



**Please reply to:** Mr Shaun Rackley

Licensing & Public Protection  
Town Hall  
Castle Circus  
Torquay  
Devon  
TQ1 3DR

Mr G Tamplin



**My ref:** M:005584/SAR

**Your ref:**

**Telephone:** 01803 208025

**Website:** [www.torbay.gov.uk](http://www.torbay.gov.uk)

**Date:** 18 August 2020

---

Dear Mr Tamplin

**Local Government (Miscellaneous Provisions) Act 1976  
Dual Hackney Carriage and Private Hire Drivers Licence No: LD0262**

I am writing to you following your notification by email about receiving 6 points on your DVLA Licence.

It is a matter of great concern that you have now received a total of 9 points on your DVLA licence within one licensing year, albeit, you was not awarded the most recent set of points until recently, however, the offence did take place in the last licensing year.

After carrying out a DVLA licence check, the offences listed on your DVLA licence are as follows:

Offence – SP30 Exceeding statutory speed limit on a public road - dated 12<sup>th</sup> June 2019 – 3 penalty points

Offence – MS90 Failure to give information as to identity of driver – dated 12<sup>th</sup> December 2019 – 6 penalty points

The current Policy states, at Paragraph 5.13:

*“Where an existing licensed driver receives more than 9 (nine) penalty points on their driving licence that are current at any given time, that driver will be required to appear before a Licensing Sub-Committee. This will be in order to explain the circumstances and for consideration as to whether they remain a ‘fit and proper’ person to continue to hold a Torbay Council dual drivers licence.”*

The Policy also states, at Appendix A; Paragraph 7.2:

*“In the case of a licensed driver accumulating nine or more penalty points the Licensing Authority may refuse to renew, suspend or revoke the licence. If a licence is revoked, no*

---

Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts

**If you require this in a different format or language, please contact me.**

*further application will be considered until a period of at least 12 months free from convictions of this type has elapsed. A list of minor traffic offences can be seen in table 1."*

Because of the seriousness of the most recent offence of failing to give information and the fact you have 9 penalty points on your DVLA licence in such a short period of time, I must now refer the matter to Torbay Councils Licensing Sub Committee for consideration as to your fit and proper status to remain licensed by this authority. You are therefore, advised that a date will be set for a hearing to which you will be invited and given opportunity to address the Committee.

The Licensing Sub Committee will consider the nature of the convictions and will take account of any testimony that you may wish to put forward. In advance of the hearing therefore, I request from you, written explanation and a summary of the incidents leading to each conviction and details of any mitigating factors that may assist your case.

Whilst no decision has been made as to the future status of your Torbay Council drivers' licence, I must advise you of the serious nature of this matter. The Licensing Sub-Committee will decide on what action to take, if any. This could range from a warning about your future conduct, through to revocation of your Torbay Council issued Licensed Drivers badge. In view of this I stress the importance of timely and detailed information being supplied to me that I may then put before Committee for consideration. I request that you submit the above information, in writing, to include any matter (including any mitigating circumstances) that you believe to be relevant by **no later than Tuesday 1<sup>st</sup> September 2020**.

The Licensing Sub-Committee will be established to take place soon after that date and you will be written to further to advise you of the date and time of the hearing.

**Should you need to contact us please quote the reference number above.**

Yours sincerely

Mr Shaun Rackley  
Licensing Officer  
Licensing & Public Protection

*Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.*