

LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 18 DECEMBER 2025

Present:

Councillors Horner, Gearon and Peart

Members Attendance:

Councillors MacGregor

Apologies:

Councillors Atkins and Henderson

Officers in Attendance:

Legal Officer & Licensing Officer

240. APPOINTMENT OF CHAIR

It was proposed by Cllr Gearon and seconded by Cllr Horner that Cllr Peart be appointed Chair for the duration of the meeting; and

Unanimously,

Resolved: that Cllr Peart be appointed Chair for the duration of the meeting.

241. APOLOGIES

Apologies received from Cllrs Atkin and Henderson.

242. DECLARATIONS OF INTEREST (IF ANY)

None.

243. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - H574

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 August 2026, with no advisories. The vehicle had also passed its annual taxi inspection test on 3 December 2025. The Applicant was not in attendance and did not send a representative.

The Sub-Committee commented that the vehicle appeared to be kept in a good and sound condition although noted the age of the vehicle was now above the Council's policy.

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 six-month vehicle test to monitor the condition of the vehicle due to its age.

244. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - H011

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 1 minor defect and six advisories. The vehicle had also passed its annual taxi inspection test on 10 December 2025 with no advisories. The Applicant was not in attendance and did not send a representative.

The Sub-Committee commented that the vehicle appeared to be kept in a good and sound condition although noted the age of the vehicle was above the Council's Hackney Carriage and Private Hire vehicle licensing policy.

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 six-month vehicle test to monitor the condition of the vehicle due to its age.

245. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - H537

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 on 10 December 2025 with an advisory. The Applicant was in attendance and was given a chance to address the Sub-Committee. The Applicant confirmed that the tyres have now been changed and provided an invoice showing this.

The Sub-Committee commented that the vehicle appeared to be kept in a good and sound condition although noted the age of the vehicle was now above the Council's Hackney Carriage and Private Hire vehicle licensing policy.

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 six-month vehicle test to monitor the condition of the vehicle due to its age.

246. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - H616

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 3 advisories. The vehicle had also passed its annual taxi inspection test on 20 November 2025. The Applicant was in attendance and was given a chance to address the Sub-Committee. The Applicant confirmed that the advisories on the MOT had all 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 was now above the Council's Hackney Carriage and Private Hire vehicle licensing policy.

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 six-month vehicle test to monitor the condition of the vehicle due to its age.

247. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - H580

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 December 2026, with no advisories. The vehicle had also passed its annual taxi inspection test on 10 December 2025 with 4 advisories. The Applicant was in attendance and was given a chance to address the Sub-Committee. The Applicant confirmed that the advisories on the vehicle test would be fixed in time.

The Sub-Committee commented that the vehicle appeared to be kept in a good and sound condition although noted the age of the vehicle was above the Council's Hackney Carriage and Private Hire vehicle licensing policy.

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 six-month vehicle test to monitor the condition of the vehicle due to its age and advisories listed.

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

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

It was unanimously

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

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

The Applicant attended the meeting in person with his wife and he answered questions put to him by the Sub-Committee.

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

RESOLVED that the application for a new Hackney Carriage / Private Hire Drivers Licence be refused under Section 51 (1)(a) and 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 revocation of a taxi licence by a neighbouring authority in July 2024. The Sub-Committee noted that the Applicant's licence had been revoked by a neighbouring council due to failing to report a collision and being dishonest as to the circumstances of this collision. The Sub-Committee noted that the licence revocation was disclosed on the initial application made to Teignbridge District Council.

The Sub-Committee heard from the Applicant regarding the circumstances that led to the collision and in response to questions he confirmed that he hadn't reported the collision and had been dishonest as to the circumstances as it had never happened to him before, he was unsure what he should do and worried he would lose his licence which he needs to support his family. He has been driving taxis since 2016 and regrets what happened. The Applicant continued and stated he really regrets what happened but that at the time he was under a lot of stress in his personal life, and it had all become too much for him.

In response to further questions relating to speeding offences which were not declared to the previous authority, the Applicant explained that he thought the DVLA check carried out on all drivers by Local Authorities would confirm this and therefore he didn't need to report it. The Licensing Officer then clarified to the Sub-Committee that they always check DVLA licences for new drivers and intermittently for current drivers. The Licensing Officer also explained that there will always be a specific time frame for reporting any incidents and for providing evidence a vehicle is safe to drive, although this may differ between Licensing Authorities.

The Applicant confirmed to the Sub-Committee that the vehicle had scratches and a small dent resulting from the collision. A garage was contacted straight away to fix these. The Applicant again stated his regret for what happened and acknowledged his mistake. He is asking for a chance to prove himself and show he is a responsible person who can safely carry passengers.

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 noted that whilst the licence revocation had been declared by the Applicant, the circumstances surrounding the collision and subsequent revocation were concerning. The Sub-Committee felt that there appeared to have been a series of bad decisions made by the driver who had been licensed for some years and that the behaviour fell well below that expected of a licensed driver. The Sub-Committee also noted the dishonesty surrounding the circumstances of collision which happened when a child was in the car, which only came to light once the previous Licensing Authority received a complaint.

