

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

**2 April 2026**

**-: Present :-**

Councillor Foster (Chair)

Councillors Chris Lewis and Pentney

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### **43. Election of Chair**

Councillor Foster was elected as Chair for the meeting.

### **44. Minutes**

The Minutes of the meeting of the Sub-Committee held on 5 March 2026 were confirmed as a correct record and signed by the Chair.

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

Prior to consideration of the items in Minute 46-48, 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).

### **46. Review of a Torbay Council Driver's License**

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 7 December 2024 with 3 points awarded, had been found guilty of a speeding offence on 15 September 2025 with 3 points awarded, and had been found guilty of a speeding offence on 18 September 2025 with 3 points awarded which brought the total number of points on the driver's licence to 9.

Members received oral representations from the Respondent.

**Decision:**

In respect of the Torbay Council Drivers License, 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, 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.

There is no separate penalty in respect of the Hackney Carriage Vehicle Proprietors License.

### **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 it was evident that he recognised the seriousness of being a professional driver with 9 points on his DVLA Licence. The Respondent detailed the circumstances behind each of the offences, two of which being within 4 days of each other at a new speed camera on the A383 Ashburton Road. He was not aware of the first when he got the second with speed limit having reduced from 40 mph to 30 mph. it was a new school run and he was not aware of the change in speed limit and had not intentionally sped but he admitted to his mistake and apologised to Members. In relation to the recent over ranking, he said that the queue had been moving and that food delivery drivers clog up the Fleet Walk rank, so he took a chance. He now regrets this and has taken it on board and will not do it again. For the refusal of a fare, the Respondent said that the lady appeared drunk and with a young child, she only wanted to go to Market Street from Union Square which he believed would be just as quick to walk, however, she never gave him an opportunity to respond fully to her. 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 his professional duty.

Members were disappointed that the Respondent had failed to notify the Licensing Team of the offences within the required time of 48 hours and thereby failed to comply

with Torbay Council's Taxi and Private Hire Licensing Policy. The Respondent stated that he was not fully aware of his responsibilities in relation to informing the Licensing Authority of traffic offences until he was advised by a colleague. 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, demonstrating that he was not familiar with the Taxi Policy. Members therefore resolved to ensure that the Respondent was fully conversant with the policy going forward.

Members recognised that the Respondent's conduct as a licensed professional had fallen below the standard expected of him, something the Respondent also recognised himself. Members resolved to formally warn the Respondent, as they were satisfied that he remained a 'fit and proper person' to hold a Torbay Council Drivers Licence, and that it was reasonable and proportionate to issue a warning.

#### **47. Review of a Torbay Council Driver's License**

Members considered a report on the fit and proper status of the holder of a Torbay Council issued Driver's Licence. The Licensing Officer presented the report which set out information detailing complaints related to the behaviour of the holder of a Torbay Council issued Driver's Licence.

The Respondent was accompanied at the Hearing by an associate and Members received oral representations from the Respondent.

#### **Decision:**

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

In addition:

- 1) During the period of suspension, the Respondent must undertake and successfully complete a Devon Mind Anger Management Course or equivalent, and produce written evidence to that effect to Torbay Council's Licensing Department; and
- 2) that while 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.

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

Members were tasked with determining whether the Respondent remained a fit and proper person to hold a Torbay Council Drivers License in light of the complaint lodged against the Respondent in relation to verbal abuse of a couple of Civil Enforcement Officers and an allegation of aggressive driving. 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 the incidents which gave rise to the complaints against him. He said he was embarrassed to be before them and apologised for it being necessary. Members noted that the Respondent accepted responsibility for his actions and showed contrition for the incident involving abuse of the Civil Enforcement Officers, and had apologised to the Officers concerned and also to their Manager. The Respondent explained that he worked six days a week and was under constant financial pressure and needed to earn a certain amount of money each shift, so receiving a penalty notice was not a good start to that night but did not excuse his behaviour and accepts he over-stepped the mark that night. Members further noted that the Respondent had clearly taken time to reflect on the incidents, appreciated their gravity and had investigated proactive measures to prevent future recurrences, even offering to attend a behaviour management course when he could afford to pay for it. Members accepted that the matters under consideration were isolated incidents, and did not reflect a pattern of behaviour which might suggest that the Respondent was not a 'fit and proper person' to hold a license.

For the aggressive driving complaint, he explained that a car had pulled out in front of him and he did not feel he had driven aggressively as he had customers on board, but he apologised if that was what the customer had felt during his journey. He believed he had been at all times a safe distance from the car in front.

