

Minutes of the Regulatory Sub-Committee

10 September 2026

-: Present :-

Councillors Barbara Lewis, Chris Lewis and Tolchard

15. Election of Chair

Councillor Barbara Lewis was elected as Chair for the meeting.

16. Minutes

The Minutes of the meetings of the Sub-Committee held on 18 June 2026 and 23 July 2026 were confirmed as a correct record and signed by the Chair.

17. Exclusion of Press and Public

Prior to consideration of the items in Minute 18, 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).

18. 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 holder of a Torbay Council issued Driver's Licence had accumulated 9 DVLA penalty points arising from three speeding offences, two of which occurred on 20 July 2023 and one on 11 October 2025. Members also noted that the Respondent had failed to notify the Licensing Authority of any of the offences in accordance with the conditions attached to his licence and had declared on a renewal application that he had no convictions.

Members received oral representations from the Respondent.

Decision

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

In addition:

1. Within three months of this decision the Respondent shall successfully undertake a RoSPA Defensive Driving Level 2 course and provide written evidence of successful completion to Torbay Council's Licensing Department; and
2. The Respondent shall read and familiarise himself with the contents of Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy and keep a copy of the Policy in the Licensed vehicle at all times when on duty as a Licensed Driver.

No action shall be taken in respect of the Respondent's Hackney Carriage Vehicle Proprietor's Licence.

Reasons for Decision

Having carefully considered all the written and oral representations before them, Torbay Council's Taxi Policy, Statutory Guidance, Institute of Licensing (IoL) Guidance and Button on Taxis, Members resolved that the appropriate and proportionate sanction was to issue the Respondent with a formal written warning together with a requirement to successfully complete a RoSPA Defensive Driving Level 2 course and to familiarise himself with Torbay Council's Hackney Carriage and Private Hire Licensing Policy.

In reaching their decision, Members were mindful that their primary responsibility was the protection of the travelling public and to determine whether the Respondent remained a fit and proper person to continue to hold a Torbay Council Driver's Licence. Members considered the statutory test and carefully reflected upon whether they would permit a person for whom they care, or a vulnerable person known to them, to travel alone in a vehicle driven by the Respondent. Members concluded that, notwithstanding the issues that had brought the matter before them, the Respondent remained a fit and proper person to hold a Licence.

Members noted that the Respondent had accumulated nine DVLA penalty points arising from three speeding offences and had failed to notify the Licensing Authority of any of those endorsements as required by the conditions attached to his Driver's Licence and Torbay Council's Taxi Policy.

Members also noted that during his licence renewal application the Respondent had indicated that he had no convictions when, in fact, the motoring convictions were already recorded on his Licence.

Members regarded the speeding offences and the failure to notify the Licensing Authority as serious matters. Licensed drivers are professional drivers entrusted with the safety of passengers and are expected to demonstrate a high standard of driving and regulatory compliance. Members therefore considered it appropriate to treat the Respondent's accumulation of penalty points and failure to report them as conduct falling below the standards expected of a Licensed Driver.

Notwithstanding those concerns, Members gave significant weight to the Respondent's candour before the Sub-Committee. The Respondent accepted responsibility for the speeding offences, offered no substantive defence to them and repeatedly acknowledged that he should have reported the endorsements, and explained that other drivers had told him that he did not need to report until after 6 points, he was aware now that was wrong and that he should have been more aware of the reporting conditions himself rather than relying on others. Members found him to be open and remorseful during the hearing and accepted that there had been no deliberate attempt to conceal the offences from the Licensing Authority, and that no passengers were in the vehicle on each occasion he was speeding.

Members particularly noted the Respondent's explanation that he had misunderstood the meaning of "convictions" when completing renewal documentation and had not fully appreciated that penalty point endorsements and motoring convictions were matters that required notification. Whilst Members did not consider this misunderstanding to excuse his failures, they accepted that it provided some context as to why the offences had not been disclosed. Members were also prepared to accept that the wording within the renewal process may not have been as clear as it could be and that the Respondent had genuinely, although mistakenly, failed to appreciate the extent of his reporting obligations.

Members further noted that two of the offences arose from the same date in July 2023 and had already expired as active penalty points by the time the matter came before the Sub-Committee, leaving the Respondent with only three active penalty points on his Licence. However, Members agreed that the matter should properly be assessed on the basis that the Respondent had accumulated nine penalty points which had been on his Licence at the time of the check and that the expiry of some points should not diminish the seriousness of the conduct, particularly as they had not been reported.

