

Minutes of the Licensing Sub-Committee

30 June 2022

-: Present :-

Councillors Douglas-Dunbar, Ellery and Barbara Lewis

8. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

9. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Douglas-Dunbar instead of Councillor Mills.

10. Minutes

The Minutes of the meetings of the Sub-Committees held on 28 April, 5 and 12 May 2022 were confirmed as a correct record and signed by the Chairman.

11. Exclusion of the Press and Public

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

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

Members considered an exempt report concerning a Torbay Licensed Driver and whether he remained a 'fit and proper person' to hold a Torbay Council issued dual Hackney Carriage and Private Hire Driver's Licence.

At the hearing the Licensing Officer advised Members, that following receipt of information on the Applicants Disclosure and Barring Service (DBS) check, that the Applicant had received a new conviction which had not been disclosed during the application process, or, at the time of the of the offence as required by Torbay Council's Licensing Policy.

At the hearing the Applicant set out the circumstances which had led to his new conviction and provided an update on the issues raised in the report.

Decision:

That the applicant be granted a new Torbay Council dual Hackney Carriage and Private Hire Driver's Licence.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved unanimously to grant the drivers' licence, as named in the exempt report, having been satisfied that in light of the evidence before them, he remained 'a fit and proper person' to hold a Torbay Dual Hackney Carriage and Private Hire Drivers' Licence.

In coming to that decision, Members carefully considered having been charged with the responsibility to determine the Applicant's 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 the Applicant alone. The unanimous answer by Members to this question, was 'yes'.

In noting the inaccurate information submitted by the Applicant on the application form, and whilst this was a concern for Members, they could not be satisfied on the evidence before them that this was done intentionally and, in this instance, Members determined to give the Applicant the benefit of the doubt.

Chairman