

Minutes of the Regulatory Sub-Committee

5 June 2025

-: Present :-

Councillors Douglas-Dunbar, Foster and Stevens

1. Election of Chairman/woman

Councillor Foster was elected as Chairwoman for the meeting.

2. Minutes

The Minutes of the meeting of the Sub-Committee held on 1 May 2025 were confirmed as a correct record and signed by the Chairwoman.

3. Exclusion of Press and Public

Prior to consideration of the items in Minute 4, 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).

4. Application for Torbay Council Driver's Licence

Members considered a report that set out relevant facts relating to an application for a Torbay Council issued dual Hackney Carriage and Private Hire Driver's Licence.

The Licensing Officer presented the report which set out information contained within the application that the Applicant had been convicted of drink driving on 2 May 2018 and that the Applicant had read the Taxi Policy which states at Section 6:

'A licence will not normally be granted until at least seven years have passed since the completion of any sentence or driving ban following conviction for an offence shown below:

- Driving or being in charge of a vehicle while under the influence of drink'.

Members were requested to determine the application based on the facts before them, whether or not the applicant of the dual Hackney Carriage and Private Hire Driver's Licence was a fit and proper person to hold such licence.

At the hearing, the Applicant addressed Members and responded to their questions.

Decision

That the application for a Torbay Council Dual Hackney Carriage and Private Hire Driver's Licence be refused.

Reason for Decision

Having carefully considered the application and all the written and oral representations, Members unanimously resolved to refuse the application.

Members heard from the Licensing Officer that the Applicant had made the appropriate disclosure within their application, of a criminal conviction, confirmed within the Enhanced Disclosure and Barring Service (DBS) certificate showing that the Applicant held one conviction for the offence of driving a motor vehicle with excess alcohol resulting in a driving disqualification for 24 months.

Members were directed to the Taxi & Private Hire Vehicle Licensing Criminal Convictions Policy (the Policy), found at Appendix A of the Taxi Policy, which clearly states at paragraph 6.1 that

A Licence will not normally be granted until at least seven years have passed since the completion of any sentence or driving ban following conviction for an offence shown below:

- *driving or being in charge of a vehicle while under the influence of drink*

Furthermore, Members considered the Institute of Licensing Suitability Guidance 2024 at paragraph 4.51 which states:

"Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed"

Members noted the Applicant's regret, remorse, and reflective manner before them, and their honesty in admitting that they were aware of the Taxi Policy and the requirement within the Convictions Policy that 7 years must elapse from the end of any disqualification before a licence can be held. However, Members determined that as the Applicant could not satisfy the Policy requirements due to insufficient time having passed, that they were not a fit and proper person to hold a Torbay Council Drivers Licence.

In coming to their decision, Members considered the Applicant's submissions in relation to why they should depart from the Policy, being so that they could provide the best life for their family being the only wage earner, but did not consider these to be exceptional circumstances which would justify departure. Members were also mindful of the seriousness of the offence of which the Applicant was convicted.

In concluding, having carefully considered the all the evidence before them, the criteria set out in Torbay Council's Taxi Policy, and the Institute of Licensing Suitability

Guidance, Members unanimously resolved to refuse the application at this time determining that the Applicant was not fit and proper at this time in that they did not meet the Taxi Policy requirements and there were no exceptional circumstances to depart from it. This resulted in what Members determined to be a proportionate and appropriate decision, in the interest of public safety.

Chairman/woman

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