

Wednesday, 6 January 2021

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Thursday, 14 January 2021

commencing at **9.30 am**

The meeting will be held remotely via Zoom (the links to the meeting are set out below)

<https://us02web.zoom.us/j/83862540117?pwd=eIFNd0g1NS9mRVJpSW02L1FBd2dtdz09>

Meeting ID: 838 6254 0117

Passcode: 388022

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Meeting ID: 838 6254 0117

Passcode: 388022

Members of the Committee

Councillor Ellery

Councillor Kavanagh

Councillor Barbara Lewis

Together Torbay will thrive

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Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**

To elect a Chairman/woman for the meeting.

2. **Apologies**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

3. **Declarations of interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent items**

To consider any other items that the Chairman decides are urgent.

5. **Consideration of the fit and proper status of the holder of a dual Hackney Carriage and Private Hire Drivers' Licence**

(Pages 4 - 19)

To consider the submitted report in respect of a dual holder of a Hackney Carriage and Private Hire Drivers' Licence.

Instructions for the press and public for joining the meeting

If you are using an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

Joining a Meeting

Click on the link provided on the agenda above and follow the instructions on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

Speaking at a Meeting

If you are registered to speak at the meeting and when it is your turn to address the Meeting, the Chairman will invite you to speak giving the Host the instruction to unmute your microphone and switch your video on (where appropriate) therefore please pause for a couple of seconds to ensure your microphone is on.

Upon the conclusion of your speech/time limit, the Host will mute your microphone and turn off your video.

Meeting Etiquette for Registered Speakers - things to consider when speaking at public meetings on video

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.
- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.

TORBAY COUNCIL

Report No: Public Agenda Item: **YES**

Title: **Consideration of the fit and proper status of the holder of a dual Hackney Carriage and Private Hire Drivers' Licence**

Wards Affected: **All**

To: **Licensing Sub-Committee** On: **14th January 2021**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Shaun Rackley**
Telephone: **01803 208026**
E.mail: Shaun.rackley@torbay.gov.uk

1. What we are trying to achieve

- 1.1 This report asks Members to consider relevant facts relating to the holder of a Torbay Council issued dual Hackney Carriage and Private Hire drivers licence. This follows receipt of 1 speeding offence and 1 motoring offence during a 2 year period, which has left the licence holder on 9 current penalty points. Further to this, the licence holder has failed to meet specific requirements, as set out in the current Hackney Carriage and Private Hire Licensing Policy 2019, by virtue of having failed to inform Torbay Council of the penalty points. Members are requested therefore to determine on the facts laid before them, whether or not the Applicant remains a 'fit and proper person' to hold such a licence.

2. Recommendation(s) for decision

- 2.1 This matter must be determined on its individual merits and any supporting facts or testimony advanced at a hearing. Therefore, there is no recommendation. The options available to Members however, are highlighted in paragraph **A3.1 of Annex 1** to this report.

3. Key points and reasons for recommendations

- 3.1 Under provision of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act), Torbay Council is the Licensing Authority in respect of Hackney Carriage and Private Hire Vehicles and drivers within Torbay.

- 3.2 Sections 51 and 59 of the 1976 Act, in conjunction with section 46 of the Town Police Clauses Act 1847, make provision for the licensing of drivers and state that a district council shall not grant a licence to drive a Private Hire or Hackney Carriage vehicle unless they are satisfied that the driver is a 'fit and proper' person to hold a driver's licence.
- 3.3 There is no judicially approved test of fitness and propriety and therefore it is the responsibility of Licensing Authorities to determine whether a driver, or an Applicant is indeed fit and proper to hold such a licence. In the absence of such a test, a number of practices have developed over time and have stood up to scrutiny in the Courts and are therefore commonly accepted amongst the majority of Licensing Authorities.
- 3.4 Torbay Council has adopted a number of common practices for testing the 'fit and proper' status of drivers and applicants. One of these, is that they should possess and maintain a suitable driving ability and driving history.
- 3.5 This report follows a review of the DVLA driver data base in respect of Mr Julian Lawrence-Ball, who holds a Torbay Council dual drivers' licence number LD0326, where it was discovered on the 11th December 2020, Mr Lawrence-Ball had received 9 penalty points. These are 2 separate offences over a 2 year period. The most recent offence was for failing to give information as to the identity of a driver. Further to this, Mr Lawrence-Ball has failed to notify the Licensing Authority, as required by virtue of its Policy.
- 3.6 Mr Lawrence-Ball was written to on the 11th December 2020 and requested to provide an explanation as to the events surrounding the DVLA points, as well as stating reasons as to why the Licensing Authority was not informed. This document can be found at Appendix 1.
- 3.7 Relevant aspects of the Policy state:

5.12 Where an existing licensed driver receives over 6 (six) endorsement/s or penalty points on their licence within each licensing year, the Licensing Authority will require that person to undertake and pass a DSA. If this is not obtained within 3 months of the notification to the Licensing Authority, then the existing licensed drivers badge will be suspended until the necessary driving standards assessment is completed and confirmation of this has been provided to the Licensing Authority.

