

Minutes of the Licensing Sub-Committee

8 October 2020

-: Present :-

Councillors Ellery, Foster and Kennedy

37. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

38. Consideration of the fit and proper status of the holder of a dual 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 Driver's Licence. The Licensing Officer advised Members that Mr Tamplin had failed to meet specific requirements as set out in the Hackney Carriage and Private Hire Licensing Policy 2018, as following receipt of 1 speeding offence and 1 motoring offence during a six month period, the Licence Holder has 9 penalty points. Members were advised that apart from these two offences Mr Tamplin had never had any previous complaints or concerns in respect of his Licence. The Sub-Committee therefore had to determine if Mr Tamplin remained a 'fit and proper' person to hold such licence.

At the hearing, Mr Tamplin set out the circumstances which led to him receiving 9 penalty points on his DVLA Driver's Licence, as set out in his letter attached at Appendix 4 to the submitted report. He accepted that he had failed to notify the Licensing Authority of the three points he had been given as a result of driving at 34 miles per hour in a 30 mile an hour zone and advised that he expected this to be picked up when he renewed his Licence. Mr Tamplin advised that he had since put in place written records to show which driver had leased his vehicles and acknowledged that he had failed to keep adequate records in the past.

Decision:

- (i) that Mr Tamplin be formally warned in writing and that this warning shall remain in situ; and that should any further issues of concern arise which requires Mr Tamplin to appear again before a Licensing Committee, Members of that Committee shall be made aware of this written warning; and
- (ii) that the warning letter shall include a requirement that Mr Tamplin shall at all times, keep and maintain formal written records on who he has rented his vehicles to and by who and when, they are being driven; and

- (iii) that Mr Tamplin shall 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:

Having carefully considered all of the written and oral representations, Members resolved that Mr Tamplin should receive a formal written warning in this instance.

In coming to their decision, Members were satisfied that on all the evidence before them, that one of the sets of penalty points were as a result of poor administration and not Mr Tamplin's safety or driving ability. Furthermore, Members noted the oral confirmation from the Licensing Officer that throughout Mr Tamplin being a driver licensed by Torbay Council, there had never been any issues or concerns raised about him.

Members were concerned over the accuracy of the facts reported by Mr Tamplin and resolved that the requirement for Mr Tamplin to keep formal written records of persons renting and driving his vehicles at all times, would ensure that any future offences would be able to be attributable to that driver. Notwithstanding that Mr Tamplin had advised Members that he now has such records in place.

Mr Tamplin's submission that it was his belief the penalty points for the speeding offence would be picked up at renewals was of concern to Members, as this was not what was required of him in accordance with the Policy. With that in mind, Members felt it appropriate to require Mr Tamplin read and familiarise himself with the Policy to ensure that there was no future misunderstanding of what is required of him as a driver licenced by Torbay Council.

In concluding, it is important to note that the decision to formally warn Mr Tamplin was not a unanimous one and that suspension and revocation of Mr Tamplin's drivers licence was given serious consideration; and whilst the accuracy of that reported by Mr Tamplin remained a concern to Members, the imposition of the conditions on his driver's licence went some way to alleviate these concerns.

Chairman/woman