

Wednesday, 25 March 2026

REGULATORY SUB-COMMITTEE

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

Thursday, 2 April 2026

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 Foster (Chair)

Councillor Chris Lewis

Councillor Pentney

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 - 10)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 5 March 2026.
- 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 License** (Pages 11 - 42)
To consider a report of the fit and proper status of a Driver licensed by Torbay Council.

8. **Review of a Torbay Council Driver's License** (Pages 43 - 72)
To consider a report of the fit and proper status of a Driver licensed by Torbay Council.
9. **Review of Torbay Council Driver and Hackney Carriage vehicle proprietor Licences** (Pages 73 - 116)
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

5 March 2026

-: Present :-

Councillors Foster, Chris Lewis and Pentney

38. Election of Chair

Councillor Foster was elected as Chair for the meeting.

39. Minutes

The Minutes of the meeting of the Sub-Committee held on 29 January 2026 were confirmed as a correct record and signed by the Chair.

40. Declarations of interests

No declarations of interest were made.

41. Exclusion of Press and Public

Prior to consideration of the items in Minute 41, 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).

42. Review of Torbay Council Driver, Hackney Carriage Vehicle Proprietor and Private Hire Operator 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 several 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.

The Respondent was accompanied at the Hearing by two associates and 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 posed a risk to public safety 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, 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". In accordance with the Statutory Taxi and Private Hire Vehicle Standards (2022) Paragraph 5.4 if on the balance of probability the answer is 'no' the individual should not hold a licence and should not be 'given the benefit of the doubt'. If the committee or delegated officer is only '50/50' as to whether the applicant or licensee is fit and proper, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Members were concerned at the number of allegations contained within the Police information. Of particular concern was the period of time (2006 – 2019 and 2021 to date) where, even though no further action was taken by the Police, there was a clear pattern of behaviour being displayed by the Respondent. The Police information lists several reports of harassment, mirroring behaviour that the current complainants had also alleged in the evidence before Members of the Sub-Committee.

The Respondent's comment that he 'had been the unluckiest person' demonstrated a lack of self-awareness and responsibility for his actions. Members, when presented with the extensive evidence that was before them, considered it to be far-fetched for the Respondent to plead undue scrutiny, or that he had been unfairly singled out, when it is clear that the Respondent is articulate enough to be able to speak up. Members determined that the pattern of behaviour over the extensive time period was not due to the Respondent's 'bad luck' but as a result of his own actions and behaviours. Given the history of allegations contained within the Police information Members found that the complainant's accounts were more than likely to be an accurate reflection of what had occurred, and that the Respondent was a risk to public safety.

Members gave careful consideration to the Respondents submission that the complaints arose from a small number of individuals who were not independent of each other, categorising the incidents reported by the complainants as being as a result of business, financial, and family disputes and that all the complaints were colluding against him, specifically that his current ex-wife was colluding with his ex-mother-in-law and the Respondent's previous partner and that the Respondent's former business partner was colluding with a competitor who in turn was colluding with other licenced drivers. Members found the Respondents response to be fanciful noting that the evidence provided by the complainants showed a pattern of sustained behaviour and communication by the Respondent that was wholly inappropriate. Whilst the Respondents submission attempted to portray himself as the victim the evidence provided by the complainants suggested otherwise especially when taken into consideration with the older police matters. Whilst the Respondent had tried to create a narrative of victim he did not attempt to deny the behaviour, the Respondent did not deny for example that he was sat outside the home of his business partner in the middle of the night, or explain why he had sent an excessive amount of text messages, when he had been asked to stop, a request that was not unreasonable given that the Respondent continued to send messages into the early hours of the morning and for days on end.

Members also found the Respondent to be very indifferent towards directions being imposed by the family court and they recognised, that whilst a non-molestation order was not imposed, non-compliance with that set out within the 'General Form of Undertaking' could result in the Respondent being found in contempt of court and imprisoned, fined or assets seized. Consequences that should be taken seriously.