Whilst Members were concerned by the number of endorsements accrued, they were satisfied that the evidence before them did not demonstrate a deliberate disregard for public safety or regulatory requirements. Members considered there to be a realistic prospect that the shortcomings identified could be addressed through further training and a formal warning rather than suspension or revocation.

19. 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 holder of a Torbay Council issued Driver's Licence had accumulated 9 DVLA penalty points arising from a conviction for failing to comply with traffic light signals on 2 September 2024 and two speeding offences committed on 16 April 2025 and 1 June 2026.

Members also noted that whilst the Respondent had reported the traffic signal offence and the most recent speeding offence, he had failed to notify the Licensing Authority of the speeding offence committed on 16 April 2025.

Members received oral representations from the Respondent and a supporter on his behalf.

Decision

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

In addition:

1. Within three months the Respondent shall successfully undertake a RoSPA Defensive Driving Level 2 course and provide written evidence of successful completion to Torbay Council's Licensing Department; and
2. The Respondent shall read and familiarise himself with the contents of Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy and keep a copy of the Policy in the Licensed vehicle at all times when on duty as a Licensed Driver.

No action shall be taken in respect of the Respondent's Hackney Carriage Vehicle Proprietor's Licence.

Reasons for Decision

Having carefully considered all the written and oral representations before them, as well as the Taxi Policy, Statutory Guidance, IoL Guidance and Button on Taxi's. Members resolved that the appropriate and proportionate sanction was to issue the Respondent with a formal written warning together with a requirement to successfully complete a RoSPA Defensive Driving Level 2 course and to familiarise himself with Torbay Council's Hackney Carriage and Private Hire Licensing Policy.

In reaching their decision, Members were mindful that their overriding responsibility was the protection of the travelling public and to determine whether the Respondent remained a fit and proper person to continue to hold a Torbay Council Driver's Licence. Members carefully considered the statutory fit and proper person test and whether they would allow a person for whom they care, or any vulnerable person, to travel alone in a vehicle driven by the Respondent. Members were satisfied that the Respondent remained a fit and proper person to continue holding his Driver's Licence.

Members noted that the Respondent had accumulated nine DVLA penalty points arising from three separate motoring offences, and noted that whilst the Respondent had properly notified the Licensing Authority of the traffic signal offence and the most

recent speeding offence, he had failed to notify the Licensing Authority of the speeding offence committed on 16 April 2025.

Members regarded the accumulation of nine penalty points by a professional licensed driver as a significant matter. Licensed drivers are entrusted with the responsibility of carrying members of the public safely and are expected to maintain driving standards above those expected of the average motorist. Members therefore considered the Respondent's driving record and his failure to report one of the offences to fall below the standards expected of a Licensed Driver.

Members gave careful consideration to the circumstances surrounding the TS10 conviction for failing to comply with traffic signals. The Respondent explained that he had been carrying a passenger who had become aggressive and abusive and that he had made the decision to proceed through a red traffic signal after initially stopping in order to remove himself from what he perceived to be a dangerous situation.

Members recognised that such circumstances may have required the Respondent to make a difficult and immediate judgement as to his own safety, but were not entirely satisfied that the Respondent took the correct course of action. Whilst Members did not excuse the offence and were concerned that the Respondent had consciously chosen to contravene a traffic signal, they accepted that the decision had been made during a stressful situation and not for personal convenience or gain.

Members were persuaded by the evidence provided by Ms Cartwright, who had known the Respondent for 6 years and spoke positively of his character and professionalism. Members attached significant weight to this evidence, noting that Ms Cartwright would be unlikely to attend and support the Respondent unless she genuinely believed him to be a conscientious and responsible driver.

Members also noted that, unlike many cases involving non-disclosure, the Respondent had proactively reported both the traffic signal offence albeit late and the most recent speeding offence to the Licensing Authority. Whilst Members were disappointed that one offence had not been reported in accordance with the Licence conditions, they accepted the Respondent's explanation that this omission had occurred whilst he was dealing with the consequences of the TS10 conviction and that it had not been a deliberate attempt to conceal information from the Licensing Authority.

Members found the Respondent to be genuine, open and remorseful throughout the hearing. He accepted responsibility for the offences, acknowledged the seriousness of his position and demonstrated an understanding of the potential consequences should he receive any further penalty points in the near future. Members were satisfied that the Respondent had reflected on his conduct and had already taken steps to improve his driving standards by using his vehicles navigation technology to assist him in maintaining compliance with speed limits, and was going to start using his speed limiter.

