

Minutes of the Licensing Sub-Committee

11 November 2021

-: Present :-

Councillors Atiya-Alla, Ellery and Mills

27. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

28. Review of Torbay Council issued Driving Licence

Members considered a report that set out relevant facts relating to a holder of a Torbay Council issued dual Hackney Carriage and Private Hire drivers licence. Members were requested to determine on the facts before them, whether or not the holder of the dual Hackney Carriage and Private Hire drivers licence remained a fit and proper person to hold such licence.

The Respondent addressed Members and responded to questions.

Decision:

That Mr Dale Green'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.

Reasons 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 them to get into a vehicle with Mr Green alone. An unequivocal and unanimous answer by Members to this question, was 'no'.

Notwithstanding the mitigating circumstances presented by Mr Green, Members were concerned that Mr Green was a driver licenced by Torbay Council and as a professional driver, he had undertaken in the region of 900 journeys, conveying members of the public, in a vehicle that had no tax or insurance. Members recognised that Mr Green accepted responsibility for not addressing his emails in a timely manner, however found it difficult to comprehend that Mr Green had not noticed that the monthly insurance payments had ceased, thereby missing a second opportunity to consider whether something was amiss with his vehicle's insurance. Members noted that Mr Green's lack of vehicle insurance and road tax

was brought to the attention of the Licensing Authority following a whistleblowing complaint; and it was therefore their belief, that had this complaint not been made, Mr Green would still have been driving without vehicle tax and insurance, putting the public at great risk.

Members commended Mr Green for the speed of his action in addressing the absence of having insurance in place, following the Licensing Authority contacting him and the vehicle licence being suspended, until this was remedied. Nonetheless, Mr Green had conveyed a considerable number of passengers whilst not having vehicle insurance, putting the public's ability of any resource at considerable risk, in the event of an accident.

In concluding, Members resolved to revoke Mr Green's drivers' licence with immediate effect, as they could not be satisfied that he remained a 'fit and proper person' to hold a Torbay Council Dual Hackney Carriage and Private Hire Drivers Licence. In determining this, Members believed that Mr Green's conduct as a professional driver had been reckless and notwithstanding his mitigating circumstances, to suspend with immediate effect was in their opinion, both necessary and proportionate, to ensure public safety.

29. Review of Torbay Council issued Driving Licence

This item was deferred at the request of the Respondent.

Chairman/woman