LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 4th NOVEMBER, 2015

Present – Councillors Donaghy (Chairman), L. Byrne, C. Burrows, Chadwick, Haslam and Wild.

Councillor Donaghy, Chairman.

11. MINUTES OF THE LAST MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 22nd September, 2015 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 it involves 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. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LERSC/06/15

The Director of Environmental Services submitted a report which provided details of eight drivers who had been convicted of offences during the period of their licences.

All the drivers attended the meeting.

Resolved **–** (i) That in repect of report numbered LERSC/06/15 (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 March, 2014 of exceeding the speed limit on a motorway by doing 57mph in a 40mph zone was an intermediate traffic offence under the Council's Policy. Drivers have a duty to adhere to the statutory speed limits at all times and exceeding the speed limits can be a real danger to public safety.

The driver also failed to declare the offence in accordance with the conditions of his licence.

The Sub-Committee disregarded the driver's personal circumstances as these were an irrelevant consideration in determining the outcome of the misconduct case.

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

(ii) That in repect of report numbered LERSC/06/15 (b) no further action be taken in relation to the licence to drive a private hire vehicle but a warning letter be issued reminding the driver of the need to concentrate whilst driving .

(iii) That in repect of report numbered LERSC/06/15 (c) the licence to drive a private hire vehicle be suspended for a period of two 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 related to parking on a pedestrian crossing, failing to wear a seat belt and failure to wear, without reasonable excuse, the driver badge issued by Bolton Council and were minor traffic offences under the Council's Policy.
Drivers have duty to adhere to road traffic and licensing regulations.

The Sub-Committee disregarded the driver's personal circumstances as these were an irrelevant consideration in

determining the outcome of the misconduct case.

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

(iv) That in repect of report numbered LERSC/06/15 (d) 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 March, 2015 of exceeding the speed limit on a motorway was an intermediate traffic offence under the Council's Policy. The Sub-Committee was also mindful that the driver had a poor driving record and had six previous convictions for speeding, indicating a tendency not to comply with the law.
Drivers have a duty to adhere to the statutory speed limits at all times and exceeding the speed limits can be a real danger to public safety.

The driver also failed to declare the offence in accordance with the conditions of his licence.

The Sub-Committee disregarded the driver's personal circumstances as these were an irrelevant consideration in determining the outcome of the misconduct case.

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

(v) That in repect of report numbered LERSC/06/15 (e) the licence to drive a private hire vehicle be suspended for a period of two 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 June, 2014 of

failing to comply with traffic light signals was a minor traffic offence under the Council's Policy.
Drivers have a duty to adhere to traffic light signals and failure to do so can be a danger to public safety. This was the second such offence of failure to adhere to traffic light signals.

The driver also failed to declare the offence in accordance with the conditions of his licence.

The Sub-Committee disregarded the driver's personal circumstances as these were an irrelevant consideration in determining the outcome of the misconduct case.

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

(vi) That in repect of report numbered LERSC/06/15 (f) no further action be taken in relation to the licence to drive a private hire vehicle.

(vii) That in repect of report numbered LERSC/06/15 (g) consideration of this matter be deferred until the next meeting, pending the compilation of additional information.

(viii) That in repect of report numbered LERSC/06/15 (h) the licence to drive a hackney carriage vehicle be suspended for a period of three 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, 2014 of exceeding the speed limit on a motorway by doing 70mph in a 50mph zone was an intermediate traffic offence under the Council's Policy. Drivers have a duty to adhere to the statutory speed limits at all times and exceeding the speed limits can be a real danger to public safety.

The Sub-Committee noted that the invitation letter sent to the driver referred to him incorrectly as a private hire driver and not a hackney carriage driver. The report sent to the driver

correctly referred to his hackney carriage driver's licence. The sub-Committee noted that the driver had attended the hearing and was aware the allegation of misconduct related to his role as a hackney carriage driver. The Sub-Committee did not consider that the driver had been prejudiced by the mistake in the invitation letter.

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

(The meeting started at 12.30pm and finished 3.23pm)