

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

**29 January 2026**

**-: Present :-**

Councillors Douglas-Dunbar, Foster and Stevens

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### **31. Election of Chair**

Councillor Foster was elected as Chair for the meeting.

### **32. Minutes**

The Minutes of the meetings of the Sub-Committee held on 27 November and 4 December 2025 were confirmed as a correct record and signed by the Chair.

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

Prior to consideration of the items in Minute 34, 35 and 36, 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).

### **34. Review of a Torbay Council Drivers 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 10 August 2024 with 3 points awarded, and had been found guilty of a breach of requirements as to the control of a vehicle on 4 February 2025 with 6 points awarded, which brought the total number of points on the driver's licence to 9.

#### **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.

While suspended the Respondent shall 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.

Members also determined that whilst suspended, the Respondent familiarises himself with the contents of Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy, as issued and to utilise the Council's Text-To-Speech function on the website to access the Policy.

### **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 a unanimous '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 and guidance.

Members were concerned to hear from the Licensing Officer as to the repeated offences committed by the Respondent which had led to the accumulation of 9 penalty points on his DVLA driving licence.

Members were further concerned that there had been a subsequent failure to inform the Licensing Authority of the offences within 48 hours on each occasion it arose, as required by Torbay Council's Taxi Policy. While sympathetic to the Respondent's personal circumstances and reasons for not being fully conversant with the Policy, Members determined that the ultimate responsibility for adherence to the Policy lay with the Respondent, and that the Licensing Authority had put in place numerous alternative communication methods, such that the Respondent had sufficient opportunity to be aware of his responsibilities.

Members heard from the Respondent who explained his dyslexia and determined that he was open and honest about the reasons behind the 9 points he had received on his licence and his explanation that he did not have any customers as these were personal journeys. The Respondent stated, despite the obligation to do so, that he was not aware he had a duty to inform the Licensing Authority if he received a penalty notice or Court summons and/or hearing but was aware the Council periodically checked his licence. Members also heard from the Respondent's associate who assisted in the Respondent's advocacy and said that he had owned a taxi firm and without hesitation he felt that the Respondent was a fit and proper person. The latter being contrary to Members' findings, when considering carefully all the written and oral representations before them.

In reaching 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 paragraphs 7.4 and 8.1 to suspend or revoke a Torbay Council Drivers Licence upon the accumulation of 9 or more penalty points.

Members gave careful consideration to revoking the Respondent's driver's license but resolved that the mitigating circumstances explained within his oral submission, and the clear willingness to future improvements, that a suspension was reasonable, proportionate, and appropriate.

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 reasonably expected of a driver licenced by Torbay Council and to suspend the licence with immediate effect was in their opinion, both necessary and proportionate, to ensure public safety.

### **35. Review of a Torbay Council Drivers 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 failing to comply with traffic light signals on 26 August 2024 with 3 penalty points awarded, and two speeding offences committed on 3 March and 18 July 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 following receipt of this decision, the Respondent shall 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 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.

#### **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 a unanimous '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 her conduct, character, and compliance with Torbay Council's Taxi and Private Hire Licensing Policy, as well as relevant statutory provisions, standards and guidance.

Members determined that the Respondent's oral submission was honest and that she recognised the seriousness of being a professional driver with 9 points on her DVLA Licence, with six points for speeding, and a further three points for a traffic light offence. The Respondent, apologised to the Committee for the need for the hearing, understood the reasons why and seriousness of being brought before the Committee. The Respondent detailed the circumstances behind each of the offences, and in each case, Members accepted the explanations for the circumstances, though they agreed with the Respondent that there were no mitigating circumstances which fully excused these offences. Members felt that the Respondent appreciated the gravity of these offences occurring in the course of her professional duty and that the Respondent had put proactive measures in place to prevent future recurrences.

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 she was not fully aware of her responsibilities in relation to informing the Licensing Authority of traffic offences but was aware that the Council periodically checked her licence. The Respondent confirmed, she was aware of her responsibilities now. The Respondent's comments showed that she clearly did not appreciate or understand the requirement to advise the Licensing Authority of each occasion she received a penalty notice, demonstrating that she was not familiar with the Taxi Policy. Members therefore resolved to ensure that the Respondent was fully conversant with the Taxi Policy going forward.

In conclusion, Members gave careful consideration to suspending the Respondent's driver's licence but resolved to formally warn her, as they were satisfied that she 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 skills as a professional driver had fallen below the standard reasonably expected of a driver licenced by Torbay Council, something the Respondent also recognised herself, and therefore in their opinion, the completion of the ROSPa Level 2 Award in Advanced Driving would ensure public safety was upheld.

### **36. Application for a Torbay Council Drivers 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 charged on 3 May 2025 with the assault of a Constable, and using threatening, abusive, insulting words or behaviour with the intention to cause fear or provocation of violence and had been issued with a caution for each offence.

**Decision:**

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

**Reason for Decision**

In coming to that 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 Applicant alone. An unequivocal and unanimous answer by Members to this question, was a unanimous 'yes'.

Members were reassured by the Applicants oral presentation, his openness, honesty, and the clear and concise manner in which he set out the circumstances that had resulted in the incident and being issued with two Police cautions which flowed from a single event. Members were satisfied that the incident in question was exceptional, and did not display any pattern of, or tendency toward behaviours which may fall outside those expected of a fit and proper person to hold a Torbay Council Driver's Licence.

Members noted that the Applicant had a clean driving licence and held a Personal Alcohol License without incident. Members considered the various positions of responsibility held by the Applicant, recognising that he would have been in a position of trust working with young people in these positions and noted the numerous positive personal references given on behalf of the Respondent by individuals of good standing in positions of responsibility.

In concluding, Members all agreed that they found the Applicant to be genuine, honest and open when sharing the events that had taken place in his life. Members were satisfied having heard the Applicant's oral representation that he would uphold the professional standards they expect of a driver licensed by Torbay Council and therefore saw reasonable justification to depart from the Hackney Carriage and Private Hire Licensing Policy and grant the application for a dual Torbay Council Driver's Licence, having held him to be a fit and proper person.

**37. Application for a Torbay Council Hackney Carriage Vehicle licence**

The application was withdrawn prior to the meeting.

