LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 4th FEBRUARY, 2016

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

An apology for absence was received from Councillor C. Burrows)

Councillor Donaghy, Chairman.

14. MINUTES OF THE LAST MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 4th November, 2015 were submitted and signed as a correct record.

15. 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.

16. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/SC/01/16

The Director of Environmental Services submitted a report which provided details of a driver who had been convicted of offences during the period of his licence.

The driver attended the meeting.

Resolved **–** (i) That in respect of report numbered LERSC/01/16 the licence to drive a private hire vehicle be

revoked 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 September, 2014 (relating to a road traffic accident in June 2014) of failing to give information as to the identity of the driver is a serious traffic offence under the Council's policy. Drivers have a duty to adhere to the law at all times.

The Sub-Committee are satisfied that at the time of the accident the driver was the keeper of the vehicle. The driver also pleaded guilty to the offence in court.
The Sub-Committee did not find the driver's evidence in terms of the fact that at the time of the incident he was not the owner of the vehicle and did not accept the driver's claim that the court had made an error which led to his conviction. The Sub-Committee accepted the evidence contained in the police statement which was corroborated by the family of the former owner of the car that the vehicle was sold to the driver on 27th May, 2014.

Drivers are placed in a position of trust and the driver has been found to be dishonest. The Sub-Committee considered that the driver's maintenance of his innocence in relation to the offence to be unsustainable against the weight of evidence.

The Driver would continue to work in an unsupervised environment which causes the Sub-Committee great concern.

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 case.

There is therefore reasonable cause to revoke the licence.

17. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LERSC/02/16

(Councillor Wild declared an interest in the following item In so far as it related to report LERSC/02/16(g) as he knew the applicant and left the meeting taking no part in the debate or vote thereon)

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

The drivers in relation to reports LER/SC/02/16(a), LER/SC/02/16(c), LER/SC/02/16(d), LER/SC/02/16(e), LER/SC/02/16(f) and LER/SC/02/16(g) attended the meeting. In relation to LER/SC/02/16(e) the driver attended with a representative.

Resolved **–** (i) That in respect of report numbered LERSC/02/16 (a) the licence to drive a private hire vehicle be suspended for a period of one week 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 May, 2015 of driving without due care and attention is an intermediate traffic offence under the Council's policy. Drivers have a duty to drive with care and not to be a danger to the public.

The Sub-Committee disregarded the driver's personal circumstances as these were an irrelevant consideration in determining the outcome of the t case.

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

(ii) That in respect of report numbered LERSC/02/16(b) consideration of this matter be deferred until the next meeting

when the issue will be dealt with whether or not the driver is present.

(iii) That in respect of report numbered LERSC/02/16 (c) the licence to drive a private hire vehicle be suspended for a period of four 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 August, 2015 of exceeding the speed limit on a public road is a minor traffic offence under the Council's policy. Drivers have a duty to adhere to the speed limit and exceeding the statutory limits can put the public in danger.
The Committee noted that the driver also attended a meeting of this Sub-Committee in 2013 due to an offence of exceeding the speed limit.

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 case.

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

(iv) That in respect of report numbered LERSC/02/16 (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 April, 2015 of exceeding the speed limit on a motorway is an intermediate traffic offence under the Council's policy. Drivers have a duty to adhere to the speed limit and exceeding the statutory limits can put the public in danger.

The driver also attended a meeting of the Licensing Committee in 2014 due to an offence of exceeding the speed limit.

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

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

(v) That in respect of report numbered LERSC/02/16 (e) the licence to drive a private hire 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 March, 2015 of exceeding the speed limit on a motorway is an intermediate traffic offence under the Council's policy. Drivers have a duty to adhere to the speed limit and exceeding the statutory limits can put the public in danger.
The driver also seemed unable to grasp the potential serious consequences of exceeding the speed limit.

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

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

(vi) That in respect of report numbered LERSC/02/16 (f) 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 adhere to the statutory speed limits.

(vii) That in respect of report numbered LERSC/02/16 (g) 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 February, 2015 of exceeding the speed limit on a motorway is an intermediate traffic offence under the Council's policy. Drivers have a duty to adhere to the speed limit and exceeding the statutory limits can put the public in danger. The driver was also convicted of a speeding offence in 2013.

The driver also seemed unable to grasp the potential serious consequences of exceeding the speed limit and this was of concern to the Sub-Committee.

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

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

(The meeting started at 12.30pm and finished 4.22pm)