

Wednesday, 2 September 2026

REGULATORY SUB-COMMITTEE

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

Thursday, 10 September 2026

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 Barbara Lewis

Councillor Chris Lewis

Councillor Tolchard

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** (Pages 5 - 22)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 18 June and 23 July 2026.
- 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 Chairman 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. Review of a Torbay Council Driver's Licence** (Pages 23 - 40)
To consider a report of the fit and proper status of a Driver licensed by Torbay Council.

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| 8. | Review of a Torbay Council Driver's Licence
To consider a report of the fit and proper status of a Driver licensed by Torbay Council. | (Pages 41 - 64) |
| 9. | Review of a Torbay Council Driver's Licence
To consider a report of the fit and proper status of a Driver licensed by Torbay Council. | (Pages 65 - 80) |
| 10. | Review of a Torbay Council Driver's Licence
To consider a report of the fit and proper status of a Driver licensed by Torbay Council. | (Pages 81 - 136) |

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Minutes of the Regulatory Sub-Committee

18 June 2026

-: Present :-

Councillors Barbara Lewis, Chris Lewis and Long

1. Election of Chair

Councillor Barbara Lewis was elected as Chair for the meeting.

2. Declarations of Interest

No interests were declared.

3. Minutes

The Minutes of the meeting of the Sub-Committee held on 2 April 2026 were confirmed as a correct record and signed by the Chair.

4. Exclusion of Press and Public

Prior to consideration of the items in Minute 5-8, 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).

5. Application for a dual Hackney Carriage and Private Hire Drivers Licence

Members considered a report on an application for a dual Hackney Carriage and Private Hire Drivers Licence. The Licensing Officer advised that the applicant had failed to declare to Torbay Council that he had been convicted of relevant speeding offences which were listed within Appendix A, Section 7 of the Taxi policy.

The Respondent was not present for the Hearing. Members determined that it was in the public interest to proceed with the hearing in their absence.

Decision:

That the Respondents application for a Torbay Council issued dual Hackney Carriage and Private Hire drivers licence be refused, on the grounds that he is not considered to be a 'fit and proper' person to hold such a licence.

Reason for Decision

Members noted the absence of the Respondent at the Hearing and requested full details of contact between the Licensing Authority and the Respondent prior to the Hearing. Having received confirmation from the Licensing Officer and being satisfied that the Respondent was aware of the hearing and had been given sufficient opportunity to attend the Sub-Committee unanimously agreed to proceed with the hearing in the absence of the Applicant.

In coming to their decision to refuse the application, Members carefully considered having been charged with the responsibility to determine the Respondents application for a Torbay Council issued dual Hackney Carriage and Private Hire 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 concerned that the Respondent had clearly indicated on his application form for the License that he had not been convicted of any motoring offences. The application was made in January 2026, and Members saw clear evidence that the Respondent in fact had 9 penalty points on his DVLA issued driving licence at this time, comprising an SP30 (speeding) and a more serious MS90 (failing to give information) offence. Members considered the Applicant's written statement but were not satisfied with the mitigating circumstances provided by the Respondent, and, having been unable to question the Respondent in person, could see no exceptional circumstances to depart from the Convictions Policy as set out in Torbay Council's Hackney Carriage and Private Hire Policy.

Members therefore resolved that refusing the Respondents application to be a proportionate and appropriate decision at this time, in the interest of Public Safety.

6. 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 on 13 December 2024 with 3 points awarded, had been found guilty of a speeding offence on 7 November 2025 with 3 points awarded, and had been found guilty of a speeding offence on 21 January 2026 with 3 points awarded which brought the total number of points on the driver's licence to 9.

At the Hearing, Members received oral representations from the Respondent who also responded to questions.

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.

