

Wednesday, 26 November 2025

REGULATORY SUB-COMMITTEE

A meeting of **Regulatory Sub-Committee** will be held on

Thursday, 4 December 2025

commencing at **9.30 am**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor Foster

Councillor Chris Lewis

Councillor Pentney

A Healthy, Happy and Prosperous Torbay

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

REGULATORY SUB-COMMITTEE AGENDA

1. Election of Chair

To elect a Chair for the meeting.

2. Apologies

To receive apologies for absence, including notifications of any changes to the membership of the Sub-Committee.

3. Minutes

To confirm as a correct record the Minutes of the meeting of a Regulatory Sub-Committee held on 6 November 2025.

(Pages 5 - 8)

4. Declarations of interests

- (a)** To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- (b)** To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

5. Urgent items

To consider any other items that the Chair decides are urgent.

6. Exclusion of Press and Public

To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

7. Application for a Torbay Council Driver's Licence

To consider a report on the fit and proper status of an applicant who seeks to hold a Torbay Council Driver's Licence.

(Pages 9 - 26)

8. **Review of a Torbay Council Driver's Licence** (Pages 27 - 50)
To consider a report on the fit and proper status of a Driver Licensed by Torbay Council.
9. **Application for a Torbay Council Driver's Licence** (Pages 51 - 140)
To consider a report on the fit and proper status of an applicant who seeks to hold a Torbay Council Driver's Licence.

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Minutes of the Regulatory Sub-Committee

6 November 2025

-: Present :-

Councillors Douglas-Dunbar, Foster and Chris Lewis

12. Election of Chair

Councillor Foster was elected as Chair for the meeting.

13. Minutes

The Minutes of the meeting of the Sub-Committee held on 18 September 2025 were confirmed as a correct record and signed by the Chair.

14. Exclusion of Press and Public

Prior to consideration of the items in Minute 15, 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).

15. 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 Driver's Licence and Hackney Carriage Vehicle Proprietors Licence.

The Licensing Officer presented the report which set out information detailing a high number of complaints that had been received in relation to alleged actions and driving standards of the holder of a Torbay Council issued Driver's Licence and Hackney Carriage Vehicle Proprietors Licence.

The Respondent was supported at the hearing and Members received oral representations from the Respondent and their Representative at the Hearing.

Decision:

That the Respondents 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, the Respondent must undertake and successfully complete:

- 1) a RoSPA Level 2 Award in Advanced Driving, or similar, and produce written evidence to that effect to Torbay Council's Licensing Department; and
- 2) a Customer Service Level 2 course or similar and produce written evidence to that effect to Torbay Council's Licensing Department.

Should the Respondent 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 the Respondent from Torbay Council's Licensing Department.

That whilst suspended, the Respondent also read and familiarises herself with the contents of Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy, as issued to her and that she 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 her conduct, character, and compliance with Torbay Council's Taxi and Private Hire Licensing Policy, as well as relevant statutory provisions and guidance.

Members heard from the Licensing Officer that the Respondent had been the subject of 19 complaints between 18 August 2025 and 28 September 2025, which in the Licensing Officer's experience was the most complaints he had received in such a short period of time against one driver. The complaints related to poor driving standards, sleeping in the licensed vehicle whilst on duty, failure to queue correctly on taxi ranks, refusing to accept card payments and to carry passengers, aggressive behaviour, and poor attitude. In addition, Members viewed CCTV footage showing unsafe driving incidents, including reversing into oncoming traffic at the GPO taxi rank

on 11 September 2025, and a near collision at Paignton railway station on 20 September 2025.

Members carefully considered the written submission of the Respondent and her oral submission which they found her to be passionate and proud to be a female taxi driver. She denied all the accusations and felt there was a measure of misunderstanding and accordingly some of her behaviour was because she was approached in a manner, she felt to be aggressive by the taxi drivers be that in Torquay or Paignton. She was not aware of the requirement to display the required permit at Paignton Train Station, and there was no sign saying that this was necessary as displayed at Newton Abbot.

Members heard that in relation to the video of the two driving offences, the Respondent explained that, in her view, she did not place anybody at harm, and on one of the occasions, that whilst on duty, there was no passenger in her vehicle.

In coming to their decision, Members gave careful consideration to whether the complaints could be vexatious and part of a co-ordinated campaign against the Respondent, however noted that the complaints were received from a number of other drivers working different ranks, and other parties involved in the safe operation of taxi ranks, therefore believed this not to be the case.

Members were mindful of the statutory guidance issued by the Department for Transport and the Institute of Licensing's Suitability Guidance, which emphasise 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, and the corroborated evidence, demonstrated a pattern of behaviour which fell below the standard of conduct and skill expected of a licensed driver, and presented a real risk to public safety.

Members determined that the requirement for the Respondent to undertake the specified training courses would assist the Respondent in addressing the concerns raised by the complainants and address their own concerns around the unacceptable behaviour of the Respondent and the risk to public safety posed by her unsafe driving.

In light of the above, Members resolved that suspension of the Respondents Torbay Council Driver's Licence was appropriate as they could not be satisfied that she remained a 'fit and proper person' to hold such a licence, and requirement to undertake the training courses was necessary and proportionate to ensure public safety and maintain public confidence in the licensed trade. In successfully completing the training, Members determined that the Respondent would then be fit and proper to resume her duties as a licensed driver.

In conclusion, Members resolved to suspend the Respondents drivers' licence with immediate effect. In determining this, Members believed that the Respondent'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.

Chair

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