Whilst the behaviour reported by the complainants was very concerning and cause to consider revocation on their own, Members found the Respondents attitude towards the vehicle requirements to fall below the standard expected of him. Members noted that the Respondent had the night before the Sub-Committee sold his Hackney Carriage Vehicle thereby resulting in the Respondent no longer being a Hackney Carriage Proprietor, however, the evidence provided in relation to this vehicle remained relevant as it contributed to the overall picture as to whether the Respondent was a 'fit and proper person' to hold a Hackney Carriage and Private Hire Drivers Licence. Members could not ignore the fact that the Respondents Hackney Carriage Vehicle was booked and conveyed passengers 42 times whilst untaxed. Members considered the Respondents reasons for having an untaxed licenced vehicle but could not discount the evidence from multiple sources that the Respondent was the Registered Keeper of the vehicle and should have ensured that it was taxed. Members found the reaction of the Respondent to expect every driver to undertake an online check of the vehicle tax every day to be extreme. If the Respondent was as well organised and professional as he portrays himself to be, he would know that his vehicle was taxed and when the tax was due to be renewed without the need for daily checks.

Furthermore, Members noted the Respondents failure to provide booking information to the Licensing Team when required, demonstrating that the Respondent did not understand his responsibilities or requirement of his Private Hire Operator Licence and rather than provide the information, he queried with other drivers whether the Licensing Team could request such information. It was also not lost on the Members

of the Sub-Committee that the Respondent had not implemented an appropriate vehicle dispatch system until the Licensing Team had found that the Respondent had not been recording the correct information as per the conditions of his Private Hire Operators Licence.

With regards to the incident of driving whilst on video call, Members found the Respondents account of being parked in a layby and having to move up for another vehicle to be incompatible with the finding in the warning received that the video clearly shows the Respondent's eyes leave the road and the vehicle was moving. Whilst Members recognised that you may have been undertaking a supervised call with your child at a required time, you should have made a telephone call using a phone in a cradle and that a video call regardless of whether the phone is hands free is a motoring offence. Whilst you were issued a warning for this incident, this incident together with the others aforementioned built a picture that the Respondent did not recognise his responsibilities as a licenced driver for Torbay Council or a private hire operator, which given that the Respondent had only been licenced for 12 months is incredibly disappointing.

Members also recognised that the Respondent's response in disputing the warning issued for this incident also presents a pattern of behaviour whereby the Respondent seeks to complain in order to deflect the blame. In addition, Members were alarmed at the threats the Respondent made against the Complainants who the Respondent considers to have wronged him. Members perceived this behaviour to merely feed the Respondents own narrative of being hard-done by and people being out to get him.

Members were also mindful of paragraphs 4.10 to 4.20, 4.33, 4.36, 4.59 and 4.67 of the Institute of Licensing suitability Guidance 2024 which states:

- 4.10 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.11 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a taxi or private hire proprietor's licence.
- 4.12 "Fit and proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership⁶⁰) is "safe and suitable" to hold the licence.
- 4.13 In determining safety and suitability, the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the taxi or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament. The categories of

behaviours described below are introduced as “offences” which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

- 4.15 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute, police decide on no further action (NFA), bailed, released under investigation or where an investigation is continuing) can and will be taken into account by the licensing authority.⁶³ In addition, complaints and or investigations where there was no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.17 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.18 Any offences committed, or unacceptable behaviour reported whilst driving a taxi or private hire vehicle, concerning the use of a taxi or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the taxi and private hire trades will not be seen as mitigating factors.
- 4.19 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.20 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.33 As stated above, the categories of behaviours described below are introduced as “offences” which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.
- 4.36 Offences involving exploitation and criminal harassment

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, stalking without violence, but this is not an exhaustive list.

Behaviours

- 4.59 Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.

Private Hire Operators

- 4.67 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, except motoring offences to recognise the operator is not connected with the use of a vehicle, which are outlined above.

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. Furthermore, Members noted that a Hackney Carriage and Private Hire Licenced Driver is a notifiable occupation under the Rehabilitation of Offenders Act. Had the Police provided the intelligence as part of the due diligence on the Respondent's original application, Licensing Officers would have referred the application to Members to determine.

Chair

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

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