Members further noted that there had been no complaints, suspensions or other disciplinary concerns relating to the Respondent during his period of licensing and that he carried out school transport work involving vulnerable children. Whilst this fact did

not amount to mitigation, Members considered it relevant when assessing the Respondent's overall character, professionalism and suitability.

Having considered all of the evidence before them, Members concluded that a suspension would be disproportionate in the circumstances. Members were satisfied that the Respondent understood the seriousness of the matter, that there was no evidence of deliberate dishonesty and that the public could continue to have confidence in him as a licensed driver. Members considered that the concerns identified could properly be addressed through a formal warning and additional driver training.

Accordingly, Members determined that the Respondent remained a fit and proper person to hold a Torbay Council Driver's Licence and Hackney Carriage Vehicle Proprietor's Licence. Members concluded that a written warning together with mandatory completion of a RoSPA Defensive Driving Level 2 course was a reasonable, proportionate and appropriate response to the circumstances of this case and would reinforce the standards expected of a professional licensed driver.

20. 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 accumulated 9 DVLA penalty points arising from three separate speeding offences committed on 2 April 2024, 1 January 2026 and 8 May 2026. Members also noted that the Respondent had failed to notify the Licensing Authority of any of the offences and had failed to provide a DVLA check code following repeated requests from Licensing Officers, resulting in his Driver's Licence being suspended with immediate effect until the information was provided.

Members received oral representations from the Respondent.

Decision

That the Respondents Torbay Council Driver's Licence be suspended for a period of three months taking effect following the statutory 21-day period, in accordance with Section 61(1)(b) of the Local Government (Miscellaneous) Provisions Act 1976.

In addition,

1. Within three months the Respondent shall successfully undertake a RoSPA Defensive Driving Level 2 course, and produce written evidence of successful completion to Torbay Council's Licensing Department; and

2. That the Respondent shall also read and familiarises himself with the contents of Torbay Council's Hackney Carriage (Taxi) and Private Hire Policy and that keep a copy of the 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 Private Hire Vehicle Proprietor Licence.

Reasons for Decision

Having carefully considered all the written and oral representations before them, and the Taxi Policy, Statutory Guidance, IoL Guidance and Button on Taxi's. Members resolved that the appropriate and proportionate sanction was to suspend the Respondent's Torbay Council Driver's Licence for a period of three months, together with a requirement to successfully complete a RoSPA Defensive Driving Level 2 course and to familiarise himself with Torbay Council's Hackney Carriage and Private Hire Licensing Policy.

In reaching their decision, Members were mindful that their primary responsibility was the protection of the travelling public and to determine whether the Respondent remained a fit and proper person to hold a Torbay Council Driver's Licence. Members carefully considered whether they would permit a person for whom they care, or any vulnerable person, to travel alone in a vehicle driven by the Respondent. Whilst Members did not conclude that the Respondent should be permanently removed from the licensed trade, they determined that his conduct fell sufficiently below the standards expected of a professional Licensed Driver to warrant a period of suspension.

Members heard that the Respondent had accumulated nine DVLA penalty points arising from three separate speeding offences, and that he could not really explain how he had got them, he thought one was as a result of a disturbing customer but he could not really remember. Members were concerned that none of those offences had been reported to the Licensing Authority despite the clear requirement within the conditions attached to his licence and Torbay Council's Taxi Policy requiring Licensed Drivers to notify convictions and fixed penalty endorsements.

Members regarded the accumulation of nine penalty points by a professional driver as a serious matter. Whilst they accepted that individual speeding offences may arise from lapses in concentration, the Respondent had accumulated three separate endorsements over a relatively short period. Members considered this to demonstrate a pattern of behaviour that fell below the standards expected of a Licensed Driver responsible for transporting members of the public safely.

Members were especially concerned to note the Respondent's repeated failure to engage with the Licensing Authority. Members noted that the Licensing Team had made numerous attempts to obtain a DVLA check code as part of its routine compliance checks. Despite repeated emails and subsequent attempts to contact him by telephone, the information was not provided until after the Respondent's Licence had been suspended with immediate effect, although the suspension was removed shortly after as the check code was provided.

Members considered the Respondent's explanation that he had missed emails, did not ordinarily answer unknown telephone numbers and had mistaken the Licensing Officer's call for a sales call. Whilst Members accepted this may explain one missed communication, they found it difficult to reconcile that explanation with the number of

attempts made by the Licensing Authority to contact him. Members were concerned that a Licensed Driver whose livelihood depended upon maintaining a Licence with the Council had failed to engage with important correspondence over an extended period.

