



Public Agenda Item: **Yes**

Title: **Review of Torbay Council Driver's Licence**

Wards Affected: **All**

To: **Licensing Sub-Committee** On: **2<sup>nd</sup> June 2016**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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## **1. What we are trying to achieve**

1.1 This report concerns a Torbay Council Licensed Driver who Torbay Council has received a number of complaints in respect of his conduct whilst on duty as a licensed driver. This report is to consider whether the licensed driver remains a 'fit and proper person' to hold a Torbay Council Driver's Licence.

## **2. Recommendation(s) for decision**

2.1 There is no recommendation.

## **3. Key points and reasons for recommendations**

3.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.

3.2 Sections 51 and 59 Local Government (Miscellaneous Provisions) Act 1976 respectively state that a district council shall not grant a licence to drive a private hire vehicle or hackney carriage unless they are satisfied that the driver is a 'fit and proper person to hold a driver's licence'.

3.3 Section 61 Local Government (Miscellaneous Provisions) Act 1976 states that a district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

(a) that he has since the grant of the licence—

(i) been convicted of an offence involving dishonesty, indecency or violence; or

(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or

(b) any other reasonable cause.

- 3.4 In the past 4 months Torbay Council has received five complaints about Mr Rodney Woolacott's conduct whilst on duty as a licensed driver. The complaints relate specifically to Mr Rodney Woolacott losing his temper and on several occasions, becoming aggressive.
- 3.5 It is the Officers opinion that the conduct alleged against Mr Rodney Wollacott calls in to question whether he remains a fit and proper person to hold a Drivers Licence issued by Torbay Council, as required under Sections 51 and 59 Local Government (Miscellaneous Provisions) Act 1976.
- 3.6 There is a right of Appeal against the Licensing Sub-Committees decision to the Magistrates' Court within 21 days from the date of a Notice following the decision.

**For more detailed information on this proposal please refer to the Supporting Information.**

**Frances Hughes  
Assistant Director Community and Customer Service**

## Supporting information to Report

### A1. Introduction and history

- A1.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- A1.2 Sections 51 and 59 Local Government (Miscellaneous Provisions) Act 1976 respectively state that a district council shall not grant a licence to drive a private hire vehicle or hackney carriage unless they are satisfied that the driver is a 'fit and proper person to hold a driver's licence'.
- A1.3 Section 61 Local Government (Miscellaneous Provisions) Act 1976 states that a district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—
- (a) that he has since the grant of the licence—
    - (i) been convicted of an offence involving dishonesty, indecency or violence; or
    - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
  - (b) any other reasonable cause.
- A1.4 Mr Rodney Woolacott has been the subject of a series of recent complaints in respect of his conduct whilst on duty as a licensed driver. These are listed in date order below, with any responses received from Mr Rodney Woolacott included as appendices.
- A1.5 On the 2<sup>nd</sup> December 2015 a complaint was received that related to Mr Rodney Woolacott not being able to take a customer with a wheelchair, folded away in the boot of the vehicle, due to personal belongings being in that boot. The customer was requested to take the vehicles behind. The driver of the vehicle behind quite correctly pointed out that vehicles should be taken in order. This resulted in Mr Rodney Woolacott becoming aggressive. The matter was resolved informally with the Vehicle Licence Owner.
- A1.6 On the 26<sup>th</sup> February 2016 Torbay Council received the following complaint about an incident which occurred on the 24<sup>th</sup> February 2016, involving Mr Rodney Woolacott.

*customer states he was assaulted by a taxi driver 24/02/2016 2.45pm short rank opposite hoopers Torquay Taxi driver 76 the customer was driving pulled up opposite hoopers not on taxi rank to pick up wife he signalled to the Taxi driver to come around him The Taxi driver pulled up along the customer car shout & using unreasonable language the taxi driver then pulled in front of customer car got out took photo of customer no plate & then took photos of customer still using bad language customer asked him to stop taking photos of him personally but taxi driver declined with bad language. Taxi driver pulled open car door spat in face of customer still using bad language. A full statement has been given to the police as the altercation continued but has no crime no at this time but the police are contacting (name removed) tomorrow 25/02/2016 (Name removed) is*

*disabled cannot walk at all unaided*

A letter was sent to Mr Rodney Woolacott dated the 26<sup>th</sup> February 2016, see Appendix one regarding the above matter. A letter of reply was received dated 1<sup>st</sup> March 2016. See Appendix two.

