

## **Minutes of the Regulatory Sub-Committee**

**4 December 2025**

**-: Present :-**

Councillors Foster, Chris Lewis and Pentney

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### **19. Election of Chair**

Councillor Foster was elected as Chair for the meeting.

### **20. Minutes**

The Minutes of the meeting of the Sub-Committee held on 6 November 2025 were confirmed as a correct record and signed by the Chair.

### **21. Exclusion of Press and Public**

Prior to consideration of the items in Minutes 22, 23 and 24, 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).

### **22. Application for a Torbay Council Driver's Licence**

Members considered a report on an application for a Torbay Council issued Driver's Licence and Hackney Carriage Vehicle Proprietors Licence.

The Licensing Officer presented the report which set out information contained within the application that the Applicant had been convicted of drink driving on 5 September 2018 and that the Applicant had read the Taxi Policy which states at Section 6:

'A licence will not normally be granted until at least seven years has passed since the completion of any sentence or driving ban following conviction for an offence shown below:

- Driving or being in charge of a vehicle while under the influence of drink.'

Members were requested to determine the application based on the facts before them, whether or not the applicant of the dual Hackney Carriage and Private Hire Driver's Licence was a fit and proper person to hold such a licence.

At the hearing, the Applicant addressed Members and responded to their questions.

**Decision:**

That the application for a Torbay Council Driver's Licence, be approved.

### **Reason for Decision**

Members found that the Respondent was a fit and proper person to hold a licence in accordance with Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976. In coming to that decision, Members gave careful consideration 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 the Applicant alone. An unequivocal and unanimous answer by Members to this question, was 'yes'.

Members were reassured by the Applicants oral presentation, his openness, honesty and the clear and concise way, that he set out the circumstances of the offence which resulted in him losing his DVLA issued licence for 26 months. He also provided the situation he found himself in during the ban which explained why he had not completed a course to reduce the length of his driving ban.

Members further noted that other than this one incident the Applicant had an otherwise clean licence which he had held since 1997. The Respondent in his application was further supported with glowing character references from both his current employer and also the Operations Manager from a taxi company who personally knew the Respondent and would employ the Respondent should he be granted a Torbay Council drivers licence.

Members recognised the remorse and the acknowledgment by the Applicant of the seriousness of the offence and were satisfied having heard the Applicant's oral representation, together with that of his prospective employer, that he would uphold the professional standards expected of a driver licensed by Torbay Council and therefore saw reasonable justification to depart from the Hackney Carriage and Private Hire Licensing Policy on this occasion, and grant the application for a Torbay Council Driver's Licence.

### **23. Review of a Torbay Council Driver's Licence**

Members considered a report on the fit and proper status of the holder of a Torbay Council issued dual Hackney Carriage and Private Hire Driver's Licence.

The Licensing Officer presented the report which set out information that a holder of a Torbay Council issued dual Hackney Carriage and Private Hire Driver's Licence had been found guilty of a speeding offence committed on 16 May 2024 and had been awarded 3 penalty points which brought the total number of points on the driver's licence to 12.

#### **Decision:**

That the Respondents Torbay Council Driver's Licence be suspended for a period of six 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.

That whilst suspended, the Respondent also read and familiarises himself with the contents of Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy, as issued to him and that he keeps a copy of the said Policy in the licensed vehicle at all times when on duty as a licensed driver for future reference.

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 that currently the Respondent was not a fit and proper person to hold a Torbay Council's Driver's Licence.

There would be no action taken on the separate issue of the Respondent's Hackney Carriage Proprietors Licence.

#### **Reasons for Decision:**

In reaching their decision, Members carefully considered whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, or any vulnerable person known to them, to travel alone in a vehicle driven by the Respondent. The answer to this question, on the balance of probabilities, was 'no'.

Members were tasked with determining whether the Respondent remained a fit and proper person to hold a Torbay Council Hackney Carriage Driver's Licence and Hackney Carriage Vehicle Proprietor Licence. In doing so, Members considered his conduct, character, and compliance with Torbay Council's Taxi and Private Hire Licensing Policy, as well as relevant statutory provisions, standards and guidance.

Members were concerned to hear from the Licensing Officer as to the repeated speeding offences committed by the Respondent which had led to the accumulation of 12 penalty points on his DVLA driving licence, all of which had occurred whilst the Respondent was on duty as a driver licensed by Torbay Council between 31 March 2024 and 16 May 2024. Members felt that this disregard for the Highway Code demonstrated to them that he was a risk to public safety.

Members were further concerned that there had been a subsequent failure to inform the Licensing Authority of the latest speeding offence within 48 hours, as required by Torbay Council's Taxi Policy. When questioned as to this failure the Respondent advised that he was waiting for the matter to be heard by the Magistrates Court and therefore to have received an outcome of his conviction before advising the Licensing Department.

The Respondent was repentant and apologetic throughout the hearing and informed Members that he was new to the job at the time of the speeding penalty notices and single prosecution, and that he had now changed his working

hours and practice to avoid late night/early morning work. He also used his speed limiter, so as not to speed. He admitted he had not read the Council Taxi policy.

