



to the length of time, the Council records are not complete, and it is unclear when this was.

On his application in 2008, at the Sub-Committee hearing and his applications in 2009 and 2010, the licence holder failed to declare convictions between 1990 and 1996. As a result, the licence was reviewed by a General Licensing Sub-Committee in April 2012 and a decision was taken to issue a warning to make full disclosure when required to do so. Since this date, the licence holder had renewed his licence in the usual way and had not been subject to any enforcement action.

The Enforcement Team Leader (Licensing) explained that the licence holder received a notice under the single justice procedure on 21 December 2021 that he was being charged under SP30 – Exceeding statutory speed limit on a public road. The licence holder was travelling at 53mph in a 30mph zone on Lower Burgh Road, Chorley. The licence holder duly notified the Council on 22 December 2021. On 18 January 2022, the licence holder was convicted of the speeding offence and his driving licence was endorsed with 6 penalty points, he was ordered to pay a £458 fine, £45 victim surcharge and £90 costs.

The Enforcement Team Leader (Licensing) referred members to the Safeguarding and Suitability Policy and explained that when an offence is committed in relation to driving or operating a taxi, this should be viewed in a more serious light and a longer period of rehabilitation will be required.

He explained that the Council's Policy stated that any minor traffic offence which results in 6 or more penalty points is treated as a major traffic offence. The policy states that a period of 2 years is required before the Council would grant a licence to an applicant with a conviction for a major traffic offence.

In response to a member enquiry, the Enforcement Team Leader (Licensing) replied that the Council's policy only referred to penalty points but there was an expectation that licencees would abide by speed limits. He explained that, according to the Sentencing Guidelines, the offence in question was in the highest band of seriousness.

In reply to a question from the legal officer, the Enforcement Team Leader (Licensing) confirmed that the driver reported the conviction in writing the day after the conviction, in compliance with the conditions attached to his private hire driver licence.

The driver addressed the Sub-Committee and explained that he was found guilty of speeding and he had no excuse for his actions. The driver provided that the offence had occurred just out of lockdown and he was running late on his way to collect his next customer when he was caught speeding by the Police using a radar gun. The driver stated that he felt bad about the offence as he had held a clean licence and had been driving for over 34 years. He now had six points on his licence and had received a large fine from the Magistrates' Court.

The driver explained to the Sub-Committee that he understood the potential implications of the offence and that he could have his licence revoked or have seriously hurt someone by hitting them with his vehicle. It was the driver's view that he had been punished already by the Magistrates' Courts.

The driver clarified to the Sub-Committee that at the time of the offence, he was driving the licensed vehicle but had no customers on board as he was on his way to collect his next passenger. The driver advised that when driving customers in his vehicle he was always aware of the speed limit.

Members asked the driver how late he was running for his next fare and where he had been caught speeding. In response the driver explained that he was around five or six minutes late and was caught speeding as he was ascending a hill near a roundabout. The police were on the opposite side of the road with a radar gun.

Members noted that the driver had a history of speeding offences and a number of incidents recorded on his driving record and asked what assurance he could provide to members to prove that there was not a pattern of this behaviour. The driver explained that before lockdown drivers would work together and would share workload. However, after lockdown, the driver was concentrating on getting his own customers. However, since the incident he was now passing jobs on to other drivers and was not rushing trying to accept work.

The Enforcement Team Leader (Licensing) explained to the driver that in June 2021 a vast majority of the COVID restrictions had been relaxed for some time and asked for clarification on the relationship between coming out of lockdown and the speeding offence. In response, the driver explained that during lockdown he had been earning no money at all and although he could not provide a response to the question he explained that he was upset about the speeding offence.

The Enforcement Team Leader (Licensing) referred to the Council's policy and asked the driver if he could provide any evidence of exceptional circumstances which would allow the Sub-Committee to depart from the policy of refusing or revoking the licence within two years of the offence. In response, the driver apologised and said he did not have a reason.

In summing up, the representative on behalf of the licence holder advised the sub-committee that the licence holder had around 32 years of driving experience and regretted the speeding offence. It was his view that there was no pattern of offending as no further offence had been committed in the time from the first offence in 1996 until 2021. The Council had never received any complaints or had to take enforcement action against the driver. The representative explained that the driver was aware that if the Sub-Committee departed from the policy, he would not be afforded a second chance. The driver had learnt his lesson and would not need to be brought before a Sub-Committee again.

In response to a member enquiry, the Enforcement Team Leader (Licensing) explained that since the speeding offence was committed, there had been no further issues with the driver.

### **Decision**

RESOLVED:

After careful consideration, the Sub-Committee agreed to issue a stern warning to lie on the driver's licensing file regarding his driving for the following reasons:

- (i) the speeding offence was isolated and not part of a recent pattern.

(ii) There have been no complaints about the driver from any members of the public. He had been a taxi driver licensed by Chorley Council for many years.

(iii) The Licensing Officer confirmed that since the speeding offence in 2021 there had been no further issues with the driver.

(iv) The driver had disclosed the conviction in writing within 7 days as required by the conditions attached to his private hire driver licence.

(v) The driver took responsibility for his actions. The conviction and fine imposed by the court appeared to have had a salutary effect on him.

(vi) members were concerned about the speed recorded and emphasised to the driver that were it not for the above factors members would not have departed from the Council's policy and would have revoked his driver licence

Members asked the driver to note that if he is brought before General Licensing Sub-committee on a future occasion, he would likely face revocation of his driver licence.

Chair

Date