- A1.7 This matter was referred to the Police at the time but I am led to believe that they are no longer pursuing it. CCTV footage did record part of the incident, though not the more serious allegations. Four images from that footage are produced. See Appendix three. The sequence of its events is as follows. Mr Rodney Woolacott arrived on the scene in his vehicle a little before 14:55 and spoke with the driver of the other vehicle. Both drivers remained in their vehicles during this exchange. Mr Woolacott then parked his vehicle in the short Strand Taxi Rank and the first image shows Mr Rodney Woolacott walking to the other vehicle at 14:55. Mr Rodney Woolacott used what appears to be a camera, which is not illustrated, and then walked to the driver's window to assumedly speak with the driver from the other vehicle. It is assumed that a conversation took place, though all we can be certain of is that Mr Rodney Woolacott was at the vehicle window for approximately five minutes. What is alleged is not viewable from the CCTV footage. Mr Rodney Woolacott then walked around to the front of the vehicle and stood there for 17 minutes, impeding the other vehicle to move away between 15:00 and 15:18 until a Police car arrived. See images 2 to 4.
- A1.8 On the 26<sup>th</sup> February 2016 Torbay Council received a letter from a member of the public about general taxi and harbourside matters. It however included a paragraph, on the second page, referring to the driver of Plate 76, 412 DDV. The driver of that plate is Mr Rodney Woolacott. The member of the public alleged that Mr Rodney Woolacott swore and made threats to him, namely he was going to throw him in the harbour. See Appendix four.
- A1.9 On the 23<sup>rd</sup> March 2016 Torbay Council received a complaint about Mr Rodney Woolacott's driving. See below.

*whilst approaching splatford split I could not move over to the left lane as swiftly as the driver above wanted me too, as I moved over he held his horn down, made hand gesticulations followed by flashing his lights. on getting to the top of telegraph hill A380 I caught up with the driver due to slow moving traffic, it became apparent that the driver was continuing to feel affronted due to my inability to move over swiftly enough and began a very dangerous game. whilst behind me, and he would not allow me or any other car driver to overtake him he continually speeded up and braked when alongside vehicles on the left handside, matching their speeds often slowing from over 80mph to 55 mph, this continued with every vehicle, once passed the left hand vehicle he would speed up, at one point I hung back at 75 mph and he was at least 800 meters ahead continuing to speed up until another vehicle on the left was reached then slam his brakes on, at one point just past the ideford dip he went alongside a coach and stayed in that road position for over a mile before speeding up, this continued until the flyover by which time there was a long queue of traffic in the right hand lane, drivers trying to undertake to get past him. at the flyover split as I pulled into the left lane to turn off he positioned his vehicle in such a manner it looked as this behaviour was going to continue or he was about to attempt to pull into the left and cut me up. on all occasions where there was long stretches of empty left hand lanes he would position his vehicle in a manner which looked as*

*if he was going to pull into the left lane at times straddling the left lane to prevent any undertaking from the cars queuing behind myself. due to speeding up and slowing down between cars on the left lane he continually prevented me from pulling over to the left, speeding up and beginning to straddle the middle lane. the driving, the aggression and the control this driver was attempting to manipulate over myself and the vast number of vehicles stuck behind him during this episode of unacceptable driving was incredibly dangerous, causing driver to attempt to undertake him and other road users due to the frustration of this pathetic game.*

Torbay Council sent a letter to Mr Rodney Woolacott dated the 1<sup>st</sup> April 2016 about the incident. See Appendix five.

A1.10 On the 3<sup>rd</sup> April 2016 Torbay Council received a complaint about Mr Rodney Woolacott refusing to carry a guide dog for the blind. This is a potential offence under Section 168 Equality Act 2010. The complaint continues to say that Mr Rodney Woolacott was rude. See Appendix six. Mr Craig Noble, Licensing Enforcement Officer, rang Mr Rodney Woolacott to discuss the matter with him. In response to this call, Torbay Council received a letter from Mr Woolacott dated 3<sup>rd</sup> April 2016. See Appendix seven.

A1.11 All of the complaints relate specifically to Mr Rodney Woolacott losing his temper and on several occasions, becoming aggressive. A letter was sent to Mr Rodney Woolacott dated the 6<sup>th</sup> April 2016, inviting him to submit any information that he would wish Committee Members to consider in coming to their decision. See Appendix eight.

A1.12 Mr Rodney Woolacott responded via his solicitor to the remaining allegations in a letter from them dated 21<sup>st</sup> April 2016. See Appendix nine.

