



Minutes of the Licensing Sub-Committee

6 April 2017

-: Present :-

Councillors Pentney, Sykes and Thomas (J)

32. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

33. Minutes

The Minutes of the meeting of the Sub-Committee held on 9 February 2017 were confirmed as a correct record and signed by the Chairman.

34. Review of a Torbay Council Drivers' Licence

Members considered a report and exempt appendices that set out a number of complaints and other information relating to the conduct of the holder of a dual Hackney Carriage and Private Hire drivers licence.

Decision:

That the Licenced Driver's dual 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) Provision 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, Licenced Driver, as named in the exempt report, must undertake an anger management course and produce written evidence to that effect to Torbay Council's Licensing Department. Failure to do so will result in the Licenced Driver's dual Torbay Council Driver's Licence being revoked with immediate effect.

Should the Licenced Driver complete the anger management course within a two month period from the date of the suspension and produce written evidence to that effect, then the period of suspension will be reduced by a period of one month.

Reasons for Decision

Having carefully considered all the oral and written representations, Members resolved to suspend the Licenced Driver's, as named in the exempt report, dual

Torbay Council Drivers Licence, as in their opinion they could not be satisfied that he remained a 'fit and proper person' to hold such a licence.

In coming to that decision, Members applied the test set out in Appendix A, Section 1.2 at page 26 of Torbay Council's current Hackney Carriage and Private Hire Licensing Policy, having noted that all the incidents before them had occurred whilst the driver named in the exempt report was on duty as a driver licensed by Torbay Council, the time frame in which those incidents occurred, the nature and number of those incidents and that the named driver had previously received two written warnings about such conduct.

Whilst Members acknowledged that taxi drivers do operate within an environment that can at times be challenging; there is a reasonable expectation by them that licensed drivers will conduct themselves in a professional and responsible manner. With this in mind, Members resolved that the conduct of the Driver named in the exempt report fell well below the standard reasonably expected by them of a driver licensed by Torbay Council and that at times, his conduct was unnecessarily confrontational putting not only himself but also his passengers and potentially other road users at risk.

In concluding, Members gave careful consideration to revoking the driver's licence (the driver named in the exempt report) but resolved that in light of way in which Driver had presented at the hearing, it was on this occasion appropriate to suspend his driver's licence for a period of three months and impose a requirement to undertake an anger management course. With regards to the suspension having immediate effect, Members resolved that for the reasons given above, the Driver named in the exempt report currently presented as a high risk when considering public safety.

Chairman/woman