

Wednesday, 29 October 2025

REGULATORY SUB-COMMITTEE

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

Thursday, 6 November 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 Douglas-Dunbar

Councillor Foster

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 Chair**
To elect a Chair 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 Sub-Committee held on 18 September 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. **Exclusion of Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.
7. **Review of a Torbay Council Driver's Licence** (Pages 9 - 54)
To consider a report of the fit and proper status of a Driver licensed by Torbay Council.

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Minutes of the Regulatory Sub-Committee

18 September 2025

-: Present :-

Councillors Chris Lewis, Pentney and Virdee

8. Election of Chairman/woman

Councillor Pentney was elected as Chair for the meeting.

9. Minutes

The Minutes of the meeting of the Sub-Committee held on 5 June and 12 June 2025 were confirmed as a correct record and signed by the Chair.

10. Exclusion of Press and Public

Prior to consideration of the items in Minute 11, 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).

11. Review of 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 an offence of assault by beating of an emergency worker under section 1 of the Assaults on Emergency Workers (Offences) Act 2018.. Furthermore, that 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 notify the Licensing Department of the initial arrest and charges made against her within the required 48 hours.

Members also received oral representations from the Respondent at the Hearing.

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.

On the separate issue of the Private Hire Proprietors Licence, the Respondents Private Hire Proprietors Licence also be revoked in accordance Section 60(1)(c) of the Local Government (Miscellaneous) Provisions Act 1976.

Reasons for Decision

In coming to their 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 respondent alone. Members answer to this question, was "no".

Members were tasked with determining whether the Respondent remained a fit and proper person to hold a Torbay Council Dual Hackney Carriage and Private Hire Driver's Licence. In doing so, Members considered the Respondent's conduct, character, and compliance with the Council's Taxi and Private Hire Licensing Policy ("the Policy"), as well as relevant statutory provisions and guidance.

Members determined that while the Respondent presented herself as sincere and gave generally good answers when speaking about her role as a driver, there was a significant failure in her understanding of the responsibilities associated with being a licensed driver. Members noted that although the Respondent had ticked the box confirming she had read the Policy, her responses indicated that this may not be the case, and that she had failed to grasp the expectations placed upon licensed drivers beyond the act of driving itself.

Members considered the nature and circumstances of the Respondent's previous convictions, including offences committed while under the influence of alcohol and most recent offence of assault of an emergency worker. Members were particularly concerned that these offences demonstrated a pattern of behaviour that extended beyond isolated incidents and reflected a lack of personal responsibility and poor judgement. Members noted that the Respondent had admitted to drinking all day prior to assaulting the emergency worker in her recent conviction and had not shown evidence of learning from previous convictions. The Respondent's explanation that she had pleaded guilty simply to "get things over with" was not accepted by Members as a responsible or credible approach to criminal proceedings, particularly where the Respondent claimed to feel strongly that she was innocent.

Members were further concerned by the Respondent's reaction during the incident which led to her recent conviction involving her daughter and the police, where she had reportedly lashed out at the police officer after being arrested. This behaviour, coupled with the nature of her previous offences, led Members to conclude that the Respondent had a character flaw which, under stress, could result in unpredictable and potentially unsafe behaviour. Members considered that the Respondent may have been fortunate that such behaviour had not occurred while she was carrying passengers, but that the risk remained.

Members were referred to Torbay Council's Hackney Carriage and Private Hire Licensing Policy and in particular the Criminal Convictions section at Appendix A, which sets out that convictions involving violence, alcohol, or other serious offences may result in suspension or revocation of a licence. Members were also directed to, and gave careful consideration of the Institute of Licensing's Suitability Guidance, which states that individuals convicted of offences involving abuse, exploitation, or harassment—whether or not involving violence—should not be licensed. Members considered that the Respondent's convictions and conduct fell within this category and fell far below the standard expected of a licensed driver.

In considering the Respondent's circumstances, Members were not satisfied that there were exceptional reasons to depart from the Hackney Carriage and Private Hire Licensing Policy. Members were mindful that financial hardship was not a relevant consideration in determining fitness and propriety, and that the protection of public safety must take precedence.

In conclusion, Members resolved to revoke the Respondent's Dual Hackney Carriage and Private Hire Driver's Licence with immediate effect, as Members, on the evidence before them, were not satisfied that the Respondent remained a fit and proper person to hold such a licence and determined that revocation was both necessary and proportionate to ensure public safety.

Members further resolved to revoke the Respondent's Private Hire Proprietor's Licence, having determined that the concerns regarding character and judgement extended beyond driving and into the broader responsibilities of vehicle operation and management.

Chair

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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