

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 31st JANUARY, 2019

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

Councillor Haworth in the Chair

13. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 27th November, 2018 were submitted and signed as a correct record.

14. 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.

15. 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/1/19 – the driver, a legal representative and his son-in-law attended the meeting.

That, in respect of report numbered LERC/1/19, the licence to drive a private hire vehicle be suspended for a period of four 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 traffic offence from February, 2018 of failure to give information as to the identity of the driver resulting in a large fine and penalty points is a major traffic offence under the Council's policy.

The driver's licence had been renewed for a reduced period without prejudice to this matter and was due to expire in March, 2019.

The Sub-Committee was concerned that the driver had failed to declare the conviction in accordance with the conditions of his licence and within the required timescales. The offence had first been declared on the application form to renew the licence in September, 2018. The Sub-Committee was also concerned that the MS90 was a major traffic offence.

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

(ii) LERC/2/19 – the driver and his wife attended the meeting.

That, in respect of report numbered LERC/2/19, the licence to drive a private hire vehicle be suspended for a period of two 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 offences from December, 2016 of failure to comply with traffic signals and from January, 2018 of exceeding the statutory speed limit on a public road resulting in a fine and penalty points, are minor and intermediate offences respectively under the Council's policy.

It was acknowledged that the driver had declared Conviction numbered 1 in the report in accordance with the conditions of his licence. A warning letter regarding the need for the driver to adhere to traffic light signals had been issued in July, 2017.

With regard to Conviction numbered 2 in the report, the Sub-Committee was concerned that the driver had failed to declare the conviction in accordance with the timescales required with the conditions of his licence. The online declaration had been 11 days late and the driver had declared that the offence had been dealt with by way of a fixed penalty when the matter had actually been dealt with in court. At the meeting, the driver explained that he had failed to pay the fixed penalty notice due to financial difficulties and the matter had therefore been referred to court.

It had also come to light during the meeting that the driver had attended a speed awareness course approximately three years ago and members felt that he was starting to develop bad driving and speeding habits.

Drivers have a duty to maintain public safety at all times and failing to comply with traffic light signals and speeding limits can cause a real danger to the public and other road users.

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

At this point, Councillor Haworth left the meeting. Councillor Donaghy was appointed as Chairman for the remainder of the meeting and here took the Chair.

(iii) LERC/3/19 – the driver attended the meeting.

That, in respect of report numbered LERC/3/19, a warning letter be issued to the driver advising him of the need to adhere to speed limits at all times and to report convictions in accordance with the conditions of his licence.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the traffic offence from April,

2018 of exceeding the speed limit on a motorway 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 the conviction in accordance with the timescales required within the conditions of his licence. The conviction had been declared 38 days late.

Drivers have a duty to adhere to speed limits at all times and failure to do so can cause real danger to the public and other road users.

However, due to the exceptional circumstances described by the driver and the medical evidence submitted in relation to the health of his daughter, the Sub-Committee felt that a warning letter would be an appropriate course of action under the circumstances.

(iv) LERC/4/19 – the driver had put in a formal request for consideration of the matter to be deferred to the next meeting of the Sub-Committee in order for him to attend a hospital appointment.

In respect of application numbered LERC/4/19, consideration of the report be deferred to the meeting of this Sub-Committee on 5th March, 2019 to enable the driver to attend.

(The meeting started at 12.30pm and finished at 2.40pm)