

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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