5.13 Where an existing licensed driver receives more than 9 (nine) penalty points on their driving licence that are current at any given time, that driver will be required to appear before a Licensing Sub-Committee. This will be in order to explain the circumstances and for consideration as to whether they remain a 'fit and proper' person to continue to hold a Torbay Council dual drivers licence.

5.14 Drivers who fail to notify the Licensing Authority of any endorsements received may face disciplinary action, which could result in appearance before a Licensing Sub-Committee and/or suspension or revocation of the drivers licence issued to them.

5.20 The Licensing Authority at its discretion, may require specific training to be undertaken where deemed appropriate. This training may include disability awareness, manual handling, equalities awareness, or anything else as deemed appropriate by the Licensing Authority.

6.4 Failure to inform the Licensing Authority within 5 working days of any convictions, cautions and fixed penalty notices during the licensing application and/or licensed period (i.e. once the licence is granted), may result in suspension or revocation of the drivers licence. Similarly, where convictions, cautions or fixed penalty notices are notified, depending on the nature of the infraction, this may result in suspension or revocation of the drivers licence.

Appendix A: Taxi and PHV Licensing Criminal Convictions' Policy

2.2 In the case of a licensed driver being convicted of an offence involving dishonesty the Licensing Authority may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least three years from the date of conviction of this type has elapsed.

Appendix A: Taxi and PHV Licensing Criminal Convictions' Policy

7.2 In the case of a licensed driver accumulating nine or more penalty points the Licensing Authority may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 12 months free from convictions of this type has elapsed. A list of minor traffic offences can be seen in table 1.

- 3.8 It is for the Licensing Sub-Committee to consider whether Mr Lawrence-Ball remains a 'fit and proper person' to hold a Torbay Council issued dual Hackney Carriage and Private Hire drivers' licence.
- 3.9 There is a right of Appeal to the Magistrates' Court as provided under section 61 (3) of the 1976 Act against the Licensing Sub-Committee decision. Such an appeal must be lodged within 21 days from the date of a Notice following the decision.

For more detailed information on this proposal please refer to the Supporting Information.

**Steve Cox
Environmental Health Manager (Commercial)**

Annex 1 - Supporting information

A1. Introduction and history

- A1.1 Under provision of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act), Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- A1.2 Sections 51 (in respect of Private Hire drivers) and 59 (in respect of Hackney Carriage drivers) of the Act state that a district council shall not grant a licence to drive a Private Hire vehicle or Hackney Carriage unless they are satisfied that the driver is a 'fit and proper person to hold a driver's licence'.
- A1.3 There is no judicially approved test of fitness and propriety and therefore it is the responsibility of Licensing Authorities to determine whether a driver, or an applicant is indeed fit and proper to hold such a licence. In the absence of such a test, a number of practices have developed over time and have stood up to scrutiny in the Courts and are therefore commonly accepted amongst the majority of Licensing Authorities.
- A1.4 Torbay Council has adopted a number of common practices for testing the 'fit and proper' status of drivers and applicants. One of these is that they should possess a suitable driving ability and driving history.
- A1.5 This report follows a review of the DVLA driver data base in respect of Mr Lawrence-Ball, where it was discovered that on 2 separate occasions over a 2 year period. Mr Lawrence-Ball was convicted in respect of 1 speeding and 1 motoring offence, receiving the following penalties:
- 13th May 2018 – SP30: Exceeding statutory speed limit on a public road – Penalty Points: 3
 - 16th July 2020 – MS90: Failure to give information as to identity of driver – Penalty Points: 6

In addition, it is noted that Mr Lawrence-Ball has failed to report these penalty points to the Licensing Authority, as required under its current Policy.

Therefore, Mr Lawrence-Ball was written to on 11th December 2020 and requested to provide an explanation as to the events surrounding the penalty points, as well as stating reasons as to why the Licensing Authority was not informed. This document can be found at Appendix 1.

