

Minutes of the Licensing Sub-Committee

29 September 2022

-: Present :-

Councillor Margaret Douglas-Dunbar, Councillor Vic Ellery and Councillor Barbara Lewis

31. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

32. Apologies

None

33. Minutes

The Minutes of the meeting of the Sub-Committee held on 11 August 2022 were confirmed as a correct record and signed by the Chairman.

34. Urgent items

None.

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

Members considered a report on the fit and proper status of the holder of a dual Hackney Carriage and Private Hire Driver's Licence. The Licensing Officer started to present his exempt report to Members.

Following a request from the respondent, the Chairman agreed to extend the normal time allowed for oral representations from 10 minutes to 30 minutes for all interested parties in light of the additional information which was circulated on 26 September 2022.

The Licensing Officer presented his initial report that details five separate complaints within the last four months received by Torbay Council's Licensing Department regarding the respondent, who holds a Torbay Council dual drivers' licence. The complaints relate specifically to the respondent losing his temper, aggression and driving standards.

Decision:

That Mr Savva's Torbay Council Driver's Licence be suspended for a period of three months, in accordance with Section 61(1)(b) of the Local Government (Miscellaneous) Provisions Act 1976 and that this suspension shall have immediate effect, in accordance with Section 61(2B) of the Local Government Miscellaneous Provisions Act 1976.

During the period of suspension, Mr Savva must undertake and successfully complete an anger management course by an accredited provider and an advanced RoSPA drivers' course and produce written evidence to that effect to Torbay Council's Licensing Department.

Failure to do so will result in Mr Savva's Torbay Council Driver's Licence being revoked with immediate effect from the date the suspension expires.

Should Mr Savva successfully complete the required courses within a shorter period from the date of suspension and produce sufficient evidence to that effect, the suspension will cease on written confirmation to Mr Savva from Torbay Council's Licensing Department.

Members determined, having considered all the evidence before them, that the suspension should have immediate effect, in the interest of public and customer safety, having determined his current state, that Mr Savva was not a fit and proper person to hold a Torbay Council's driver's licence.

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 Savva alone. An unequivocal and unanimous answer by Members to this question, was 'no'.

Members were concerned to hear of 6 complaints received by the Licensing Department over a 3-month period, 5 relating to incidents of unprofessional conduct and one in respect of a vehicle collision, all of which had occurred whilst Mr Savva was on duty as a driver licensed by Torbay Council. Further, that there had been a subsequent failure to inform the Licensing Authority of the damage sustained to the licensed vehicle within 72 hours, as required by Torbay Council's Taxi Policy.

Members carefully considered the written submissions of the complainants, the video footage showed by the Licensing Officer relating to the incidents on 18 June 2022 and 8 August 2022, and Mr Savva's written and oral submissions.

In considering each incident and whilst noting Mr Savva's differing version of events, it was evident from the video footage that Mr Savva's conduct was confrontational, discourteous, unprofessional and involved the use of inappropriate

language, all of which fell well below the standards reasonably expected by them of a driver licensed by Torbay Council.

Whilst Members had some sympathy for Mr Savva in that they believed there to be some truth in the ongoing issues that he reported to have been experiencing with other taxi drivers, particularly at the Paignton Railway Station rank, and noting that Mr Savva had been to the Police as regards one member of the public involved in one of the complained incidents, it was clear that he had been impulsive in his reactions more than once and they were concerned by the repetitious nature of the incidents.

It was a further concern to Members, that Mr Savva sought to justify his actions and therefore Members could not be confident that he would not repeat the same behaviour. Members were also concerned, given the alleged aggressive and confrontational nature displayed by Mr Savva during the incidents and that which they had witnessed in the video footage, that Mr Savva could be volatile, as acknowledged by his own admission, and therefore determined that Mr Savva presented a real risk to public safety.

Members were concerned that Mr Savva appeared unfamiliar with the Code of Conduct, however noted his admission, though unremorseful, that his behaviour fell below the standard expected of him.

Upon consideration of the road traffic collision, Members noted Mr Savva's admission that he was at fault, although took a dim view of him leaving the scene of the accident to complete his fare, before the arrival of the emergency services, though noted that he did immediately return to the scene. It was concerning to Members that Mr Savva's explanation for the collision was due to being 'distracted by events' and it was this that led to his inattention. As a professional driver, it is for this reason that Members determined it necessary and appropriate, that Mr Savva's drivers' licence be suspended for him to undertake successfully an advanced RoSPA drivers' course, ensuring that he is fit and proper to hold a driver's licence issued by Torbay Council.

Members gave careful consideration to revoking Mr Savva's driver's licence but resolved that in light of his 14-year untarnished record, (save for one unpursued complaint unrelated to conduct), the mitigating circumstances put forward by him, and the positive reviews posted on social media, a suspension was appropriate with the requirement that Mr Savva must successfully complete both an anger management course and an advanced RoSPA driver's course. Members hope that thereafter, Mr Savva will be able to return to work and be capable of fulfilling his obligations as a licensed driver.

In concluding, Members resolved to suspend Mr Savva'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 Savva's conduct and skill as a professional driver had been unacceptable, and to suspend the licence with immediate effect was in their opinion, both necessary and proportionate, to ensure public safety.