

LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

MEETING, 11th JULY, 2017

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

An apology for absence was submitted on behalf of Councillor L. Byrne

Councillor Donaghy in the Chair

4. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Sub-Committee held on 27th June, 2017 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. MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LERSC/04/17

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 drivers attended the meeting in respect of reports LERSC/04/17(a), LERSC/04/17(b), LERSC/04/17(f) and LERSC/04/17(g).

The driver in respect of report LERSC/04/17(e) attended the meeting and was accompanied by a representative.

The driver in respect of report LERSC/04/17(d) attended the meeting and was accompanied by an interpreter.

Resolved – (i) That, in respect of report numbered LERSC/04/17(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 April, 2016 of exceeding the speed limit on a motorway resulting in a fixed penalty and 3 penalty points is an intermediate traffic offence under the Council's policy.

The Sub-Committee also noted its concern that the driver had failed to declare the conviction in accordance with the conditions of his licence. He also failed to declare the conviction when his licence was due for renewal in 2017.

The driver is a relatively new driver (since 2015) and should have been fully aware of the terms and conditions of his licence and the need to declare the conviction. He showed a lack of disregard for the rules and irresponsibility about the offence.

Drivers have a duty to adhere to statutory speed limits at all times and exceeding the speed limits can be a real danger to public safety. The Sub-Committee also expressed concern that the driver had a passenger in the car at the time of the offence.

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

(ii) That in respect of report numbered LERSC/04/17(b), the licence to drive a private hire vehicle be suspended for a period of sixteen 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 eight traffic offences which had resulted in fixed penalties and fines are minor and intermediate offences under the Council's policy.

The Sub-Committee noted that the driver had failed to declare the convictions numbered 6 (July, 2015), 7 (June, 2015) and 8 (September, 2016) in the report in accordance with the conditions of his licence.

It was acknowledged that the driver had declared the convictions numbered 6 and 7 on his licence renewal form in March, 2016 and that the conviction numbered 8 had been declared on his licence renewal form in March, 2017.

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

The Sub-Committee was concerned that the driver had developed a pattern of bad driving habits and had received two convictions within 12 months.

With regard to the convictions numbered 6 and 8 of the report relating to the use of mobile phones, the Sub-Committee noted that drivers have a duty to adhere to the law at all times and that using a mobile phone whilst driving can be a real danger to public safety and that of any passengers. Members were concerned that this had happened on two occasions within a relatively short period of time.

With reference to the offence numbered 3 of the report, driving without due care and attention, the Sub-Committee stressed that drivers have a duty to uphold the law at all times and to ensure the safety of passengers and the public. There was concern that the driver was carrying passengers at the time of the offence.

Overall, members had grave concerns about the licence holder's driving record which had resulted in 9 penalty points over a 14 month period.

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

(iii) That in respect of report numbered LERSC/04/17(c), the Sub-Committee agreed to the request of the driver to defer consideration of his report to the next meeting to enable him to attend as he had prior engagement that could not be altered.

(iv) That in respect of the report numbered LERSC/04/17(d), the licence to drive a private hire vehicle be renewed and suspended for a period of four weeks from today 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, 2016 of exceeding the statutory speed limit on a public road which had resulted in a fixed penalty and points is a minor traffic offence under the Council's policy.

The Sub-Committee noted that the driver had failed to declare the conviction in accordance with the conditions of his licence. He had also failed to declare the conviction on his renewal licence form in April, 2017.

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

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

(v) That in respect of report numbered LERSC/04/17(e), the licence to drive a private hire vehicle be suspended for a period of sixteen 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 October, 2001 are major traffic offences under the Council's policy and the offence from August, 2009 of failing to comply with traffic light signals is a minor offence under the Council's policy.

The Sub-Committee also took into account a complaint that had been received in respect of the driver regarding an incident that had occurred on 27th April, 2017 and the recording of this incident by the complainant on a dashboard camera which was shown to members.

The Sub-Committee also had regard to the informal interview that had taken place between a licensing officer and the driver held on 31st May, 2017, regarding this incident, a copy of which was attached to the report at Appendix Two.

The Sub-Committee also heard of an incident involving the driver in December, 2013 regarding the illegal ply for hire at Bolton Train Station and that a warning letter had been sent to the driver, a copy of which was attached to the report at Appendix 3.

A further complaint had also been received about the driver in March, 2014 regarding the disposal of a drinks can out of his moving private hire vehicle.

Members felt that, in respect of the incident of 27th April, 2017, the driver's manoeuvre had been reckless. He had overtaken vehicles, caused an oncoming vehicle to brake and turned left onto a main road without indicating. These actions could have resulted in danger to the public. The driver also admitted that the manoeuvre was dangerous and that there was no other reason for his actions than a passenger waiting to be picked up.

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

(vi) That in respect of report numbered LERSC/04/17(f), the licence to drive a private hire vehicle be renewed and

suspended for a period of twelve weeks from today 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, 2008 of breach of requirements as to control of the vehicle mobile phones etc. and from August, 2015 of exceeding the statutory speed limit on a motorway which had resulted in fixed penalties and fines are intermediate and major traffic offences (due to number of points awarded) respectively, under the Council's policy.

The Sub-Committee also had regard to a further offence in May, 2016 and subsequent conviction in June, 2016 which had involved Actual Bodily Harm. The Sub-Committee had previously considered this offence at its meeting in December, 2016 and agreed to suspend the driver's licence for a period of six months. A copy of this report and minute were attached to the report at Appendix 1.

With regard to the offence numbered 2 in the report, the Sub-Committee noted that the driver had failed to declare the conviction in accordance with the conditions attached to his licence. The driver had also failed to declare the offence when he applied to renew his licence in 2016. The conviction had been identified when processing the renewal of the licence following the 6 month suspension period and enquiries made via the DVLA.

The Sub-Committee was concerned that, due to the number of points awarded and significant fine imposed by the Courts on conviction, the offence had been classed as major under the Council's policy.

Further, in relation to offence numbered two, the driver had failed to declare the offence at the meeting of the Licensing and Environmental Regulation Committee held in December, 2016 when questioned by members.

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

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

(vii) That in respect of report numbered LERSC/04/17(g), 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 eleven traffic offences which had resulted in fixed penalties and fines are minor and intermediate offences under the Council's policy.

It was noted that a further conviction in May, 2009 (shown as offence numbered 7 in the report) under the Local Government (Miscellaneous Provisions) Act 1976 Section 50 had previously been considered by this Sub-Committee at its meeting in June, 2010. The decision had been to suspend the licence for a period of one month. A copy of the report and minute was attached to the report at Appendix 1.

The Sub-Committee also took into account the details of another incident in April, 2016 where the driver had suffered a period of ill health which had been investigated by Salford Royal Hospital. The driver had reported the incident immediately to the Licensing Unit.

The driver applied to renew his licence in March, 2017 which was granted.

It was noted that the driver had declared the convictions numbered 10, 11 and 12 in accordance with the conditions of his licence.

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

The Sub-Committee felt that the driver had developed a pattern of bad driving habits and were concerned at his driving record. Members expressed serious concern that three of the traffic offences had occurred within 16 months of one another, one of which was an intermediate offence.

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

(The meeting started at 12.30pm and finished at 4.40pm)