



Minutes of the Licensing Sub-Committee

10 October 2013

-: Present :-

Councillor

Councillors Addis, Brooksbank and Faulkner (A)

30. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

31. Minutes

The Minutes of the meeting of the Sub-Committee held on 26 September 2013 were confirmed as a correct record and signed by the Chairman.

32. Exclusion of the Press and Public

Prior to consideration of the item in Minute 35 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).

33. Suspension of Torbay Council Driver's Licence

The Sub-Committee considered an Exempt Report on the suspension of a Torbay Council Licensed Driver and whether he remained a 'fit and proper person' to hold a Torbay Council Driver's Licence. The Sub-Committee also considered a letter from an Officer of Devon and Cornwall Constabulary, as set out in Appendix 1 to the Exempt Report and a letter from the Senior Licensing Officer, as set out in Appendix 2 to the Exempt Report.

The Senior Licensing Officer advised Members of the Sub-Committee that on the instruction from the deferred Licensing Sub-Committee on the 26 September 2013, and due to the seriousness of the allegations, a representative from Devon and Cornwall Constabulary and the Licensed Driver had been invited to attend so that they could respond to information contained within the Report.

Devon and Cornwall Constabulary responded to say that they were unable to send a Representative to attend the Licensing Sub-Committee due to Officers rotas.

The Senior Licensing Officer read an e-mail from the Licensed Driver, explaining why he could not attend and thanking the Committee for giving him another opportunity to do so. Members were also advised of the Council Officers further response to the Licensed Driver inviting him to submit a written Representation to the Committee, of which there had been no further response.

In addition, the Senior Licensing Officer informed Members that the Licensed Driver was due to appear before Exeter Crown Court on the 18 October 2013 for a Trial in respect of the matters charged.

Decision:

Having carefully considered the written Representation, Members were satisfied that the Licensed Driver had been given sufficient opportunity to either attend in person or to submit a written Representation before the Licensing Sub-Committee and therefore resolved that it was within the public interest to proceed with the hearing, in the absence of the driver.

Members resolved that following further consideration of the Appendices, as set out in the Exempt Report and the content of the email sent by the Licensed Driver, dated 8 October 2013, that they could not be satisfied in their opinion that the Licensed Driver remained a 'fit and proper person' to hold such a licence.

In the interest of public safety, due to the seriousness of the allegations charged and in the absence of any evidence to the contrary, Members further resolved that the Driver's Licence be suspended, as in accordance with section 61 (1) (b) of the Local Government (Miscellaneous) Provisions Act 1976, and that this suspension shall have immediate, as in accordance with section 61(2B) of the Local Government (Miscellaneous) Provisions Act 1976, for the following reasons:

The seriousness of the allegations charged;

The perceived potential risk to other persons, as there are two allegations of sexual assault involving vulnerable females on two separate occasions; and

The Licensed Driver has provided no evidence to the contrary to alleviate the serious concerns of Members, despite being invited to do so on two separate occasions.