

LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 20 NOVEMBER 2025

Present:

Councillors Hayes (Chair), Horner and Peart

Apologies:

Councillors Dawson

Officers in Attendance:

Legal Officer, Licensing Officer

228. APOLOGIES

Apologies received from Cllr Dawson.

229. DECLARATIONS OF INTEREST (IF ANY)

None.

230. MINUTES

The Minutes of the Meetings held on 3 October 2025 and 5 November 2025 were approved as a correct record and signed by the Chair.

231. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - DY63 VKL

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in November 2026, with no advisories. The vehicle had also passed its annual taxi inspection test with two advisories. The Applicant was in attendance and addressed the Sub-Committee confirming that a garage always services and maintains the car and the suspension issues mentioned in previous MOT's had been fixed.

The Sub-Committee commented that the vehicle appeared to be kept in a good and sound condition although noted the age of the vehicle and higher mileage. The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the Hackney Carriage Vehicle Licence Extension as detailed in the report with the additional condition that the vehicle undergoes a four-month vehicle test to monitor the condition of the vehicle due to its age.

232. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - WD65 DHL

The Sub-Committee noted that the vehicle application had been withdrawn due to no MOT test.

233. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - GM15 GUE

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in November 2026, with no advisories. The vehicle had also passed its annual taxi inspection test. The Applicant was in attendance and addressed the Sub-Committee confirming the exhaust emissions had failed due to a DPF filter which has now been changed along with the oil and has the vehicle then passed the test with no further issues.

The Sub-Committee commented that the vehicle appeared to be kept in a good and sound condition although noted the age of the vehicle and higher mileage.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the Hackney Carriage Vehicle Licence Extension as detailed in the report with the additional condition that the vehicle undergoes a four-month vehicle test to monitor the condition of the vehicle due to its age.

234. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - AP15 TZS

The Sub-Committee noted that the vehicle application had been withdrawn due to failure of vehicle tests.

235. REQUEST FOR HACKNEY CARRIAGE VEHICLE - KU67 HPL

The Sub-Committee noted the information provided by way of the report, including that the vehicle is over the policy limit as it is 8 years of age. The Sub-Committee noted that the vehicle's MOT certificate expires in April 2026, with no advisories. The vehicle had also passed its annual taxi inspection test with two advisories. The Applicant was in attendance and addressed the Sub-Committee confirming that the headlight had been replaced as had the tyres.

The Sub-Committee commented that the vehicle appeared to be kept in a good and sound condition.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the new Hackney Carriage Vehicle Licence as detailed in the report with the additional condition that the vehicle undergoes a six-month vehicle test to monitor the condition of the vehicle due to its age being over the Council's licensing policy.

236. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

It was proposed by Cllr Hayes and seconded by Cllr Peart that the meeting move into Part II to consider the following agenda items.

It was unanimously

RESOLVED: that the meeting move into Part II to consider the following agenda items.

237. APPLICATION FOR HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee noted that the application had been withdrawn at the Applicant's request.

238. APPLICATION FOR HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee gave consideration to a report presented by the Licensing Officer (previously circulated) in which determination was sought in respect of an application for a new Hackney Carriage Driver's Licence.

The Applicant attended the meeting in person, and answered questions put to him by the Sub-Committee. The Applicant was not accompanied by a representative.

Arising from consideration of the report, evidence presented and in accordance with the Council's procedure for hearings, it was moved by Councillor Hayes and seconded by Councillor Horner, and

RESOLVED that the application for a new Hackney Carriage Drivers Licence be refused under Section 59 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976, so as to promote public safety. The Sub-Committee felt that the conduct of the Applicant as set out in the Report, supported its view that they are not a fit and proper person to hold such a Licence.

Reasons for the decision:

Members noted the information set out in the report relating to the Applicant's previous conviction for criminal damage and revocation of licence by a neighbouring authority. The Sub-Committee noted that even if convictions are spent, they are still considered relevant as the driving of taxis is a 'Regulated Occupation'. As such questions may be asked as to the suitability of an individual to be granted a licence.

The Sub-Committee noted that the Applicant's licence had been revoked by a neighbouring council due to this conviction and subsequently failing to disclose this within the 7 days required and additionally failing to disclose on reapplication to renew the taxi driver's licence. The Sub-Committee also noted that the conviction and licence revocation were not disclosed on the initial application made to Teignbridge District Council.

The Sub-Committee heard from the Applicant regarding the circumstances that led to the conviction and accepted that this happened some time ago. The Sub-Committee expressed some empathy to the Applicant but considered it necessary to take the conviction into account. The Applicant informed the committee that he had misunderstood the application form and did not think he was required to disclose the conviction due to it being so long ago, and because his basic DBS check had come back clear he thought it was no longer relevant. He had not set out to intentionally mislead the Licensing Officers.

