

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 5TH NOVEMBER, 2019

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

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

10. 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

11. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 24th September, 2019 were submitted and signed as a correct record.

12. 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.

13. 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/25/19 – the driver and his partner attended the meeting.

That, in respect of report numbered LERC/25/19, no further action be taken on the matter.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the traffic offence from May, 2019 of driving without due care and attention and the two offences of using a vehicle with defective tyres resulting in fines and penalty points are intermediate offences under the Council's policy.

The Sub-Committee heard the driver's version of events. He explained that the car had recently passed its MOT and he did not think that the tyres would be defective such a short time after. He stated that he now regularly checks his tyres and understands the importance of doing so in order to maintain public safety.

The driver also gave a statement that explained that he went over the hash lines on the motorway because he had been mistaken about the junction he was exiting and had to come back onto the motorway. He stated that although he had not been carrying passengers at the time of the incident, he understood the need to pay careful attention to road signs and markings in order to drive safely and that he would ensure that he did this in future.

(ii) LERC/26/19 – the driver and his legal representative attended the meeting.

That, in respect of report numbered LERC/26/19, no further action be taken on the matter.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the traffic offences from March, 2018 of failing to comply with a traffic signal and from April, 2019 exceeding the statutory speed limit on a public road resulting in fines and penalty points are minor traffic offences under the Council's policy.

The Driver provided a written statement which explained about the background to the offences. He explained that he had not received the Notice to Prosecute as he had moved addresses a number of times and although he had advised his private hire company and the DVLA, the private hire company had supplied the wrong address to the Police. Therefore, he had never received the request to supply the driver details. He also brought evidence of proof of addresses to support his claims

With regard to the speeding offence, the driver advised that although he was not carrying passengers at the time they occurred, he understood the need to adhere to speed limits at all times to maintain public safety. He apologised to members and gave an assurance that this would not be repeated.

(iii) LERC/27/19 – the driver attended the meeting.

That, in respect of report numbered LERC/27/19, a warning letter be issued to the driver advising him of the need to adhere to speeding limits at all times.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the traffic offence from August, 2018 resulting in a fine and penalty points is a minor offence under the Council's policy.

Members were concerned that the driver had a number of convictions on his licence and welcomed his offer to attend a driving awareness course and to have a speed tracker box installed in his vehicle.

The driver assured members that he understood the need to adhere to speed limits and the consequences of not doing so on public safety.

(iv) LERC/28/19 – the driver and his trade representative attended the meeting

That, in respect of report numbered LERC/28/19, no further action be taken on the matter.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the traffic offences from April, 2017 of exceeding the speed limit on a public road resulting in a fixed penalty and from June, 2019 of exceeding the speed limit on a motorway are minor and intermediate traffic offences under the Council's policy.

The driver provided a written statement which explained how the offence numbered two in the report had occurred although he could not remember whether passengers had been in the car at time.

The driver could not remember the circumstances in relation to offence numbered one in the report.

The driver assured members that he would take more care in future and that he would not exceed the speed limit again. He apologised for his behaviour and said that he had learnt from his mistake and was now taking extra care with his driving to ensure that he adhered to speed limits at all times.

The Sub-Committee also acknowledged that the convictions had been declared in accordance with the conditions of his licence.

(v) **LERC/29/19 – the driver attended the meeting**

That, in respect of report numbered LERC/29/19, no further action be taken on the matter.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the two traffic offences from June, 2019 of exceeding passenger vehicle speed limit resulting in two fixed penalties are intermediate offences under the Council's policy.

The driver provided a written statement which outlined the circumstances of the offences. He explained that both the offences had occurred on the same day on the same stretch of road whilst he was carrying passengers to a destination and returning to Bolton Town Centre. He said that he was driving along a road with changing speed limits and must have become confused.

The driver stated that he had attempted to declare the convictions using the online system but had filled in the wrong form. He had emailed and visited the Licensing Unit and assured members that he was not trying to hide the convictions.

The driver explained that he had held a clean driving licence for 25 years prior to this incident and that he had learnt from his mistake. He apologised for his offences and assured members that he would pay careful attention to speed limits in future in order to ensure public safety.

(The meeting started at 12.30pm and finished at 2.45pm)