Members were disappointed that the Respondent was clearly unfamiliar with his responsibilities under the Torbay Council's Taxi and Private Hire Licensing Policy, and when asked informed them that he could not remember when he last read it. Members therefore resolved to ensure that the Respondent was fully conversant with the policy going forward, in the interests of public safety.

In conclusion, Members agreed to issue a suspension with additional conditions, due to the seriousness of the incident under consideration. However, they did not feel that any further sanction was justified, noting the previous 19 years the Respondent had held a Taxi license without incident or complaint.

#### **48. Review of Torbay Council Driver and Hackney Carriage vehicle proprietor Licences**

Members considered a report on the fit and proper status of the holder of a Torbay Council issued Driver's Licence, Hackney Carriage Vehicle Proprietor Licence and Private Hire Operator Licence. The Licensing Officer presented the report which set out information detailing potential breaches of the Hackney Carriage (Taxi) and Private Hire Policy and complaints related to the behaviour of the holder of a Torbay

Council issued Driver's Licence, Hackney Carriage Vehicle Proprietor Licence and Private Hire Operator Licence.

Members received oral representations from the Respondent.

### **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 in accordance with Section 62(1)(d) of the Local Government Miscellaneous Provisions Act 1976.

### **Reasons for Decision**

Having carefully considered all the written and oral representations, Members resolved to revoke the Respondents dual Hackney Carriage and Private Vehicle Drivers Licence and Private Hire Operators Licence having been satisfied that on the balance of probability the Respondent was not a fit and proper person to hold such licenses, and in light of the evidence before them such a decision was reasonable and proportionate.

In coming to their decision, Members carefully considered, having been charged with the responsibility to determine the Respondent's suitability to continue holding either of the licences issued by Torbay Council considered the test set out in Paragraph 1.5 of Appendix A of the Taxi Policy, 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 other vulnerable person known to them, to get into a vehicle with the Respondent alone. Members unanimously and unequivocally answered "no".

Members felt that the Respondent had not complied with the following guidance or policy from the Department of Transport Statutory taxi and private hire vehicle standards paragraph 5.4; or from recognised legal text Button on Taxis 5<sup>th</sup> Edition paragraph 8.235; or the Institute of Licensing Suitability Guidance paragraphs 3.29 and 3.35, his behaviour overall was not as expected under the Taxi Policy Appendix A paragraph 1.1 and Appendix B paragraph 1, and there was potential contraventions of Hackney Carriages and Public Hire Vehicles Byelaws

Members were concerned at the number of separate issues which were brought to their attention such as behaviour towards Civil Enforcement Officers, speeding, transfer of licenced vehicle to another person, and also lending a licence vehicle to a family member, and were concerned that these displayed a pattern of behaviour not befitting of a licensed professional. The Respondent's comments and conduct demonstrated a lack of self-awareness and responsibility for his actions.

Members noted specifically that there was a complete lack of contrition in relation to the incident involving abuse of Civil Enforcement Officers, and that the Respondent consistently held others responsible for the issues under consideration, accepting no responsibility for his actions and demonstrating no awareness of the impact of his actions, or his responsibilities as a licensed driver, even suggesting the Civil Enforcement Officers didn't know how to do their own jobs.

Members noted that no mitigating circumstances had been offered in advance, and that the Respondent had failed to supply the basic V5 documentation requested of him by Licensing Officers, which evidenced a different Registered Keeper. Members considered that the mitigations offered at the hearing did not fully explain or excuse any of the incidents under consideration, and in a number of cases displayed a willingness on the part of the Respondent to be dishonest.

In the case of the speeding offence, Members considered the explanation provided by the Respondent that he was advised to provide false representation either to the Police or to the Licensing Authority, and did not accept that either of these Responsible Authorities would have advised the Respondent to act in such a way as to break the law. In cases where a plausible explanation was offered, such as the disputed ownership of the Hackney Carriage Vehicle which was subject to a finance agreement and the Finance Company requiring the loanee to be the Registered Keeper to prevent fraud, the Registered Keeper was changed but was not a person whom held a Hackney Carriage or Private Hire Drivers Licence. The Respondent despite numerous requests failed to provide a copy of the V5 for this period. Members considered that, even in the most generous reading of the situation, the Respondent had failed in his responsibilities under the Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy and that his conduct fell below that which is expected of him.

In conclusion, Members were in no doubt that it was appropriate and proportionate to revoke the Respondents Hackney Carriage and Private Hire Drivers Licence and Private Hire Operators Licence as they were not satisfied that he was a fit and proper person to be a licenced driver or a private hire operator for Torbay Council.

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Chair