- A1.6 Mr Lawrence-Ball has responded by email to the letter of 11th December 2020 and acknowledged the DVLA points and advising he will follow with a full explanation in due course. This document can be found at Appendix 2.
- A1.7 Relevant excerpts of the Policy are highlighted in 3.7 of the report (above), where section 5.13 refers to matters where more than 9 penalty points are received. There is also a duplication within Appendix A: 'Taxi and PHV Licensing Criminal Convictions' Policy, section 7.2, which highlights minor traffic offences and existing licensed drivers that accumulate 9 penalty points or more.

A1.8 Under section 5.12 of the Policy, it states:

5.12 Where an existing licensed driver receives over 6 (six) endorsement/s or penalty points on their licence within each licensing year, the Licensing Authority will require that person to undertake and pass a DSA

The Licensing Authority has not requested Mr Lawrence-Ball to undertake and pass the DSA as of yet. This is due to Mr Lawrence-Ball already undertaking the DSA as part of the application process, this was passed on 30th November 2018. There is also a greater concern that an accumulation of 9 penalty points, along with the seriousness of the most recent offence of failing to provide information as to the identity of a driver, questions whether Mr Lawrence-Ball remains a fit and proper person to hold a Torbay Council issued dual Hackney Carriage and Private Hire Drivers' licence.

This document can be found at Appendix 3.

A1.9 Section 5.14 of the Policy, states:

5.14 Drivers who fail to notify the Licensing Authority of any endorsements received may face disciplinary action, which could result in appearance before a Licensing Sub-Committee and/or suspension or revocation of the licence issued to them.

And 6.4 of the Policy, it states:

6.4 Failure to inform the Licensing Authority within 5 working days of any convictions, cautions and fixed penalty notices during the licensing application and/or licensed period (i.e. once the licence is granted) may result in suspension or revocation of the driver licence. Similarly, where convictions, cautions or fixed penalty notices are notified, depending on the nature of the infraction, this may result in suspension or revocation of the driver licence.

A1.10 Of particular relevance in relation to one of the motoring offences Mr Lawrence-Ball was convicted of, is section 2.2 of Appendix A: Taxi and PHV Licensing Criminal Convictions' Policy, which states:

2.2 In the case of a licensed driver being convicted of an offence involving dishonesty the Licensing Authority may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least three years from the date of conviction of this type has elapsed.

A1.11 Mr Lawrence-Ball has formerly responded to the letter of the 11th December 2020 and included mitigating circumstances and supporting information regarding the two offences. This document can be found at Appendix 4.

A1.12 Members are requested to consider whether Mr Lawrence-Ball remains a 'fit and proper person' to hold a Torbay Council issued dual Hackney Carriage and Private Hire Drivers' licence.

A1.13 There is a right of Appeal to the Magistrates' Court against the Licensing Sub-Committee decision. Such an appeal must be lodged within 21 days from the date of a Notice following the decision.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.1.1 There are two risks. The first risk to be considered is whether Mr Lawrence-Ball presents a risk to the general public should he continue to hold a licence to drive a Hackney Carriage or Private Hire vehicle.

A2.1.2 The second risk relates to the potential for an appeal should Mr Lawrence-Ball's licence be revoked or suspended and/or have additional conditions imposed.

A3. Options

A3.1 The options are:

- (i) To do nothing, if satisfied that Mr Lawrence-Ball remains a 'fit and proper' person to drive a Hackney Carriage or Private Hire vehicle
- (ii) To give a formal written warning
- (iii) To require additional training and/or to successfully undertake a Driving Standards test, or an equivalent higher standard test
- (iv) To suspend Mr Lawrence-Ball's licence to drive a Hackney Carriage or Private Hire vehicle and to require that additional training and/or a Driving Standards, or the equivalent higher standard test is required
- (v) To revoke Mr Lawrence-Ball's drivers licence on grounds that he is no longer considered to be a 'fit and proper' person to hold such a licence

A4. Summary of resource implications

A4.1 There are some resource implications if there is an Appeal to the Magistrates' Court.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no environmental sustainability issues, equalities or crime and disorder issues other than as outlines in this report.

A6. Consultation and Customer Focus

A6.1 There has been no public consultation on this matter and there is no requirement for the Licensing Sub-Committee to consult the public on this matter.

A7. Are there any implications for other Business Units?

A7.1 There are no implications for other business units.