The Sub-Committee thanked the Applicant for appearing before them and noted that he appeared remorseful. However, all factors combined meant that the committee did not consider that the Applicant was a fit and proper person. The Sub-Committee were concerned that the Applicant had not disclosed the conviction on his application and had not spoken to the Licensing Team or the agent acting for him to clarify any potential misunderstandings as to whether he should list them. The Sub-Committee were also concerned that the conviction was one for criminal damage which showed a level of aggression from the Applicant. Taxi drivers are held to a higher standard and may face challenging circumstances that need to be dealt with appropriately. There were concerns from the Sub-Committee about how the Applicant may react to difficult situations due to his history.

Applying the test of whether Members of the Sub-Committee would be happy for a person they cared about or a vulnerable person to travel alone in a vehicle with the Applicant, it was concluded after significant deliberation that they would not. The Sub-Committee noted its overriding duty to the public, and of the importance of public safety and considered that, on balance, there was cause to show that the Applicant was not a fit and proper person to hold a Licence.

The Sub-Committee therefore considered given the circumstances of this case that it be reasonable and proportionate to refuse the application for a new Hackney Carriage Drivers Licence.

239. APPLICATION FOR COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE

The Sub-Committee gave consideration to a report presented by the Licensing Officer (previously circulated) in which determination was sought in respect of an application for a new combined Hackney Carriage & Private Hire Vehicle Driver's Licence.

The Applicant attended the meeting in person and answered questions put to him by the Sub-Committee. The Applicant was not accompanied by a representative.

Arising from consideration of the report, evidence presented and in accordance with the Council's procedure for hearings, it was moved by Councillor Hayes and seconded by Councillor Peart, and

RESOLVED that the application for a new Hackney Carriage Vehicle Drivers Licence be refused under Section 59(1)(a)(i) and Section 51(1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976, so as to promote public safety. The Sub-Committee felt that the conduct of the Applicant as set out in the Report, supported its view that they are not a fit and proper person to hold such a Licence.

Reasons for the decision:

Members noted the information set out in the Report relating to the Applicant's current licence endorsement MS90 - Failure to give information as to the identity of driver, which was received in July 2024. This was received following a speeding offence which occurred in May 2024. The Sub-Committee noted that even if convictions are spent, they are still considered relevant as the driving of taxis is a 'Regulated Occupation'. As such questions may be asked as to the suitability of an individual to be granted a licence. The Sub-Committee were told that the Applicant had been upfront about this offence.

The Applicant explained to the Sub-Committee the circumstances that led to receiving this licence endorsement. He had lent his mother his car and she had been caught speeding. When the letter came through from the police asking for details of the driver the letter was handwritten and did not appear to be genuine. The Applicant thought it was a scam and did not want to provide his mother's details due to this concern. The Applicant passed around copies of the letters he had received from the police which the Sub-Committee considered. The Applicant continued to explain that at around the same time his vehicle numberplate had been cloned, and he had received tickets from London, making him concerned the speeding offence was also a scam.

The Applicant continued and said he had emailed the police who provided him with different contact details to use to confirm if this was a scam, but he received no response to his email. Following this, once he finally became aware this wasn't a scam, he then wrote to the police and courts to explain the confusion and accept the charge. The Applicant explained he had misunderstood the UK system and once aware he complied fully with what was requested. In response to questions the Applicant confirmed that his mother was fully insured and able to drive the car legally.

The Sub-Committee thanked the Applicant for appearing before them and for answering their questions. However, all factors combined meant that the Sub-Committee did not consider that the Applicant was a fit and proper person. The Sub-Committee noted that the Applicant appeared remorseful and other than the offence in question the Applicant's record appeared clear. They also noted that he had disclosed the offence on his application. However, the Sub-Committee were not completely satisfied by the reasons given by the Applicant for believing that the letters received from the police were a scam and therefore not providing details as legally required.

The Sub-Committee had seen the letters received from the police which were on headed paper and the information relating to the offence was the only handwritten part of these. The Sub-Committee felt these looked official and did not feel that they could have been mistaken for a scam. The Sub-Committee also felt that if the Applicant was truly concerned about a scam, he should have followed this up more thoroughly with the Police and chased if a response had not been received from any enquiries he made.

The Sub-Committee felt that by not disclosing who had been driving the car this indicated dishonesty over who had actually been driving and perhaps this had in fact been intentional. There was concern due to this that the Applicant was not a fit and proper person to hold a licence at this time.

Applying the test of whether Members of the Sub-Committee would be happy for a person they cared about or a vulnerable person to travel alone in a vehicle with the Applicant, it was concluded after significant deliberation that they would not. The Sub-Committee noted its overriding duty to the public, and of the importance of public safety and considered that, on balance, there was cause to show that the Applicant was not a fit and proper person to hold a Licence.

The Sub-Committee therefore considered given the circumstances of this case that it be reasonable and proportionate to refuse the Applicant's application for a new Combined Hackney Carriage & Private Hire Drivers Licence.

Cllr Hayes
Chair