There were further concerns that the Applicant had received convictions for exceeding the statutory speed limit on two occasions which were not disclosed to the previous Licensing Authority and that the CCTV footage of the collision showed the vehicle appeared to be driving too fast for the road conditions, further putting the public at risk.

Taxi drivers are held to a higher standard and may face challenging circumstances that need to be dealt with appropriately. There were further concerns from the Sub-Committee about how the Applicant may react to difficult situations due to his history of dishonesty when reporting incidents.

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 Combined Hackney Carriage / Private Hire Drivers Licence.

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

The Applicant attended the meeting in person, and he answered questions put to him by the Sub-Committee. The Applicant did not have 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 Peart and seconded by Councillor Horner, and

RESOLVED that the application for a new combined Hackney Carriage / Private Hire Driver's Licence be granted under Section 51(1)(a) and Section 59(1)(a) of the Local

Government (Miscellaneous Provisions) Act 1976. The Sub-Committee felt that the conduct of the Applicant, supported its view that they are 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 caution and the reasons why the application for a licence was refused at officer level. The Licensing Officer stated that the caution was not disclosed on the application or during the driver interview.

The Applicant was given an opportunity to address the Sub-Committee and clarified that he had declared the caution to his agent who had omitted to include this. His agent had subsequently sent a letter through explaining that the Applicant had declared everything and that it was omitted from the application form in error. The Applicant further explained that he was interviewed by one officer and only asked one question which was how he should park in a taxi parking bay, but the caution itself was not raised although he was prepared to talk about it if questioned.

The Licensing Officer explained that at the time of interview they were not aware of a caution as the DBS certificate had not been received, and it had not been declared. The Applicant stated that at this point he was unaware that the caution had not been disclosed and felt that it was unreasonable to expect him to raise this again. The Applicant also noted that the agent's letter did not appear to have been included as part of the report, although the omission was mentioned in the officer's presentation at the start of the hearing.

The Licensing Officer explained to the Sub-Committee the process of submitting an application and felt that the Applicant should maybe have mentioned the caution during the interview. The Applicant then confirmed he had not been asked any questions at interview and that the interviewee had said she didn't know what she was doing because it was new and that whilst he does not like to acknowledge the caution, he was prepared to speak about it if questioned. He had been upfront with his agent who had said it should not be an issue, but they would disclose it in any event.

The Sub-Committee asked the Licensing Officer the process of the interview as if an Applicant is not asked specific questions, then they wouldn't necessarily expect to answer or bring the issue up. The Licensing Officer explained that public safety is paramount, and the driver's interview is not a normal interview with set questions such as if applying for a job. It is to help establish if someone is 'fit and proper' to hold a licence taking into consideration that decisions on suitability are made on the balance of probability and applicants should not be given the benefit of the doubt. If the officer is only '50/50' as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The Applicant then clarified that he does not remember being asked any questions and that it seems unfair for the onus to be on an applicant to bring up issues, questions or responses if not asked. The Licensing Officer responded and explained to the Sub-Committee that questions were asked at interview based on specific parts of the policy that were handed to the applicant to read.

The Applicant continued and stated that he accepts responsibility for the incident. And is taking steps with his doctor to help balance his mood to be able to deal with incidents in a more neurotypical way. The Applicant really feels that this is helping and doesn't believe any issues have been raised about him since. The Applicant understands how it looks but he stressed that whilst he can overreact on issues that are really important to him, there is nothing else on his record and he understands the responsibilities he would have as a taxi driver.

The Licensing Officer added that the applicant was interviewed by 2 officers, and that the Applicant had initially stated he had been asked one question at interview and then stated he had not been asked any and further said he couldn't remember.

The Committee thanked the Applicant for appearing before them and noted that he had taken responsibility for what had happened. The Sub-Committee felt that the Applicant's attitude to the caution and the fact that he has been obtaining support from his doctor to prevent further incidents indicated that he was a fit and proper person to hold a licence.

When considering the Council's Taxi and Private Hire Policy the Sub-Committee were mindful that each case must be decided on its own merits. The Sub-Committee considered that this appeared to have been an isolated incident, and no other concerns had been raised about the Applicant since. The Sub-Committee also noted that there had appeared to have been a massive mix-up in relation to the application form and declaration of the caution with no obvious intent to deceive. The Sub-Committee could also understand why the Applicant had not brought up the caution during the interview process.

The Sub-Committee noted its overriding duty to the public, and of the importance of public safety but considered that, on balance, there was no cause to show that the Applicant was a risk to the public and was not a fit and proper person to hold a Licence.

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.

Taking the Council's Licensing Policy into consideration, along with the Applicant's submissions, the Sub-Committee considered given the circumstances of this case that it be reasonable to approve the Applicant's request for a new combined Hackney Carriage / Private Hire Drivers Licence as set out in the report.

Cllr Peart
Chair

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