

Minutes of the Regulatory Sub-Committee

8 January 2026

-: Present :-

Councillors Foster, Chris Lewis and Pentney

25. Election of Chair

Councillor Foster was elected as Chair for the meeting.

26. Exclusion of Press and Public

Prior to consideration of the items in Minutes 27, 28, 29 and 30, 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).

27. Review of 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 3 speeding offences committed on 11 July 2024, 9 October 2025 and 12 October 2025, with 3 penalty points awarded for each offence, which brought the total number of points on the driver's licence to 9.

Decision:

That the Respondent be formally warned in writing and that this warning shall remain in situ for a period of 3 years and that should any further issues of concern arise within that 3-year period which requires the Respondent to appear again before a Regulatory Committee, Members of that Committee shall be made aware of this written warning.

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 'yes'.

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 (the Policy), as well as relevant statutory provisions, standards and guidance.

The Respondent's oral submission expressed considerable contrition, recognising that in committing the speeding offences he had not only undermined public safety but also let himself and his family down. The Respondent stated that it was a case of him being fuel efficient rather than recklessness that had led him to speed on those occasions.

The Respondent demonstrated that he had spent considerable time reflecting on his actions and explained in detail the technological measures he had put in place to provide extra safeguards to prevent him from speeding in the future, such as radar technology to recognise road speed signs, which also shows in the cab the road speed limit which turns red and provides an audible warning. The Respondent now also now sets his cruise control.

Members were further assured by the Respondent's actions in complying with Torbay Council's Taxi and Private Hire Licensing Policy having been in communication with the Licensing Team immediately upon notification of the speeding offences, as required, and confirming to Members that he had read the Policy within the last year.

In conclusion, Members resolved to formally warn the Respondent, as they were 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 recognised the Respondent's skill as a professional driver had fallen below the standard expected of him, but his contrition, reflection upon his actions and corrective measures did in their opinion, ensure public safety was upheld.

28. Review of 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 3 speeding offences committed on 3 October 2024, 25 April 2025 and 31 May 2025, with 3 penalty points awarded for each offence, which brought the total number of points on the driver's licence to 9.

Decision:

That the Respondent be formally warned in writing and that this warning shall remain in situ for a period of 3 years and that should any further issues of concern arise within that 3-year period which requires the Respondent to appear again before a Regulatory Committee, Members of that Committee shall be made aware of this written warning.

In addition,

- 1) within 3 months the Respondent undertake 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) that 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.

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 'yes'.

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.

The Respondent's oral submission was honest and recognised the seriousness of being a professional driver with 9 points on his DVLA Licence.

The Respondent gave reasons for the 9 points in that two were for speeding on a slip road whereby the 70 mph dropped to 50 mph and a further 3 points for a traffic light offence which went to court at his request as the photograph showed his vehicle to have the two back tyres just on the line. However, the Respondent referred to being caught as 'unlucky', demonstrating to Members that he had not taken full accountability for his actions, in that it was him that was speeding. Furthermore, the Respondent commented within his oral submission that it would be a mistake to take his licence away and that he was good at his job. Members were unimpressed by these comments and felt it appropriate to require the completion of the advanced driving course.

Furthermore, Members were disappointed that the Respondent had failed to notify the Licensing Team of the offences and thereby failed to comply with Torbay Council's Taxi and Private Hire Licensing Policy, despite believing he had done so by providing the DVLA check code. The Respondent stated that he did not realise he had to report the accumulation of 9 points but was aware that the Council checked his licence. The Respondent's comments showed that he clearly did not appreciate or understand the requirement to advise the Licensing Authority of each occasion he received a penalty notice and 3 penalty points demonstrating that he was not familiar with the Taxi Policy.

In conclusion, Members resolved to formally warn the Respondent, as they were 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 recognised the Respondents skill as a professional driver had fallen below the standard expected of him, something the Respondent also recognised himself, therefore in their opinion the completion of the ROSPa Level 2 Award in Advanced Driving would ensure public safety was upheld.

29. Review of 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 4 speeding offences committed on 3 July 2023, 6 July 2023, 14 December 2024 and 03 April 2025, with 3 penalty points awarded for 3 of the offences, which brought the total number of points on the driver's licence to 9 and the on one occasion the Respondent was disqualified from driving for a period of 21 days.

The Respondent was not present at the hearing and Members chose for the hearing to proceed in his absence, having heard details from the Officer of the correspondence and contact made with the applicant prior to the hearing.

Subsequently, Members determined their decision based on the written facts before them, pertaining to whether or not the holder of a dual Hackney Carriage and Private Hire Driver's Licence was a fit and proper person to continue to hold such a licence.

Decision:

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

Secondly, in relation to the Private Hire Operators Licence, the licence shall be revoked with immediate effect in accordance with Section 62(1)(d) of the Local Government Miscellaneous Provisions Act 1976.

Thirdly, in relation to the Private Hire Vehicle Proprietor Licence, the licence shall be revoked with immediate effect in accordance with Section 60 (1)(c) of the Local Government Miscellaneous Provisions Act 1976.

Reasons for Decision

Prior to the Hearing, Members were made aware that the Respondent had emailed the Licensing Authority shortly before the Hearing was due to start to advise that he was unwell and would not be attending. Members were asked to consider whether the Hearing should be adjourned or continue in the absence of the Respondent.

Having heard that the Respondent had stated in the email that he had been unwell for a couple of days, but he knew they had a job to do and asked to be advised of any decision. Members determined that in light of the content of the submitted report and the Respondent's email that the Hearing should proceed in the absence of the Respondent in the interests of public safety

In coming to their decision, Members carefully considered 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 respondent alone. An unequivocal and unanimous answer by Members to this question, was "no".