A1.13 Torbay Council's Hackney Carriage & Private Hire Licensing Policy states;

*In setting out its Policy, the Licensing Authority seeks to promote the following objectives:*

- *The safety and health of drivers and the public;*
- *Vehicle safety, comfort and access;*
- *To prevent crime and disorder and to protect the public;*
- *To encourage environmental sustainability.*

*Public safety is paramount, and this Licensing Authority seeks to ensure through its licensing regime that all taxi and private hire vehicles are fit for purpose and that their drivers and/or operators are fit and proper persons.*

A1.14 Torbay Council's Hackney Carriage & Private Hire Licensing Policy goes on to say;

**1 General Policy**

1.1 *Each case will be decided on its own merits.*

1.2 *The Licensing Authority has a duty to ensure, so far as possible, that applicants are 'fit and proper' persons to hold licences and in the absence of a judicially approved definition of "fit and proper", the Licensing Authority use the test of:*

*“Would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone”*

*The wording of this test originates from Button, J. T. H. (1999), Taxis – Licensing Law and Practice, Butterworths, London.*

1.3 *The overriding consideration is the safety of the public. The Licensing Authority has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit. An aspect of this is the extent to which previous convictions, including but not limited to convictions of dishonesty, sexual offences, traffic offences, violence and drugs, indicate that a person is not a ‘fit and proper’ person and would not take advantage of passengers or abuse or assault them.*

A1.15 A letter advising Mr Rodney Woolacott of this hearing was hand delivered to his solicitor on the 25<sup>th</sup> May 2016 and copied to his home address by post. See Appendix ten.

A1.16 There is a right of Appeal against the Licensing Sub-Committees decision to the Magistrates’ Court within 21 days from the date of a Notice following the decision.

## **A2. Risk assessment of preferred option**

### **A2.1 Outline of significant key risks**

A2.1.1 Due to the number and nature of the complaints, there is in the Officer’s opinion a potential risk to public safety, should Mr Rodney Woolacott continue to drive a licensed vehicle as granted by Torbay Council.

A2.1.2 If Mr Rodney Woolacott Torbay Council issued Drivers Licence is suspended or revoked; there is a risk of an Appeal to the Magistrates’ Court.

## **A3. Options**

A3.1 The options are:

- (i) to revoke Mr Rodney Woolacott’s Torbay Council Driver’s Licence, without immediate effect;
- (ii) to revoke Mr Rodney Woolacott’s Torbay Council Driver’s Licence, with immediate effect;
- (iii) to suspend Mr Rodney Woolacott’s Torbay Council Driver’s Licence.
- (iv) to issue Mr Rodney Woolacott with a warning; and/or

(v) to do nothing.

#### **A4. Summary of resource implications**

A4.1 There are some resource implications if there is an Appeal to the Magistrates' Court.

#### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no environmental sustainability issues. However, should Mr Rodney Woolacott continue to work as a Torbay Council Licensed Driver, there is always the potentially that similar issues may arise, which would result in an equalities and/or a crime and disorder matter that needs to be addressed.

#### **A6. Consultation and Customer Focus**

A6.1 There has been no public consultation on this matter and there is no requirement for the Committee to consult the public in this matter.

#### **A7. Are there any implications for other Business Units?**

A7.1 There are no implications for other business units.

### **Annexes**

Appendix 1	Letter to Mr Rodney Woolacott dated 26 <sup>th</sup> February 2016
Appendix 2	Letter from Mr Rodney Woolacott dated 1 <sup>st</sup> March 2016
Appendix 3	Four still images from CCTV footage from 24 <sup>th</sup> February 2016
Appendix 4	Letter received dated 26 <sup>th</sup> February 2016
Appendix 5	Letter to Mr Rodney Woolacott dated 1 <sup>st</sup> April 2016
Appendix 6	Emailed complaint dated 3 <sup>rd</sup> April 2016 about carrying guide dogs
Appendix 7	Letter from Mr Rodney Woolacott dated 3 <sup>rd</sup> April 2016
Appendix 8	Letter to Mr Rodney Woolacott dated 6 <sup>th</sup> April 2016
Appendix 9	Letter from Mr Rodney Woolacott's solicitors dated 21 <sup>st</sup> April 2016
Appendix 10	Letter to Mr Rodney Woolacott's solicitors dated 25 <sup>th</sup> May 2016

### **Documents available in members' rooms**

**None**

### **Background Papers:**

The following documents/files were used to compile this report:

Torbay Council's Hackney Carriage & Private Hire Licensing Policy 2016