(f) attended the meeting.

Resolved – (i) That, in respect of report numbered LERSC/03/17(a), the licence to drive a private hire vehicle be suspended for a period of six 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 December, 2014 of using a vehicle with a defective tyre(s) resulting in a fixed penalty and 3 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. He also failed to declare the conviction when his licence was due for renewal in both January, 2015 and January, 2016.

The driver has a duty and responsibility to maintain the condition and safety of his vehicle at all times. He 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 suspend the licence as a warning and as a deterrent.

(ii) That in respect of report numbered LERSC/03/17(b), the licence to drive a private hire vehicle be renewed and suspended for a period of two months from today 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 August, 2016 of driving without due care and attention resulting in a fine and penalty points is an intermediate 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.

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

(iii) That in respect of report numbered LERSC/03/17(c), the licence to drive a private hire vehicle be suspended until its renewal on 18th January, 2018 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 following offences which had resulted in fixed penalties and fines are minor traffic offences under the Council's policy:

1. Failing to comply with traffic light signals (March, 2007)
2. Exceeding statutory speed limit on a public road (July, 2007)
3. Failing to comply with traffic light signals (November, 2010)
4. Exceeding statutory speed limit on a public road (August, 2013)
5. Exceeding statutory speed limit on a public road (October, 2015)
6. Exceeding statutory speed limit on a public road (July, 2016)

The Sub-Committee had previously considered the convictions numbered 1 - 4 above at its meeting in April, 2014 and agreed to take no further action but agreed to issue a warning letter to the driver regarding the need to adhere to statutory speed limits and to report any convictions in accordance with his licence conditions.

The Sub-Committee noted its concern that the driver had again failed to declare the convictions numbered 5 and 6 in accordance with the conditions of his licence and on his licence renewal form despite being previously warned about the matter.

In addition, the Sub-Committee was concerned that the driver appeared to be developing a pattern of bad driving habits and that the offences 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.

Drivers have a duty to adhere to the law at all times and failing to comply with traffic light signals can be a real danger to public safety and that of any passengers.

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

(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 ten 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 February, 2015 of exceeding the statutory speed limit on a motorway which had resulted in a fixed penalty 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 when he applied for his licence in 2015 and on the application to renew his licence in 2016.

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/03/17(e), the driver be issued with a warning letter in respect of the need to maintain the condition and safety of his vehicle at all times. Drivers have a responsibility to ensure that vehicles are fit for purpose when transporting members of the public including vulnerable people.

(vi) That in respect of report numbered LERSC/08/16(f), the licence to drive a private hire vehicle be suspended for a period of twenty 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 following offences which had resulted in fixed penalties and fines are traffic offences under the Council's policy:

1. Exceeding the statutory speed limit on a public road resulting in a fixed penalty (minor)(April, 2006)
2. Using a vehicle uninsured against third party risks (major)(December, 2007)
3. Using a vehicle uninsured against third party risks (major)(unknown date)
4. Exceeding statutory speed limit on a public road resulting in a fixed penalty (minor)(May, 2016)
5. Exceeding statutory speed limit on a public road resulting in a fixed penalty (minor)(July, 2016)

The Sub-Committee noted its concern that the driver had failed to declare the convictions numbered 4 and 5 in accordance with the conditions of his licence.

The Sub-Committee had previously considered the convictions listed at 1 – 3 above at its meeting in January, 2014 and the Sub-Committee had agreed to suspend the driver's licence for a period of 2 weeks.

The report submitted by the Licensing Officer also referred to a speed camera offence brought to the attention of the Licensing Unit by the Police. There had been issues involving either the provision of false information by the driver to avoid prosecution or allowing his vehicle to be used by an unlicensed not insured none driving licence holder. The driver had since accepted the offence and that a conditional offer for 3 points and a fine would be sent to him.

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.

Drivers have a duty to adhere to the law at all times and failing to insure his vehicle against third party risks is a real danger to public safety and that of any passengers.

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 3.30pm)