



Minutes of the Licensing Sub-Committee

26 March 2015

-: Present :-

Councillors Addis, Stocks and Excell (In place of Bent)

41. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

42. Apologies

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

43. Minutes

The Minutes of the meeting of the Sub-Committee held on 12 March 2015 were confirmed as a correct record and signed by the Chairman.

44. Exclusion of the Press and Public

Prior to consideration of the item in Minute 45 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 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended.)

45. Taxi Driver Report

Members considered an exempt report concerning a Torbay Council Licensed Driver and whether he remained a 'fit and proper person' to hold a Torbay Council Driver's Licence. At the hearing Members of the Licensing Sub-Committee heard submissions from the Environmental Health Manager (Commercial).

Decision:

That the Respondent's Torbay Council Driver's Licence be revoked in accordance with Section 61(1)(b) of the Local Government (Miscellaneous) Provision Act 1976 and that this revocation shall have immediate effect, in accordance with Section 61(2B) of the Local Government (Miscellaneous) Provision Act 1976.

Reason for Decision:

Having carefully considered all the written and oral representations, Members resolved to revoke the Respondent's Driver's Licence, as they could not be satisfied that he remained a 'fit and proper' person to hold such a licence.

In coming to that decision, Members carefully considered having been charged with the responsibility to determine the driver's 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 vulnerable person known to them to get into a vehicle with the Respondent alone. An unequivocal and unanimous answer to this question, was 'no'.

This answer was formed considering their duty to protect the public, in the knowledge that a licensed driver is in a position of trust and on the evidence before them; the Respondent appeared to them to have conducted himself in a manner that was unacceptable and fell well below the standard expected by them of a driver licensed by Torbay Council.

In addition Members noted that the Respondent had not contacted Torbay Council's Licensing Department, despite the efforts of its Officers. Nor had he attended the hearing to give an account of the allegations. In light of this, Members resolved that they had no option at this stage other than to revoke the Respondent's drivers licence to ensure that members of the public were not put at risk. Consideration was given to a warning or suspension but Members resolved the allegations were too serious in their nature for this outcome.

In coming to the decision to revoke the Respondent's driver's licence, Members resolved that it should be with immediate effect, as it is in the interest of the public safety to do so. Members' reasoning for this determination is due to the serious nature of the allegations, some of which were witnessed by and directed at the Police, as well as the potential risk to public safety which they believe on the evidence before them that the Respondent poses, should he continue to hold a drivers licence granted by Torbay Council.

Chairman/woman