

Minutes of the Licensing Sub-Committee

26 January 2023

-: Present :-

Councillors Ellery, Barbara Lewis and Mills

9. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

10. Minutes

The Minutes of the meetings of the Sub-Committee held on 1 December 2022 and 5 January 2023 were confirmed as a correct record and signed by the Chairman.

11. Consideration of the fit and proper status of the holder of a Dual Hackney Carriage and Private Hire Drivers' Licence

Members considered a report on the fit and proper status of the holder of a Torbay Council issued dual Hackney Carriage and Private Hire driver's licence.

The Licensing Officer presented the report that set out information that had been received from Devon and Cornwall Police that a dual Hackney Carriage and Private Driver's Licence holder had been arrested on suspicion of assault occasioning actual bodily harm against his ex-partner. The dual Hackney Carriage and Private Driver's Licence holder had failed to meet specific requirements as set out in the current Taxi Policy 2022, by virtue of having failed to inform Torbay Council of his arrest. Further to this the dual Hackney Carriage and Private Driver's Licence holder has now pleaded guilty to the charge of assault occasioning actual bodily harm in the Magistrates' Court and was awaiting sentencing.

Decision

That Mr Frost be formally warned in writing and that this warning shall remain in situ for a period of 18 months and that should any further issues of concern arise within that 18 month period which requires Mr Frost to appear again before a Licensing Committee, Members of that Committee shall be made aware of this written warning; and

That Mr Frost read and familiarises himself with the contents of Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy, as issued to him and that he keeps a

copy of the said Policy in the licensed vehicle at all times when on duty as a licensed driver for future reference.

Reason for Decision:

In coming to that decision, Members carefully considered having been charged with the responsibility to determine the drivers' licence, whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person to whom they care or any other vulnerable person known to get into a vehicle with Mr Frost alone. An unequivocal and unanimous answer by Members to this question was 'yes'.

Members take a dim view of actual bodily harm to any person however, in this instance Members noted the circumstances surrounding the incident itself, which occurred whilst Mr Frost was off duty, and which led to the injuries being sustained, the genuine remorse demonstrated by Mr Frost, and the lapse in time since the offence taking place during which there had been no incidents of concern, or substantiated complaints received around his conduct or behaviour.

Members were however concerned that Mr Frost had not fully complied with the requirements of Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy, in not notifying the licensing department of his arrest, citing his inexperience as a Torbay Council driver as the reason for this, though accepted his explanation for failing to advise of the outcome of his Court hearing, which was in fact adjourned to a later date.

In concluding, Members all agreed that they found the Respondent to be credible and was believable in his account, that this was an isolated incident, and that Mr Frost posed no risk to public safety.

Chairman/woman