Members found the Respondent's oral submission to be honest and recognised the seriousness of being a professional driver with 9 points on his DVLA issued Drivers Licence, and apologised to the Sub-Committee for their need to be here. Members noted that the offences occurred at times where the Respondent did not have passengers on board and further noted that there were no other complaints against the Respondent in the 8 years he had held a Torbay Council Drivers License. Members were satisfied in the Respondents characterisation of the offences as 'lapses of judgement' on his way home after his shift with no customers in the vehicle at the time and noted that the 9 points represented an accumulation of minor offences. Members were reassured that the Respondent had taken proactive measures to prevent future reoccurrence in installing and using his vehicles speed limiter.

However, 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. The Respondent stated that he was not initially aware of his responsibility to report the receipt of penalty points until after his warning letter in December 2025. The Respondent's comments showed that he clearly was not familiar with the Taxi Policy. However, Members were satisfied that

the explanation given for the delay in responding represented a genuine error and not an intent to deceive the Licensing Authority, and his self-declaration of 6 points in January 2026 covered the November 2025 and January 2026 offences.

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. However, 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.

7. 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 on 13 July 2025 with 3 points awarded, had been found guilty of a speeding offence on 17 December 2025 with 3 points awarded, and had been found guilty of a speeding offence on 10 February 2026 with 3 points awarded which brought the total number of points on the driver's licence to 9.

At the Hearing, Members received oral representations from the Respondent who also responded to questions from Members.

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 and having obtained 9 penalty points on his DVLA Driving Licence being very apologetic for the need to be here and offering no excuses. Members were satisfied that the Respondent had been experiencing challenges in his personal life which had affected him and noted that the 9 penalty points were an accumulation of minor traffic offences but felt this could not be trivialised. Members however were reassured to note that the Respondent had taken proactive measures to prevent future reoccurrence in learning and utilising the cars speed limiter, something he admitted he did not previously know how to use, and furthermore was also not allowing himself to become distracted in talking or engaging with the passengers.

Members were satisfied with the explanations given relating to the delay in supplying the relevant DBS check, noting that they were due to an administration error rather than an attempt to withhold information from the Licensing Authority, and that the Respondent had lost income as a direct result.

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. The Respondent stated that he was not initially aware of his responsibility to report the receipt of penalty points. The Respondent's comments showed that he clearly was not familiar with the Taxi Policy. However, Members were satisfied that the explanation given for the delay in responding represented a genuine error and not an intent to deceive the Licensing Authority.

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. However, Members considered that the Respondents skill as a professional driver had at times 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.

8. 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 on 13 July 2025 with 3 points awarded, had

been found guilty of a speeding offence on 17 December 2025 with 3 points awarded, and had been found guilty of a speeding offence on 10 February 2026 with 3 points awarded which brought the total number of points on the driver's licence to 9.

At the Hearing, Members received oral representations from the Respondent who also responded to questions from Members.

Decision:

That the Respondent's Torbay Council Driver's Licence and Private Hire Vehicle 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.

Reason for Decision:

Members noted the absence of the Respondent at the hearing. Members requested full details of contact between the Licensing Authority and the Respondent prior to the hearing and were satisfied that the Respondent was aware of the hearing and had been given sufficient opportunity to attend. Members unanimously agreed to proceed with the hearing without the Respondent present.

In determining the matter before them, Members carefully considered having been charged with the responsibility to determine the Respondents Torbay Council issued 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 considered all the written evidence provided, and considered the actions outlined to represent inappropriate behaviour, and demonstrated that the Respondent does not meet the definition of a 'fit and proper person' outlined in the Statutory Taxi and Private Hire vehicle standards (2022).

Members noted that contact with a vulnerable young person had been initiated by the Respondent, and that this contact was inappropriate, even if it was meant to be with the best of intentions. Furthermore, Members considered that the content of the individual communications sent by him suggested that the Respondent was aware that such behaviour was inappropriate and had no evidence before them which would provide mitigating circumstances to warrant continued contact. Members were alerted to a previous safeguarding complaint in December 2023, against the Respondent, again with a vulnerable individual, and concluded that this formed a pattern of inappropriate behaviour which was of extreme concern to them.

