

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 4th SEPTEMBER, 2018

Present – Councillors Haworth (Chairman), Donaghy, Haslam, McKeon and P. Wild.

Councillor Haworth in the Chair

4. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 19th June, 2018 were submitted and signed as a correct record.

5. 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.

6. 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.

The driver attended in respect of report numbered LERC/27/18.

The driver and his representative and a supporter attended in respect of report numbered LERC/28/18.

The driver and his father attended in respect of report numbered LERC/29/18.

The driver and his partner attended in respect of report numbered LERC/30/18.

Resolved:-

(i) That, in respect of the report numbered LERC/27/18, a warning letter be issued to the driver in relation to his standard of driving.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the traffic offences from August, 2017 of driving without due care and attention and failing to stop after an accident resulting in a fine and penalty points are intermediate and major offences under the Council's policy.

The Sub-Committee heard that the driver had been convicted of driving without due care and attention and failing to stop after an accident.

It was acknowledged that the driver had declared the convictions in accordance with the conditions of his licence.

In hearing the evidence of the driver, the Sub-Committee felt that he was truthful and remorseful. The driver gave detailed evidence of the incident and stated that only slight damage had been caused to the other vehicle. Members viewed pictures of the slight damage that had been caused to his vehicle. They felt that his evidence was clear and credible and therefore agreed to issue him with a warning letter on this occasion.

(ii) That, in respect of report numbered LERC/28/18, the licence to drive a private hire vehicle be suspended for a period of 14 weeks on the basis 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 three traffic offences from March, 2018 of exceeding the statutory speed limit on a public

road resulting in fixed penalties were minor offences under the Council's policy.

The Sub-Committee noted that the driver had declared convictions numbered 17 and 19 in the report in accordance with the conditions of his licence. It was acknowledged that he had mistakenly declared the first conviction twice instead of declaring Conviction 18.

The Sub-Committee also considered the character references supplied by the driver.

The Sub-Committee were extremely concerned that the three offences had occurred during the same month with one occurring two days after the other. They felt that the driver has developed a dangerous pattern of bad driving habits and is not taking his licence seriously. He had attended a speed awareness course in 2015 and did not appear to have learned from it.

The Sub-Committee also took into account other convicted road traffic offences in the history of the driver.

Drivers have a duty to adhere to speed limits at all times and exceeding them can be a real danger to public safety.

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

(iii) That, in respect of report numbered LERC/29/18, the licence to drive a private hire vehicle be suspended for a period of 10 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 traffic offence from June, 2017 of exceeding the statutory speed limit on a public road resulting in a fine and penalty points is a major offence under the Council's policy.

The Sub-Committee was concerned that the driver had failed to declare conviction numbered 6 in the report in accordance with the conditions of his licence. The conviction had been discovered by the Licensing Unit during a routine DVLA check in May, 2018 and would not have otherwise been discovered until the renewal of the driver's licence in 2020.

Members were also concerned at the large fine and significant penalty points awarded for the offence.

The driver had previously attended the Sub-Committee in May, 2014 regarding conviction numbered 5 in the report and for the failure to declare the conviction in accordance with the conditions of his licence. The Sub-Committee had issued a warning letter to the driver advising of the need to report future convictions on time and in accordance with the conditions of his licence.

The driver should have known that he needed to declare the conviction and members felt he was not taking the conditions of his licence seriously.

The Sub-Committee found that there is a pattern of none declaration of convictions by this licence-holder.

Drivers have a duty to adhere to speed limits at all times and exceeding them can be a real danger to public safety.

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

(iv) That, in respect of report numbered LERC/30/18, the licence to drive a private hire vehicle be renewed on the grounds that the driver is a fit and proper person to hold such a licence at this time, and that a warning letter be issued to the driver advising him of the need to declare convictions in a timely manner in accordance with the conditions of the licence.

(The meeting started at 12.30pm and finished at 4.35pm)