Members were tasked with determining whether the Respondent remained a fit and proper person to hold a Torbay Council Private Hire Drivers' Licence. In doing so, Members considered his conduct, character, from his written submissions and history of compliance with Torbay Council's Taxi and Private Hire Licensing Policy, as well as relevant statutory provisions 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 9 penalty points on his DVLA driving licence, between 6 July 2023 and 4 April 2025. In addition, the Respondent was disqualified from driving in April 2024 for a period of 21 days. The Respondent had failed to notify the Licensing Authority of the disqualification and of any of the DVLA points as per the conditions of his licence and in accordance with Torbay Council's Taxi and Private Hire Licensing Policy (Taxi Policy). Members considered that his continuous disregard for the Highway Code demonstrated to them that he was a risk to public safety.

Members were further concerned that the Respondent was awaiting a further court hearing for another speeding offence and that there had been a subsequent failure to inform the Licensing Authority of this latest speeding offence within 48 hours, as required by Torbay Council's Taxi Policy. The Respondent's written submission provided no mitigation or explanation as to why he had received 9 DVLA points on his driver's licence or why he had been disqualified from driving for 21 days. The Respondent's written response gave the impression that he viewed the failure to notify the Licensing Authority of the convictions to be the issue of concern and not the numerous driving offences, even enclosing notification of a pending prosecution as way of notification.

The Respondent in his written submission, was sorry, but completely failed to recognise the seriousness of his situation, as a professional driver entrusted with the safety of the passengers he conveys in his vehicle, having been disqualified from driving and then having accrued a considerable number of DVLA licence points.

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 and noted that had the Licensing Authority been notified of the disqualification from driving in 2024 that it

would have resulted in immediate revocation of the Respondents Private Hire Drivers' Licence. Members also had regard to paragraph 10.9 of the Department for Transport's Statutory taxi and private hire vehicle standards which states

10.9 Motoring Convictions

Hackney Carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain the licence.

Members gave careful consideration to suspending the Respondent's driver's license but resolved that due to the lack of understanding of the situation he found himself in as shown within his written submission, together with the failure to learn from his mistakes, further to the numerous speeding offences received and his driving disqualification, that revocation was reasonable, appropriate and proportionate.

In concluding, Members resolved to revoke the Respondent's dual Hackney Carriage and Private Hire Drivers' Licence, Private Hire Operators Licence and Private Hire Vehicle Proprietor Licence with immediate effect, as they could not be satisfied that he remained a "fit and proper person" to hold said Licences. In determining this, Members believed that the Respondent's conduct as a professional driver had fallen well below the standards they expected of driver licenced by Torbay Council and resolved that to revoke all licences with immediate effect was in their opinion, both necessary and proportionate, to ensure public safety.

30. Application for a Torbay Council Driver's Licence

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

The Licensing Officer presented the report which set out information contained within the application that the Applicant had been convicted of a driving offence on 13 November 2023 and had been awarded 3 penalty points. The Licensing Officer further advised that from the provided copy of the Applicants Enhanced Disclosure and Barring Service (DBS) document, it was identified there were numerous convictions listed relating to violence and dishonesty. Furthermore, a request was submitted to Sefton Council where the Applicant had held a licence since 23 August 2024 and identified that a complaint had been submitted against the Applicant regarding PHD driving style/road rage.

Decision

That the application for a Torbay Council Dual Hackney Carriage and Private Hire Driver's License be refused in accordance with Torbay Council's Hackney Carriage and Private Hire Driver's Policy.

Reasons for Decision

Members noted that the Applicant is a driver licensed by another Licensing Authority, however it is for each Licensing Authority to make its own independent assessment of suitability based on its own criteria. Being licensed elsewhere does not weaken Torbay Council's obligation to ensure that any person licensed locally meets the requirements of the Taxi Policy and also the statutory "fit and proper" standard.

Members gave thorough consideration to the Applicants' written and oral representations and thanked the Applicant for his honesty and openness in explaining the circumstances of past experiences in being an alcoholic and the reason behind his 33 convictions received (28 for dishonesty and 5 for violence under Torbay Council's Taxi Policy) between January 2008 and February 2015. Members commended the Respondent for turning his life around since this time, including abstaining from alcohol since April 2014, having subsequently gone into rehabilitation, obtained a degree at University and went on to be employed by that University. Members acknowledged that he was now a licensed taxi driver for another authority but also that an application with a further different authority had not been progressed as their criteria were more stringent.

Nevertheless, Members were mindful of the overriding principle that public safety is paramount, and the provisions within Torbay Council's Taxi and Private Hire Licensing Policy. Furthermore, the statutory guidance makes it clear that decisions must be taken on the balance of probabilities, and that applicants should not be given the benefit of doubt. If the Committee is not satisfied whether by a narrow margin or otherwise that an applicant is fit and proper, the licence must be refused.

Further, in relation to the harassment convictions the Institute of Licensing's Suitability Guidance (2024), emphasises that public safety is paramount and that individuals who fall below the required standards should not be licensed also sets out:

Where an applicant or licensee has been convicted of a crime involving, relating to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child exploitation, grooming, psychological, emotional or financial abuse, stalking without violence, but this is not an exhaustive list.

Members also considered the Taxi Policy and that under the Taxi and PHV Licensing Criminal Convictions Policy paragraph 2.6 states a licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence, and likewise paragraph 3.6 which states a licence will not normally be granted if an Applicant has more than one conviction for an offence of a violent nature. In light of

this, Members determined that it would not be reasonable or appropriate to depart from the Policy given the offences committed by the Applicant.

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 both the Statutory Guidance and Taxi Policy 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, and to refuse the application was appropriate in the interests of Public Safety.

Chair