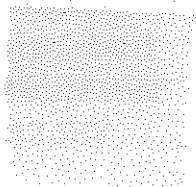


Mr J R Cree



Please reply to: Gary O'Shea

Town Hall

Castle Circus

Torquay

TQ1 3DR

My ref:

Your ref:

Telephone: 01803 208025

Fax: 01803 208854

E-mail: gary.oshea@torbay.gov.uk

Date: 22 October 2019

Dear Mr Cree

Local Government (Miscellaneous Provisions) Act 1976

Dual Hackney Carriage and Private Hire Drivers Licence No: LD0521

You will be aware that under the terms of the Torbay Council Hackney Carriage and Private Hire Licensing 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 18th October 2019 of your own record, where the following information was obtained:

Offence – SP30 dated 27th February 2019 – 3 Penalty Points

Offence – SP30 dated 28th February 2019 – 3 Penalty Points

Offence – SP30 dated 11th March 2019 – 3 Penalty Points

The licensing authority has received no notification from you relating to any of these offences. Failure to notify the licensing authority of any conviction received 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 these offences for which you have failed to notify the licensing authority, have been committed in a space of only 2 weeks. The total amalgamation of penalty points on your DVLA licence stands at 9.

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

The current Policy also 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."

And at 5.12, the Policy states;

"Where an existing licensed driver receives over 6 (six) endorsement/s or penalty points on their licence within each licensing year, the Licensing Authority will require that person to undertake and pass a DSA. If this is not obtained within 3 months of the notification to the Licensing Authority, then the existing licensed drivers badge will be suspended until the necessary driving standards assessment is completed and confirmation of this has been provided to the Licensing Authority".

Whilst you have not exceeded 9 points, the close nature of accumulation of the 9 that you have (which also totals over 6 points in the same licensing year), combined with your failure to notify the Licensing Authority means that I must now refer the matter to 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 that you hold 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 as to why you did not notify the licensing authority of either conviction, a summary of the incidents leading to each conviction and details of any mitigating factors that may assist your case.

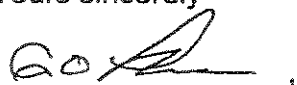
Whilst no decision has been made as to the future status of your Torbay Council drivers' licence, I must advise you of the serious nature of this matter and that there is a possibility that you may have your licence revoked. In view of this I stress the importance of timely and detailed information being 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 1st November 2019**. Please email this to licensing@torbay.gov.uk or write to Licensing Department at the address at the head of this letter.

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.

You are advised that you may be assisted or represented by a Solicitor or legally qualified person, or by any other person of your choosing. However, if you wish to be represented I would ask that you kindly provide the name and capacity of your representative at the earliest opportunity.

Please do not hesitate to contact me on the above number to discuss this matter further or alternatively please contact your legal advisor should you prefer.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G O'Shea', followed by a comma.

Gary O'Shea
Principal Officer
Licensing and Public Protection