



Minutes of the Licensing Sub-Committee

20 February 2020

-: Present :-

Councillors Ellery, Foster and Kavanagh

24. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

25. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillors Foster and Kavanagh instead of Councillors Kennedy and Skyes.

26. Minutes

The Minutes of the meeting of the Sub-Committee held on 16 January 2020 were confirmed as a correct record and signed by the Chairman.

27. Exclusion of the Press and Public

Prior to consideration of the item in Minute 28 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

28. Review of a Hackney Carriage and Private Hire Drivers' Licence

Members considered a report that sought a review of a Torbay Council Dual Hackney Carriage and Private Hire Drivers' Licence. The Senior Licensing Officer advised Members that the Respondent had failed to meet specific requirements set out in the Hackney Carriage and Private Hire Licensing Policy 2018 to 2022, by failing to report that he had been convicted by South Devon Magistrates Court on 4 September 2019 of assaulting a female by beating.

The Senior Licensing Officer advised Members of the efforts taken to confirm with the Respondent if he would be attending the hearing for which no response had been received. Members were satisfied that the Respondent was aware of this hearing, had been given adequate opportunities to confirm his attendance prior to the hearing and agreed for the matter to be heard in his absence.

Written Representations received from:

Name	Details	Date of Representation
Devon, Dorset, Cornwall Probation Service	Representation raising concern over reported daily alcohol use by Respondent and advising that they had informed them to report their offence as part of their taxi licence.	13 January 2020
Devon Live	Evidence of conviction for assault.	undated
Licensing and Public Protection	Letter to the Respondent requesting further information regarding his conviction and alcohol use.	15 January 2020
Signed Receipt	Signed receipt for Torbay Council's Hackney Carriage and Private Hire Licensing Policy.	15 March 2013
Respondent	Representation with supporting information in response to the letter from the Licensing and Public Protection Officer.	22 January 2020

Decision:

That the Respondent's Torbay Council Driver's Licence be revoked in accordance with Section 61(1)(b) of the Local Government (Miscellaneous) Provisions Act 1976 and that this revocation shall have immediate effect, in accordance with Section 61(2B) of the Local Government Miscellaneous Provisions Act 1976.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members unanimously resolved to, revoke the Respondent's Driver's Licence, as they could not be satisfied that the Respondent remained a 'fit and proper' person to hold a Torbay Council Driver's Licence.

In coming to that decision, Members applied the test set out in Appendix A, Section 1.3 at page 36 of Torbay Council's current Hackney Carriage and Private Hire Licensing Policy and unanimously resolved that they would not allow someone who they cared for to get in to a licensed vehicle with this Respondent alone.

Members noted with concern that the Respondent in his response, as set out in Appendix 5 of the report and without evidence to the contrary' had sought, in their opinion, to play down the seriousness of the incident which led to his conviction and the concerns raised by the Probation Officer, who they noted is a professional and independent person, about the risk associated with his excessive alcohol misuse.

In further consideration of this written response, Members were not reassured that the Respondent remained or could become in the immediate, a 'fit and proper' person to be a driver licensed by Torbay Council and his failure to attend the Committee hearing, despite the officers efforts and his submissions that he would be attending to provide an explanation, left Members with no other reasonable option but to revoke the Respondent's drivers' licence to ensure that the public were safe.

In determining that the revocation shall be with immediate effect, Members found on the evidence before them, that the driver presented as a high risk and resolved that it was appropriate to do so, when considering their primary duty as one of ensuring that the public are kept safe.

Chairman/woman