Due to his non-attendance, Members were unable to question the Respondent in person and accordingly concluded on the evidence before them that the Respondent

could no longer be considered a 'fit and proper person' to hold a Torbay Council Driver's Licence and Private Hire Vehicle Licence, and that revocation of these licenses was a proportionate and appropriate decision in the interest of public safety.

Chair

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Minutes of the Regulatory Sub-Committee

23 July 2026

-: Present :-

Councillors Barbara Lewis, David Thomas and Tolchard

9. Election of Chair

Councillor Barbara Lewis was elected as Chair for the meeting.

10. Exclusion of Press and Public

Prior to consideration of the items in Minute 11-14, 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).

11. 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 and Private Hire Vehicle Proprietor's Licence.

The Licensing Officer presented the report which set out information that the holder of a Torbay Council issued Driver's Licence had been found guilty of a speeding offence on 24 September 2023 with 3 points awarded, had been found guilty of failing to comply with traffic light signals on 19 May 2024 with 3 points awarded, and had been found guilty of a speeding offence on 14 September 2025 with 3 points awarded, bringing the total number of points on the driver's licence to 9. Members also noted that the Respondent had failed to notify the Licensing Authority of two of the offences and had failed to report the third offence within the required timescale.

Members received oral representations from the Respondent

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 a RoSPA Level 2 Award in Advanced Driving, or similar, and produce written evidence to that effect to Torbay Council's Licensing Department; and

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.

No action will be taken in respect of the Hackney Carriage Vehicle Proprietor License

Reasons for Decision

Members were required to determine whether the Respondent remained a fit and proper person to hold a Torbay Council Driver's Licence. In doing so, they considered the Respondent's driving record, compliance with licence conditions, relevant policy and guidance, and the oral evidence presented at the hearing.

Members noted that the Respondent had accumulated nine penalty points on their DVLA licence for three separate motoring offences whilst holding a Torbay Council Driver's Licence. Whilst Members accepted that the offences were not deliberate and that each offence, taken individually, was relatively minor, they were concerned by the pattern of repeated offending by a professional driver.

Members also considered the Respondent's failure to notify the Licensing Authority of the offences in accordance with the conditions attached to the Driver's Licence. Two offences were not reported and the third was reported approximately six months after it occurred, rather than within the required 48-hour period. Members were further concerned that the Respondent had incorrectly declared on their licence renewal application that they had no convictions.

The Respondent accepted full responsibility for their actions and did not seek to excuse either the offences or the failure to notify the Licensing Authority and explained they were in the midst of a divorce, lost their house, and had caring responsibility for a child and a second job. Their partner did the admin, and so the Respondent was not fully aware of their obligations or what was required and they were not paying attention when completing the renewal application.

Members found the Respondent's evidence to be honest and credible. They accepted that the Respondent had experienced difficult personal circumstances during the relevant period, which had affected their ability to manage their affairs. Members also noted the steps that had been taken to improve both driving standards and administrative arrangements, together with the commitment given that there would be no repetition.

Whilst Members accepted the mitigation put forward, they concluded that the Respondent's driving record and repeated failures to comply with licence conditions demonstrated a lack of professionalism expected of a licensed driver. Members considered that a formal warning would not be sufficient in the circumstances.

However, they were satisfied that revocation would be disproportionate, having regard to the Respondent's honesty, remorse and insight.

Members therefore determined that a period of suspension, together with the requirement to successfully complete an advanced driving qualification, was a reasonable and proportionate response which would promote public safety and assist the Respondent in demonstrating their suitability to continue as a licensed driver.

Members did not consider it necessary or proportionate to take any action in respect of the Hackney Carriage Vehicle Proprietor Licence, as the concerns before the Sub-Committee related solely to the Respondent's conduct as a licensed driver rather than as a proprietor.