Documents available in members' rooms

None

Appendices

- Appendix 1 Letter to Mr Lawrence-Ball requesting further information about DVLA convictions dated 11th December 2020
- Appendix 2 Email from Mr Lawrence-Ball acknowledging DVLA points dated 11th December 2020
- Appendix 3 Driving Standards Assessment certificate dated 30th November 2018
- Appendix 4 Letter from Mr Lawrence-Ball with supporting information dated 26th December 2020

Background Papers:

The following documents/files were used to compile this report:

Torbay Council's Hackney Carriage & Private Hire Licensing Policy 2019



Please reply to: Mr Shaun Rackley
Licensing & Public Protection
Town Hall
Castle Circus
Torquay
Devon
TQ1 3DR

Mr J Lawrence-Ball



My ref: M:007584/SAR
Your ref:
Telephone: 01803 208025
Website: www.torbay.gov.uk
Date: 11 December 2020

Dear Mr Lawrence-Ball

**Local Government (Miscellaneous Provisions) Act 1976
Dual Hackney Carriage and Private Hire Drivers Licence No: LD0326**

You will be aware that under the terms of the Torbay Council's Taxi Policy (the Policy), the licensing team undertakes 6 monthly checks through the Driver and Vehicle Licensing Agency (DVLA) of the driving records of all licensed drivers.

A check was made on Friday 11 December 2020 of your own record, where the following information was obtained:

Offence – SP30 Exceeding statutory speed limit on a public road – dated 13th May 2018 – 3 penalty points

Offence – MS90 Failure to give information as to identity of driver – dated 16th July 2020 – 6 penalty points

The licensing authority was only aware of the earlier offence in 2018 following previous DVLA checks and you failed to inform us about the offence until May 2020 when you submitted a renewal application. Further to this, no notification has been received from you relating to the offence that was committed in July of this year. Failure to notify the licensing authority of any conviction is contrary to the Policy, which at section 5.14 states:

“Drivers who fail to notify the Licensing Authority of any endorsements received may face disciplinary action, which could result in appearance before a Licensing Sub-Committee and/or suspension or revocation of the licence issued to them”

It is a matter of greater concern however, that the two offences for which you have failed to notify the licensing authority, have increased the number of current points on your DVLA driving licence to 9.

The current Policy states, at Paragraph 5.13:

Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts

"Where an existing licensed driver receives more than 9 (nine) penalty points on their driving licence that are current at any given time, that driver will be required to appear before a Licensing Sub-Committee. This will be in order to explain the circumstances and for consideration as to whether they remain a 'fit and proper' person to continue to hold a Torbay Council dual drivers licence."

The Policy also states, at Appendix A; Paragraph 7.2:

"In the case of a licensed driver accumulating nine or more penalty points the Licensing Authority may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 12 months free from convictions of this type has elapsed. A list of minor traffic offences can be seen in table 1."

Because of the seriousness of the most recent offence of failing to give information which is also considered a dishonesty offence under the Policy and the fact you have 9 penalty points on your DVLA licence, I must now refer the matter to Torbay Councils Licensing Sub Committee for consideration as to your fit and proper status to remain licensed by this authority. You are therefore, advised that a date will be set for a hearing to which you will be invited and given opportunity to address the Committee.

The Licensing Sub Committee will consider the nature of the convictions and will take account of any testimony that you may wish to put forward. In advance of the hearing therefore, I request from you, written explanation and a summary of the incidents leading to each conviction and details of any mitigating factors that may assist your case.

Whilst no decision has been made as to the future status of your Torbay Council drivers' licence, I must advise you of the serious nature of this matter. The Licensing Sub-Committee will decide on what action to take, if any. This could range from a warning about your future conduct, through to revocation of your Torbay Council issued Licensed Drivers badge. In view of this I stress the importance of timely and detailed information being supplied to me that I may then put before Committee for consideration. I request that you submit the above information, in writing, to include any matter (including any mitigating circumstances) that you believe to be relevant by **no later than Tuesday 29th December 2020**.

The Licensing Sub-Committee will be established to take place soon after that date and you will be written to further to advise you of the date and time of the hearing.

Should you need to contact us please quote the reference number above.

Yours sincerely



Mr Shaun Rackley
Licensing Officer
Licensing & Public Protection

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information

Act 2000.

Rackley, Shaun

From: Julian Lawrence-Ball
Sent: 11 December 2020 15:53
To: Rackley, Shaun
Subject: Re: DVLA offences and committee

Hi Shaun.

Oh dear. I had no idea that the courts had done that. I was aware I had sadly been flashed and as I was driving one of [redacted] cars I thought I had returned the paperwork correctly. I will of course provide a full account of myself and my actions to the committee. There are mitigating circumstances around the time of the offence that I feel would give clarity to my mistake.

Regards

Julian Lawrence-Ball

On Fri, 11 Dec 2020 at 09:05, Rackley, Shaun <Shaun.Rackley@torbay.gov.uk> wrote:

Hi Julian,

Please find attached a letter that I stress you must read.

