



Please reply to: Mr Shaun Rackley
Licensing & Public Protection
Town Hall
Castle Circus
Torquay
Devon
TQ1 3DR

Mr L P Calderbank

My ref:

Your ref:

Telephone: 01803 208025

Website: www.torbay.gov.uk

Date: 09 November 2020

Dear Mr Calderbank

Local Government (Miscellaneous Provisions) Act 1976

Dual Hackney Carriage and Private Hire Drivers Licence No: LD0559

I am writing to you following your notification by email on the 9th October 2020 about a possible conviction. I emailed you on the 20th October 2020 requesting further information to assist me in this matter, however, to date you have failed to respond.

As you have failed to respond, I requested further information from South and West Devon Magistrates Court relating to your case and I have been informed you have been convicted of the following offence:-

On 03 March 2020 at Torquay in the County of Devon assaulted PC _____ an emergency worker, namely Police constable, acting in the exercise of his functions as such a worker, by beating him.

Contrary to section 39 of the Criminal Justice Act 1988 and section 1 of the Assaults on Emergency Workers (Offences) Act 2018.

Torbay Council's current taxi Policy states, at Appendix A; Paragraphs 3.4 and 3.5:

"3.4 - A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) that replace the offences below and the conviction is less than 10 years old prior to the date of application:

- Arson, with intent to endanger life
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot

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

- Assault on Police
- Racially aggravated offences
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit offences), which replace the above

3.5 - In the case of a licensed driver being convicted of any of the above offences, the Licensing Authority may suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 10 years free from the date of conviction has elapsed.

Because of your conviction, 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. The date for this hearing will take place on **Thursday 3rd December 2020 at 09:30 hrs**. You will be contacted before this date with an invite to attend, where you will be given the opportunity to address the Committee.

The Licensing Sub Committee will consider the nature of the conviction 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 incident leading to the 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 Friday 13th November 2020**.

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.