



Minutes of the Licensing Sub-Committee

18 February 2016

-: Present :-

Councillors Barnby, Doggett and Sykes

(Also in attendance: Councillors Brooks and Thomas (D))

37. Election of Chairman/woman

Councillor Doggett was elected as Chairman for the meeting.

38. Minutes

The Minutes of the meeting of the Sub-Committee held on 10 December 2015 were confirmed as a correct record and signed by the Chairman.

39. Exclusion of the Press and Public

Prior to consideration of the item in Minute 40 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 paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).)

40. Taxi Driver Report

Members considered an exempt report concerning a Torbay Council Licensed Driver and whether he remained a 'fit and proper person' to hold a Torbay Council Driver's Licence. At the hearing Members of the Licensing Sub-Committee heard submissions from the Environmental Health Manager (Commercial) and the Respondent.

Decision:

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

Reason for Decision:

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

In coming to that decision, Members considered having been charged with the responsibility to determine the driver's 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 them to get into the vehicle with the Respondent alone. An unequivocal and unanimous answer to this question by Members', was no.

In determining that the Respondent does not remain a 'fit and proper person' to be a driver licensed by Torbay Council, Members had due regard to their duty to protect the public, in the knowledge that a licensed driver is in a position of trust and on the evidence before them, the Respondent had conducted himself in a manner that was inappropriate, unacceptable and fell well below the standard expected by them of a driver licensed by Torbay Council.

In considering the submissions of the Respondent in that the female was extremely distressed, suicidal and that he acted merely to comfort her, Members resolved that his admitted conduct during the journey was both unacceptable and inappropriate. In their opinion, he could reasonably have been expected and should have taken the lone, young female passenger directly home and alerted anyone at the property of her distressed state or upon learning that there was no one at home, reported immediately the circumstances to the emergency services and notified his operator.

Although Members noted the Respondents submissions and remorse, in that his actions were inappropriate and foolish and that he regretted, felt embarrassed and disgraced by what he had done. It was only on being arrested and under Police caution that he had admitted to the alleged conduct, in part which in turn, found himself before the Licensing Sub-Committee.

Whilst Members heard from the Respondent with regards to his personal financial circumstances and how losing his driver's licence would affect him, Members were advised by the Council's Senior Solicitor and Deputy Monitoring Officer that this was not a matter that they should take in to account when coming to their decision.

Members considered whether to suspend the Respondents driver's licence but unanimously resolved that due to such a serious error in judgement made by the Respondent, in behaving in such an inappropriate and unacceptable manner towards the lone, young female passenger meant that the only appropriate outcome in their opinion was an outright revocation.

In coming to the decision to revoke the Respondent's driver's licence, Members resolved that it should be with immediate effect, as in their opinion it was in the interest of the public safety to do so. Members' reasoning for this determination is due to the perceived risk which they believe the Respondent poses, following his inappropriate and unacceptable behaviour in these circumstances and the fact that he only admitted to kissing the lone, young female on the lips when the written submissions of the Police was put to him during the hearing and that he had not volunteered this admitted detail, when submitting how he only acted to comfort the lone, young female passenger.