We have carried out a DVLA check of your licence and note that you have 9 points on your licence. The matter is now to be referred to Torbay Council's Licensing Sub-Committee for a determination whether you remain a fit and proper person to hold a licensed drivers badge with this local authority.

Please can you submit your mitigating circumstances by no later than the **29th December 2020** and I will notify you of the Committee date thereafter.

Regards

Shaun

TORBAY COUNCIL

Shaun Rackley | Licensing Officer |

Town Hall, Castle Circus, Torquay, TQ1 3DR

www.torbay.gov.uk

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Red One Limited
Certificate of Taxi Test PASS

This is to certify that

On 30/11/2018

Julian Lawrence Ball

Successfully completed the

Taxi Driver Development Training and Test

Test result: Pass

Training undertaken:

- *Pre-drive inspection.*
- *Theory of recognition, control and prevention of incidents.*
- *Driving in hazardous conditions.*
- *Principles of cornering.*
- *Systematic driving.*
- *Use of commentary.*
- *Customer care.*
- *Disability awareness.*
- *Coping with distractions driving.*

Rackley, Shaun

From: Julian Lawrence-Ball [REDACTED]
Sent: 26 December 2020 20:15
To: Rackley, Shaun
Subject: Committee meeting

Re upcoming committee meeting

Dear Shaun

Season greetings. I hope you had as good a Christmas as is possible this year. Please use the contents of this email as a brief explanation as to the current number of points on my drivers licence.

I don't under any circumstance dispute the 6 points accrued by two local fixed cameras. I would just say in my defence that the first offence occurred on an extremely foggy night combined with my concern for the welfare for my female passenger who I felt was very venerable. This led to a drop in concentration not on my driving but my speed as my focus was on the road and my passenger. At the point of the offence I was on an empty road and my speed still did not exceed 40mph on a downhill stretch of road.

The 2nd offence occurred in similar circumstances. Late at night and on a downhill stretch of road. On this occasion because of the government lockdown at the time I was very often the only car on the road in Torbay. The problem I found was that with zero traffic on the road I was again spending long periods of time looking not at the road but at my speedometer. The hilly nature of Torbay means that it's very difficult to maintain a constant speed. To decrease the amount of time I spent looking at the speedometer and not the road I started to use a feature of the car I had not used before. Namely the maximum speed setting which issues an audible alert when the set speed is passed. At the time of the offence I again was coming downhill, as I approached the camera I went to re engage the maximum speed setting and comically engaged the cruise control instead. As I was in 3rd gear and heading downhill the car immediately accelerated for a brief moment. Annoyingly this moment was as I passed the camera. By the time I had worked out what was happening and why, my speed had triggered the offence. Although I do not dispute offences I would just like to say that I pass both these cameras multiple times on a daily basis. I estimate that I have passed through the Torbay road camera over 15,000 times since I became a taxi driver and the same or more for all the other cameras in the Torbay area, often as the only vehicle late at night. I have never been stopped by the police for any reason since becoming a taxi driver and have never been flashed by a fixed camera anywhere else apart from these two occasions two years apart in my local area.

The other 3 points I was completely unaware of until contacted by the council. I have zero reason to not give my details to the authorities. I carry my drivers licence and my council licence at all times. My vehicle is insured and properly licensed and I work for the Bays largest firm who will have a record of where I was and why available at all times. What I would like to say to the committee is that whilst I do not deny I didn't give my details when

asked to by the authorities, this was not because I was attempting a deception, but because when the original paper work came to me asking for those details my father was in the very late stages of his life and was to pass away soon after from lung cancer. This was as you can understand a sad and difficult period in the weeks leading to his death, especially as government COVID restrictions had meant I was unable to visit him in his last days. Tragically my mental health was to suffer another blow, when less than a week after my fathers passing, a very close friend to who's daughter I was godfather, tragically took his own life. These two events combined meant that I did not pay the proper attention that was required to the traffic offence. And with two funerals in the same week some weeks later, by the time my grief had subsided and my mental health improved to a degree I could start to refocus, I thought that no further action was required and that I would be issued with a standard 3 points. Obviously this was not the case and a further 3 points were issued for not producing my details when asked. I would ask the committee to allow me to make a case to the courts to have these 3 points rescinded by the courts for all of the reasons I have mentioned above before making any further decisions themselves re my suitability as a driver.

In closing I would just like to say that this is my only means of income and I take my professional behaviour very seriously and work very hard to provide a safe service to the people of Torbay and our visitors.

Kind Regards
Julian Lawrence-Ball