12. 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 and Private Hire Vehicle Proprietor's Licence.

The Licensing Officer presented the report which set out information that the holder of a Torbay Council issued Driver's Licence had been found guilty of a speeding offence on 14 February 2024 with 3 points awarded, had been found guilty of a speeding offence on 1 January 2026 with 3 points awarded, and had been found guilty of a speeding offence on 19 February 2026 with 3 points awarded, bringing the total number of points on the driver's licence to 9. Members also noted that not all of the offences had been reported to the Licensing Authority in accordance with the conditions attached to the Driver's Licence.

Members received oral representations from the Respondent.

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 a RoSPA Level 2 Award in Advanced Driving, or similar, and produce written evidence to that effect to Torbay Council's Licensing Department; and

Should the Respondent successfully complete the required course 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; and

That whilst suspended, the Respondent also read and familiarises themselves with the contents of Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy, as

issued and keeps a copy of the said Policy in the licensed vehicle at all times when on duty as a licensed driver for future reference.

No action will be taken in respect of the Hackney Carriage Vehicle Proprietor License

Reasons for Decision

Members were required to determine whether the Respondent remained a fit and proper person to hold a Torbay Council Driver's Licence. In doing so, they considered the Respondent's driving record, compliance with licence conditions, relevant policy and guidance, and the oral evidence presented at the hearing.

Members noted that the Respondent had accumulated nine penalty points on their DVLA licence for three separate speeding offences whilst holding a Torbay Council Driver's Licence. Whilst each offence was relatively minor in isolation, Members were concerned that all three offences related to exceeding the speed limit and demonstrated a repeated failure to meet the standard expected of a professional driver. Members also noted that two of the offences occurred within six weeks of each other.

The Respondent apologised to Members for the need to be here and was embarrassed by the whole situation. They accepted full responsibility for the offences and Members found them to be open, honest and genuinely apologetic throughout the hearing. The Respondent informed Members that their spouse had been diagnosed with skin cancer and this was stressful for everybody, and this led to the Respondent explaining that he did night shifts and that he had no complaints and received good feedback and had mentions on social media for free lifts.

Members accepted that difficult personal circumstances existed at the relevant time and took these into account. Members also noted that the Respondent had taken steps to address the issue by fitting and using a speed limiter.

Notwithstanding this, Members remained concerned that the pattern of offending suggested a habitual failure to maintain appropriate speeds. Members considered the Respondent's explanations for the offences but noted that the first speeding offence resulted in proceedings before the Magistrates' Court. Members were not satisfied that they had been provided with a full explanation as to why the matter progressed to court.

Members were particularly concerned by the Respondent's failure to notify the Licensing Authority of the first offence and by the delay in reporting the most recent offence. Members noted that notification of the most recent offence was only received after the Licensing Team had requested DVLA check codes from licensed drivers as part of its routine checks. Members considered this demonstrated a lack of understanding of, and compliance with, the requirements of the Driver's Licence and the Council's Taxi Policy.

Whilst Members were encouraged by the Respondent's remorse, insight and willingness to improve, they concluded that the repeated speeding offences, together with the failures to comply with the notification requirements, demonstrated a lack of

professionalism expected of a licensed driver. Members considered that a formal warning would not adequately reflect the seriousness of the matter or promote public confidence in the licensing regime. However, Members were satisfied that revocation would be disproportionate having regard to the Respondent's honesty, insight and otherwise positive licensed driver history.

Members therefore determined that a period of suspension, together with the requirement to successfully complete an advanced driving qualification and familiarise themselves with the Council's Taxi Policy, was a reasonable and proportionate response which would promote public safety and assist the Respondent in demonstrating their suitability to continue as a licensed driver.

Members did not consider it necessary or proportionate to take any action in respect of the Hackney Carriage Vehicle Proprietor Licence, as the concerns before the Sub-Committee related solely to the Respondent's conduct as a licensed driver rather than as a proprietor.