Members also attached significant weight to the fact that the Respondent had renewed his Licence on multiple occasions and had repeatedly confirmed that he had read and understood Torbay Council's Hackney Carriage and Private Hire Licensing Policy. Members therefore found it difficult to accept that he was unaware of the requirement to report motoring convictions and endorsements. The failure to notify any of the three offences, viewed alongside the lack of engagement with Licensing Officers, demonstrated a disregard for the responsibilities that accompany the privilege of holding a Driver's Licence. They were disappointed to hear that whilst the Respondent had held a Driving Licence for 28 years and been a taxi driver for 20 years, 10 of which had previously been in Manchester, that the last time he had read the Council Taxi Policy was 10 years ago.

Whilst Members acknowledged the Respondent's long history within the taxi trade and noted the absence of complaints regarding passenger safety, Members were not persuaded that the Respondent fully appreciated the seriousness of repeatedly failing to comply with Licensing requirements and found his responses regarding the convictions, non-disclosure and correspondence to be insufficient mitigation.

Members accepted that there were no allegations involving dishonesty, safeguarding concerns, violence, passenger complaints or inappropriate behaviour towards members of the public, and did not consider the evidence before them justified revocation of the Licence. However, the combination of three speeding offences, the complete failure to notify any of them, the repeated failure to engage with the Licensing Authority and the need for the Council to suspend his Licence before obtaining the required information represented a significant departure from the standards expected of a professional Licensed Driver.

Accordingly, Members concluded that a three-month suspension together with mandatory completion of a RoSPA Defensive Driving Level 2 course and a requirement to familiarise himself with the Council's Taxi Policy was a reasonable, proportionate and necessary response to the circumstances of this case. Members were satisfied that this approach balanced the overriding need to protect the public whilst providing the Respondent with an opportunity to demonstrate that he understands and can comply with the responsibilities placed upon Licensed Drivers.

21. 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 previously appeared before a Regulatory Sub-Committee in November 2025, when her Driver's Licence was suspended for three months following numerous complaints relating to driving standards, customer service and conduct.

Members noted that following the completion of mandatory driving and customer service training and her return to Licensed driving, further concerns had arisen including an admitted offence of driving without due care and attention following a road traffic collision, complaints relating to driving standards and interactions with other Licensed Drivers, and a warning issued for over-ranking on a taxi rank.

Members received oral representations from the Respondent and her representative.

Decision

That the Respondent's Torbay Council Driver's 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.

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

Reasons for Decision

Having carefully considered all the written and oral representations, together with the Taxi Hire Policy, relevant statutory provisions as well as the Department for Transport Standards, Institute of Licensing Guidance and the leading Academic in this area. Members resolved to revoke the Respondent's Torbay Council Driver's Licence having been satisfied that, on the balance of probabilities, the Respondent was no longer a fit and proper person to hold a Hackney Carriage and Private Hire Driver's Licence.

In coming to their decision, Members carefully considered whether they would allow a person for whom they care, or any vulnerable person known to them, to travel alone in a vehicle driven by the Respondent. Members were not satisfied that they could answer that question in the affirmative. In accordance with the Department for Transport Statutory Guidance Taxi and Private Hire Vehicle Standards, where Members are not satisfied on the balance of probabilities that a driver remains fit and proper, the individual should not hold a Licence.

Members recognised that this was the second occasion the Respondent had appeared before a Regulatory Sub-Committee within a relatively short period of time. Members noted that on 6 November 2025 the Respondent's Driver's Licence had been suspended for three months on public safety grounds following nineteen complaints relating to poor driving standards, sleeping in a Licensed vehicle whilst on duty, failure to queue correctly on taxi ranks, refusing card payments and passengers, aggressive behaviour and poor attitude. Members further noted that, in an effort to address those concerns and assist the Respondent in remaining within the Licensed trade, the previous Sub-Committee had required the Respondent to complete both a RoSPA Advanced Driving Course and a Customer Service qualification before returning to Licensed driving.

Whilst Members acknowledged that the Respondent had completed both courses as required, they were concerned that shortly after returning to Licensed Driving, further complaints and concerns had arisen. Of particular concern to Members was the fact

that the incidents considered by this Sub-Committee had occurred after the Respondent had already undergone formal training and had already been the subject of significant regulatory intervention. Members therefore considered that the previous suspension and training requirements had failed to secure the improvement in standards that had been expected.

