

Minutes of the Regulatory Sub-Committee

16 January 2025

-: Present :-

Councillors Douglas-Dunbar, Foster and Barbara Lewis

8. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chair for the meeting.

9. Minutes

The Minutes of the meeting of the Sub-Committee held on 11 July 2024 were confirmed as a correct record and signed by the Chairwoman.

10. Application for Torbay Council Driver's Licence

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

Members were requested to determine 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 all the evidence before them, Members unanimously resolved to refuse the application, as they found no reason to depart from Torbay Council's Taxi Policy.

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 Applicant alone. Members' unanimous answer to this question was an unequivocal 'no'.

Notwithstanding the Applicant's remorse and reflective manner before Members, Members could not be satisfied at this time that the Applicant had the required characteristics and awareness to be a licensed driver, given the history and repeat inaccuracies submitted on the application form.

Members considered that whilst the Applicant had stated that a friend had assisted in completing the application form, that the responsibility lay directly with himself as the Applicant. Honesty is integral to the application, and Members found him to be dishonest when completing the form on this occasion.

Members noted that as the Applicant had held a Torbay Council Dual Hackney Carriage and Private Hire Driver's License previously and all Applicants must confirm at the submission stage of their application that they have read and understood the Taxi Policy, and given that a previous Committee had found him to be dishonest on the same inaccurate submission, that the Applicant would have been aware of the Licensing Authority's Convictions Policy, and the requirement to share all convictions.

Members in consideration of all of the Applicant's submission, found him to be naive in that which was required of a professional driver licensed by Torbay Council. Though, Members did not have concerns about the Applicant's driving ability.

In conclusion, Members had careful regard to the criteria set out in Torbay Council's Hackney Carriage and Private Hire Policy and resolved in this instance, that the Applicant was not fit and proper, and found that there was no justified reason to depart from the Policy. This, coupled with the concerns referred to above, resulted in what Members determined to be a proportionate and appropriate decision, in refusing the application at this time, in the interest of public safety.

Chairwoman