



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

Mr J Lawrence-Ball

[REDACTED]
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[REDACTED]
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My ref: M:007584/SAR
Your ref:
Telephone: 01803 208025
Website: www.torbay.gov.uk
Date: 11 December 2020

Dear Mr Lawrence-Ball

**Local Government (Miscellaneous Provisions) Act 1976
Dual Hackney Carriage and Private Hire Drivers Licence No: LD0326**

You will be aware that under the terms of the Torbay Council's Taxi Policy (the Policy), the licensing team undertakes 6 monthly checks through the Driver and Vehicle Licensing Agency (DVLA) of the driving records of all licensed drivers.

A check was made on Friday 11 December 2020 of your own record, where the following information was obtained:

Offence – SP30 Exceeding statutory speed limit on a public road – dated 13th May 2018 – 3 penalty points

Offence – MS90 Failure to give information as to identity of driver – dated 16th July 2020 – 6 penalty points

The licensing authority was only aware of the earlier offence in 2018 following previous DVLA checks and you failed to inform us about the offence until May 2020 when you submitted a renewal application. Further to this, no notification has been received from you relating to the offence that was committed in July of this year. Failure to notify the licensing authority of any conviction is contrary to the Policy, which at section 5.14 states:

“Drivers who fail to notify the Licensing Authority of any endorsements received may face disciplinary action, which could result in appearance before a Licensing Sub-Committee and/or suspension or revocation of the licence issued to them”

It is a matter of greater concern however, that the two offences for which you have failed to notify the licensing authority, have increased the number of current points on your DVLA driving licence to 9.

The current Policy states, at Paragraph 5.13:

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.

"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 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 which is also considered a dishonesty offence under the Policy and the fact you have 9 penalty points on your DVLA licence, 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 29th December 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.

