

Wednesday, 23 April 2025

REGULATORY SUB-COMMITTEE

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

Thursday, 1 May 2025

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 Johns

Councillor Barbara Lewis

Councillor Chris Lewis

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 Chairman/woman**
To elect a Chairman/woman 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 - 8)
To confirm as a correct record the Minutes of the meeting of a Regulatory Sub-Committee held on 27 February 2025 .
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. **Consideration of the fit and proper status of the holder of a dual Hackney Carriage and Private Hire Drivers' Licence** (Pages 9 - 38)
To consider a report that seeks consideration of the fit and proper status of the holder of a dual Hackney Carriage and Private Hire Drivers' Licence.
7. **Consideration of the fit and proper status of the holder of a dual Hackney Carriage and Private Hire Drivers' Licence** (Pages 39 - 76)
To consider a report that seeks consideration of the fit and proper status of the holder of a dual Hackney Carriage and Private Hire

Drivers' Licence.

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Minutes of the Regulatory Sub-Committee

27 February 2025

-: Present :-

Councillors Douglas-Dunbar, Foster and Barbara Lewis

11. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairwoman for the meeting.

12. Minutes

The Minutes of the meeting of the Sub-Committee held on 16 January 2025 were confirmed as a correct record and signed by the Chairwoman.

13. Consideration of the fit and proper status of the holder of a dual Hackney Carriage and Private Hire 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 had been received from the DVLA that a dual Hackney Carriage and Private Hire Driver's Licence Holder had been disqualified from driving and had since received additional penalty points. The dual Hackney Carriage and Private Hire Driver's Licence Holder had failed to meet specific requirements as set out in the current Taxi Policy 2022, by virtue of having failed to inform Torbay Council of his disqualification and also additional DVLA penalty points issued.

Decision

That Mr Pataki's Torbay Council dual Hackney Carriage and Private Hire 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.

Reasons for the Decision

Having carefully considered all the written and oral representations, Members unanimously resolved to revoke Mr Pataki's dual Hackney Carriage and Private Hire Driver's Licence having determined that in their opinion, he did not remain a 'fit and proper person' to hold a Torbay Council Driver's Licence.

In coming to their decision, Members carefully considered, having been charged with the responsibility to determine the Driver's 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. Members' unanimous answer to this question was an unequivocal 'no'.

Members heard from the Licensing Officer that Mr Pataki had failed to inform the Licensing Department of his speeding convictions in line with Torbay Council's Taxi Policy, or of his 6-month disqualification from driving, which had since expired, and which was only discovered by the Licensing Officer upon a routine check of the DVLA Licence database. Further, had the Licensing Department been informed of the disqualification, Mr Pataki's Torbay Council Driver's Licence would have been revoked and accordingly Mr Pataki would have been required to re-apply should he wished to resume work as a Taxi Driver, licensed by Torbay Council, after the disqualification had been lifted.

Within Mr Pataki's oral representation he confirmed that he cannot use the internet and therefore has to rely on others to undertake such administrative tasks for him. He could not recall who he asked to inform the Licensing Department of his disqualification but claimed that all driving convictions had been reported as required under Torbay Council's Taxi Policy. In response, the Licensing Officer reconfirmed that no such notifications had been received, aside from 3 points declared upon Mr Pataki's renewal application submitted in March 2023, and that had disclosures been made, appropriate and necessary action would have been taken in accordance with the Policy, to ensure public safety.

In deliberations, Members had regard to Torbay Council's Convictions Policy, within which disqualification from driving a vehicle faster than the permitted speed was classed as a Major Traffic Offence, and the Taxi and Private Hire Standards 2022 issued by the Department of Transport. Furthermore, the Institute of Licensing Suitability Guidance which states that *'any driver who has been disqualified as a result of totting up which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification'*.

Members noted that whilst Mr Pataki's DVLA Licence had been restored, it still carries a 3-point endorsement for a conviction that had occurred following his disqualification, for a further speeding offence that he had committed prior. Upon questioning, Mr Pataki agreed that speeding was not acceptable, however, Members were concerned that this did not prevent him from committing repeated speeding offences within a 3-year period which called into question Mr Pataki's safety and competency as a professional Licensed Driver. Furthermore, Mr Pataki had made the statement that he was grateful that, in respect of one occasion, the offence was for driving 33 miles per hour in a 30 miles per hour zone and not for a greater speed, being unaccepting of the fact that the speed of his vehicle was entirely within his control and was his responsibility.

Members were concerned with Mr Pataki's attitude which they found to be poor. In Members' opinion, Mr Pataki lacked any genuine remorse, and they could not be

confident that he would not repeat the same behaviour. Whilst Members were sorry to hear of events in recent years within Mr Pataki's personal life which had been difficult for him, Members felt his oral submission sought to justify his actions, and that he had no respect for the Taxi Policy supported by the fact that he could not recall when he last read it, other than when it was issued to him in 2008. Members were also mindful of the formal warning that was in place upon Mr Pataki's file relating to a breach of the Taxi Policy in 2021.

Members noted that Mr Pataki had held a Torbay Council Dual Hackney Carriage and Private Hire Driver's License since 2008, and that all Applicants must confirm as part of their renewal process, that they have read and understood the Taxi Policy, and that Mr Pataki would have therefore been aware of the Licensing Authority's Convictions Policy, and the requirement to share all convictions. Members noted the action which would have been taken by the Licensing Department had they been made aware of the disqualification, and that upon re-application Mr Pataki would have been subject to the Licensing Authority's Convictions Policy, and the requirement that 5 years would need to have passed before a Licence could be issued. Given the seriousness of disqualification Members determined that they saw no reason why they would depart from the Taxi Policy.

Whilst Members appreciated that due to a lack of competency with the internet, Mr Pataki had called upon friends to assist him, the responsibility to report convictions and to ensure that this had been done, in compliance with the Taxi Policy, lay directly with himself as the holder of a Torbay Council Driver's Licence. Members found it unlikely that all reports by those Mr Pataki had sought support from in reporting incidents would have gone astray or not been acted upon by Council Officers.

Members concluded that Mr Pataki Drivers' Licence should be revoked with immediate effect on the basis that Mr Pataki's conduct, as a professional driver, had fallen well below the high standard reasonably expected of a licensed driver, and not withstanding his mitigating circumstances, this coupled with the concerns above resulted in what Members determined to be a proportionate and appropriate response in the interest of public safety.

Chairwoman

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