Members gave significant weight to the road traffic collision that occurred on 28 March 2026. Whilst recognising that Devon and Cornwall Police did not prosecute the matter before the Courts, Members noted that the Respondent had accepted responsibility for driving without due care and attention and that this had been formally recorded by the Police. Members did not accept the suggestion that the incident should be afforded little weight simply because the damage to the other vehicle was limited or because a driver improvement course had been offered. Members considered that a professional Licensed Driver must be held to a higher standard than an ordinary motorist and viewed the incident as further evidence of poor driving standards, particularly when the Respondent spoke about the incident they mentioned that the air bags had gone off in the vehicle and that the front wheel disc had snapped.

Members carefully considered the complaints alleging that the Respondent had followed Teignbridge Licensed Drivers operating within Torbay and had attempted to obtain photographs of those vehicles. Members accepted that the evidence fell short of conclusively proving the more serious allegations of stalking or harassment. Accordingly, Members did not place substantial weight upon those allegations and accepted that the term "stalking" may have overstated what could be proven from the evidence available.

However, Members were concerned by the Respondent's own admission that she had actively followed another Licensed vehicle in order to obtain a photograph and had taken it upon herself to investigate matters relating to other drivers. While Members noted that drivers had been requested to provide information regarding these drivers to the Union and Association representatives, it was noted that the guidance of the Institute of Licensing that Licensed Drivers should not take the law into their own hands and should conduct themselves professionally at all times. Members considered that even if motivated by concerns regarding drivers from outside the area, the Respondent had exercised poor judgement in pursuing another vehicle and involving herself in matters that should properly have been reported to the Licensing Authority. While Members considered there to be some mitigation in respect of this complaint, Members determined that it formed part of a broader picture concerning the Respondent's driving standards.

In relation to the over-ranking incident, Members noted that the Respondent had accepted being fourth in a three-car taxi rank and had suggested that she did not appreciate the seriousness of the matter. Members noted that the Respondent had already appeared before a Regulatory Sub-Committee relating to conduct and operational concerns within the taxi trade, and that the Licensing Authority had repeatedly communicated expectations regarding rank discipline. Members therefore considered the over-ranking incident to be another example of the Respondent failing to comply with the standards expected of Licensed Drivers.

Members also considered the Respondent's submissions that English was her fourth language, that she had experienced stress arising from family circumstances, including her father suffering a stroke, and that driving taxis remained her sole source of income. Members were sympathetic to those circumstances and accepted that they may have contributed to some of the pressures the Respondent was facing. However, Members were reminded that financial hardship is not a relevant consideration when determining whether a driver remains fit and proper and that public safety must remain the overriding consideration.

Of particular concern to Members was the cumulative nature of the evidence before them. Individually, some of the matters may not have justified revocation. However, Members were entitled to consider the entirety of the Respondent's licensing history, including previous complaints, the previous suspension, the requirement to complete remedial training, the admitted driving without due care and attention, the over-ranking offence and the subsequent complaints relating to driving standards and interactions with other drivers.

Members were mindful of the Institute of Licensing Suitability Guidance 2024, in particular noting that they were entitled to consider conduct which had not resulted in criminal convictions, that professional Licensed Drivers are expected to demonstrate appropriate conduct at all times, and that patterns of repeated unacceptable behaviour are likely to be of greater concern than isolated incidents.

Members concluded that the Respondent's regulatory history demonstrated a continuing pattern of poor judgement, disregard for Licensing requirements and driving standards falling below those expected of a professional Licensed Driver. Members were particularly troubled that these matters arose within months of the Respondent returning to Licensed driving after serving a suspension and completing mandatory training. Members were therefore not persuaded that any further warning, training requirement or period of suspension would be sufficient to address the concerns identified.

In determining the appropriate sanction, Members considered whether a further suspension could achieve the necessary objectives. However, Members concluded that having already been afforded a significant opportunity to improve through a previous suspension and training, there was little confidence that a further period of suspension would result in any meaningful change. Members therefore considered revocation to be the only reasonable and proportionate outcome.

Members further determined that the revocation should take immediate effect. In reaching that conclusion, Members were satisfied that the continuation of the Respondent as a Licensed Driver pending the expiry of the appeal period would pose a risk to public safety. Members considered that the evidence demonstrated ongoing concerns regarding the Respondent's driving standards, judgement and compliance with the standards expected of Licensed Drivers. Accordingly, Members concluded that immediate revocation was both necessary and proportionate in the interests of public safety.

In concluding, Members were not satisfied that the Respondent remained a fit and proper person to hold a Torbay Council Driver's Licence and therefore resolved to

revoke that Licence with immediate effect. No action was taken in respect of the Respondent's Hackney Carriage Vehicle Proprietor Licence.

Chair