In coming to their decision, Members had regard to the Torbay Council Taxi and Private Hire Vehicle Licensing Criminal Convictions Policy found at Appendix A of the Taxi Policy, and the options set out within to suspend or revoke a Torbay Council Drivers Licence upon the accumulation of 9 or more penalty points. They also had regard to paragraph 10.9 of the Statutory taxi and private hire vehicle standards as well as paragraph 4.56 of the Institute of Licensing Suitability Guidance.

Members gave careful consideration to revoking the Respondent's driver's license but resolved that the remorse shown within his oral submission and in light of the positive action taken by the Respondent to ensure that there would not be any further speeding offences committed that, a suspension was reasonable, appropriate and proportionate. Members decided not to make the Respondent complete the RoSPA Level 2 Award in Advanced Driving as he had completed this just over 2 years ago and accordingly were disappointed he had amassed the 12 penalty points shortly after becoming a newly licensed taxi driver, and this was reflected in the length of his suspension. Members hoped that, at the end of his suspension, the Respondent would be able to return to work as a Licensed Driver and be capable of fulfilling the standards reasonably expected of a professional driver.

In conclusion, Members resolved to suspend the Respondents 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 the Respondents skill as a professional driver had fallen below the standard expected of him and to suspend the licence with immediate effect was in their opinion, both necessary and proportionate, to ensure public safety.

#### **24. Application for a Torbay Council Driver's Licence**

Members considered a report that set out the relevant facts relating to an applicant for a Torbay Council issued dual Hackney Carriage and Private Hire Driver's License.

The Licensing Officer presented the report which set out information contained within the application that the Applicant had been convicted of a speeding offence on 5 July 2024 and that the Applicant had previously held a Torbay Council issued dual Hackney Carriage and Private Hire Driver's License which had been revoked by the Licensing Authority in consultation with the previous Chair of the Regulatory Committee, Senior Solicitor and the Divisional Director for Community and Customer Services due to a number of serious allegations and information received of a habitual nature from both the Police and Local Authority Designated Officer on 8 November 2024.

Members were requested to determine based on the facts before them, whether or not the applicant of the dual Hackney Carriage and Private Hire Driver's Licence was a fit and proper person to hold such a licence.

At the hearing, the Applicant addressed Members and responded to their questions.

## Decision

That the application for a Torbay Council Driver's Licence be refused on the grounds that the Respondent is not considered to be a 'fit and proper' person to hold such a licence in accordance with Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

## Reason for Decision

In coming to that decision, Members carefully considered having been charged with the responsibility to determine the Applicants application for a Torbay Council 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. An unequivocal and unanimous answer by Members to this question, was 'no'.

Members heard from the Licensing Officer that the Applicant previously held a Torbay Council Licensed drivers' badge, but this was revoked without a hearing in November 2024 following consultation with the Chair of Torbay Council's Regulatory Committee, with the revocation having since been disclosed, as required, on the National Register for Revocations, Refusals and Suspensions.

Whilst Members gave thorough consideration to the Applicants written and oral representations it was of great concern that the Applicant had been subject to serious allegations of sexual misconduct towards lone female passengers all of which had occurred whilst the Applicant was on duty as a driver licensed by Torbay Council and which had resulted in the immediate revocation of his Torbay Council Licensed drivers badge.

Whilst the Applicant denied all the allegations and gave an explanation about each incident, Members found that, on the balance of probabilities, the complainants accounts were likely to be a more accurate reflection of what had occurred, particularly as these complaints had been referred on safeguarding grounds by either the Council's Local Authority Designated Officer or Devon and Cornwall Constabulary's Common Law Police Disclosure Officer.

Members were further concerned to learn at the hearing that the Applicant, prior to his previous licence being revoked, had failed to inform the Licensing Authority of the arrests and allegations made within the required 48-hour period, under Torbay Council's Taxi Policy.

Members were mindful of the Statutory Taxi and Private Hire Vehicle Standards 2022, issued by the Department for Transport at 5.4 as follows:

*Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a fit and proper person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:*

*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*

*If, on the balance of probabilities, the answer to the question is no, the individual should not hold a licence.*

*Licensing authorities have to make difficult decisions but (subject to the [General principles](#)) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be given the benefit of doubt. If the committee or delegated officer is only 50/50 as to whether the applicant or licensee is fit and proper, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.*

Further, the Institute of Licensing's Suitability Guidance, emphasises that public safety is paramount and that individuals who fall below the required standards should not be licensed.

Members determined that the cumulative nature of the complaints, the similar nature but independent complaint evidence, all demonstrated a pattern of behaviour inconsistent with the standards expected of a licensed driver and licensed vehicle proprietor, and having carefully considered all the evidence before them, Members unanimously resolved to refuse the application, as they could not be satisfied that the Applicant was a fit and proper person to hold a licence.

In conclusion, Members had careful regard to the criteria set out in Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, together with the Statutory Guidance and resolved in this instance, that they could not be satisfied that the Applicant was a fit and proper person to hold a Torbay Council Drivers Licence.

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Chair