13. 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 and Hackney Carriage Vehicle Proprietor's Licence.

The Licensing Officer presented the report which set out information that the Respondent had failed to comply with Torbay Council Hackney Carriage Byelaws and Road Traffic Orders by over-ranking and illegally parking whilst waiting for a space on the Vaughan Road taxi rank. Members noted that CCTV evidence showed the Respondent waiting in contravention of the Byelaws on 8 March 2026 and on two further occasions on 20 June 2026, despite having previously received a warning from the Licensing Authority.

Members received oral representations from the Respondent

Decision

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

No action will be taken in respect of the Hackney Carriage Vehicle Proprietor License

Reasons for decision

Members were required to determine whether the Respondent remained a fit and proper person to hold a Torbay Council Driver's Licence. In doing so, they considered the evidence before them, the relevant legislation, Torbay Council's Taxi Policy, the Hackney Carriage Byelaws and the Statutory Taxi and Private Hire Vehicle Standards.

Members noted that the Respondent had held a Torbay Council Driver's Licence since 2015 and had been consulted, along with the wider trade, regarding the introduction of the permanent three-vehicle taxi rank at Vaughan Road. Members further noted that all licensed drivers had received several communications regarding over-ranking, illegal parking, the requirements of Byelaw 8(b) of the Byelaws in respect of Hackney Carriage and Private Hire Vehicles, and the potential for enforcement action.

Members heard evidence that the Respondent was identified by CCTV as being illegally parked and over-ranking on 28 March 2026 and was subsequently issued with a warning by the Licensing Authority. Further CCTV footage from 20 June 2026 showed the Respondent over-ranking on two separate occasions during the same night, despite the previous warning having been issued.

The Respondent accepted that the incidents had occurred and explained that it had been a quiet night, that space was limited, and that waiting elsewhere would reduce the opportunity to obtain fares. The Respondent also mentioned that there was a problem with three to four private hire vehicles parked up on the ranks, meaning they could not proceed onto another rank as it was full.

Members accepted that the Respondent was candid in admitting the conduct. However, they did not accept that these circumstances justified failing to comply with the Hackney Carriage Byelaws. Members noted that the requirements of the Byelaws are clear and apply regardless of whether the night is busy or quiet.

Members were particularly concerned that the Respondent chose to continue waiting outside the rank rather than proceed to another available taxi rank as required. They accepted the Licensing Officer's evidence that alternative ranks were available and that the Respondent's actions contributed to a problem which had generated significant complaints from members of the public and required considerable officer time to address.

Members also noted that the Respondent had previously received a warning in relation to illegal parking and that the conduct before them was not an isolated incident. Whilst Members accepted that the Respondent stated they had not seen the earlier warning email relating to the March incident, they were satisfied that the Respondent was aware, or ought reasonably to have been aware, of the requirements of the Byelaws and the repeated communications issued by the Licensing Authority.

Members concluded that the Respondent's repeated failure to comply with the Hackney Carriage Byelaws and Road Traffic Orders was done so knowingly and demonstrated a lack of professionalism expected of a licensed driver. Members considered that a further warning would not adequately reflect the seriousness of the matter or provide sufficient assurance that the behaviour would not continue. However, they considered revocation to be disproportionate.

Members therefore determined that a suspension of the Respondent's Torbay Council Driver's Licence for a period of one month was a reasonable and proportionate

response which would reinforce the importance of complying with the Byelaws and promote public safety.

Members did not consider it necessary or proportionate to take any action in respect of the Hackney Carriage Vehicle Proprietor Licence, as the concerns before the Sub-Committee related solely to the Respondent's conduct as a licensed driver rather than as a proprietor.

14. 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 and two Hackney Carriage Vehicle Proprietor's Licences.

The Licensing Officer presented the report which set out information that the Respondent had failed to comply with Torbay Council Hackney Carriage Byelaws and Road Traffic Orders by over-ranking and waiting for a fare whilst the Vaughan Road taxi rank was full. Members noted that CCTV evidence showed the Respondent over-ranking on 8 March 2026, for which a warning was subsequently issued, and again on 20 June 2026. Members further noted the Respondent's previous licensing history and warning letters issued by the Licensing Authority.

Members received oral representations from the Respondent.

Decision

That the Respondent's Torbay Council Driver's Licence be suspended for a period of one month, 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.

No action will be taken in respect of the Hackney Carriage Vehicle Proprietor Licence.

Reasons for Decision

Members were required to determine whether the Respondent remained a fit and proper person to hold a Torbay Council Driver's Licence. In doing so, they considered the evidence before them, the relevant legislation, Torbay Council's Taxi Policy, the Hackney Carriage and Private Hire Vehicles Byelaws and the Statutory Taxi and Private Hire Vehicle Standards.

The Respondent, who was unaccompanied, informed the Sub-Committee that English was not his first language. However, when asked by the Chair if he required an interpreter, he confirmed that he was happy to proceed without.

Members noted that the Respondent had held a Torbay Council Driver's Licence since 2012 and had received a number of communications regarding the Vaughan Road taxi rank, raising concerns surrounding over-ranking and illegal parking, and setting out the requirements of Byelaw 8(b) of the Hackney Carriage and Private Hire

Vehicles Byelaws. Additionally, that the Respondent had previously received a warning following CCTV evidence of over-ranking and illegal parking on 8 March 2026.

Members accepted that the Respondent's vehicle was parked in a location which may reasonably have appeared to be private land. However, Members also noted that the Respondent accepted that he was waiting for a fare and was therefore plying for hire at the time. Members concluded that, irrespective of whether the location was believed to be private land or adopted highway, the Respondent should not have been waiting there whilst the rank was full and should instead have proceeded to another available rank in accordance with the Byelaws.

The Respondent acknowledged an understanding of the rules relating to over-ranking and eventually accepted that he should have moved to another rank and apologised for his actions, having firstly said that he was not parked on the highway and was on his phone. The Respondent agreed that he had received all the emails regarding the rank and over ranking but it was a new situation and he was just following the crowd and had no intention of breaking the Byelaws. The Respondent provided photographs showing vehicles other than Hackney Carriages parked in taxi ranks in the last couple of nights, however, he was advised that that was not an issue for this Sub-Committee to consider today, and to send to the Licensing Department to investigate.

Members found the Respondent to be respectful throughout the hearing and took into account the mitigation provided. Members also accepted that there are ongoing operational concerns regarding the Vaughan Road rank. However, Members considered that these wider issues did not justify a failure to comply with the Byelaws and were not matters that could be determined by the Sub-Committee.

Members gave significant weight to the fact that the Respondent had received a warning in relation to similar conduct yet had subsequently repeated the behaviour which they found to be unacceptable.

Members concluded that the Respondent's conduct demonstrated a disregard for the Hackney Carriage Byelaws and the instructions of the Licensing Authority. Whilst Members did not consider the Respondent posed a danger to the public and acknowledged his otherwise good driving record, they were not satisfied that a further warning would be sufficient given the previous warning issued and the subsequent repetition of the conduct.

Members therefore determined that a period of suspension was a reasonable and proportionate response which would underline the importance of complying with the Byelaws and licensing requirements and reinforce the standards expected of licensed drivers.

Members further determined that the suspension should take immediate effect, having regard to the Respondent's repeated non-compliance with the Hackney Carriage Byelaws despite previous warnings and guidance from the Licensing Authority.

Members did not consider it necessary or proportionate to take any action in respect of the Hackney Carriage Vehicle Proprietor Licences, as the concerns before the Sub-

Committee related solely to the Respondent's conduct as a licensed driver rather than as a proprietor.

Chair

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