

Please reply to: Mr Shaun Rackley

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

Mr R Mohammed
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

My ref: SRU:277026

Your ref:

Telephone: 01803 208025

E-mail: Shaun.rackley@torbay.gov.uk

Date: 05 October 2023

Dear Mr Mohammed,

Re - Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 offence

I am writing to you in relation to a Torbay Council licensed Hackney Carriage vehicle (HC151, vehicle registration MJ20 YVO) which you are the proprietor of. I have previously corresponded with you in relation to this incident where you have permitted the above named licensed vehicle to be driven by a suspected un-licensed driver on the 16th of April 2023.

It has now been identified the driver in question at the time of the speeding offence was not licensed by this Local Authority, or any other Local Authority. Further to this you cannot provide me with any insurance documents to show this unlicensed driver was insured on the vehicle at the time of the offence.

You have therefore committed an offence under the Town Police Clauses Act 1847 and in addition you have breached Torbay Council's Taxi Policy by allowing the use of your licensed Torbay Council Hackney Carriage vehicle by an un-licensed driver.

I also believe that you have not been forthcoming with the truth over this incident, as in your initial communication you informed me that you was too unwell to drive your vehicle on the date in question. However, when I requested further information from you relating to the card payment terminal within your licensed Hackney Carriage, it clearly shows that the last payment from the card terminal on the 16th of April was taken 46 minutes before the speeding offence occurred in Plymouth when you initially declared you was not feeling well and 'couldn't even get out of bed'.

Under the Town Police Clauses Act 1847, Section 47 you have committed the following offence:

47Penalty on drivers acting without licence.

If any person acts as such driver as aforesaid without having obtained such licence, or during the time that his licence is suspended, or if he lend or part with his licence, except to the proprietor of the hackney carriage, or if the proprietor of any such hackney carriage employ any person as the driver thereof who has not obtained such licence, or during the time that his licence is suspended,

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



as herein-after provided, every such driver and every such proprietor shall for every such offence respectively be liable to a penalty.

Under Torbay Council's Taxi Policy, you have breached the following parts of the Policy:

APPENDIX B: Driver Code of Conduct

2 - The driver must not, at any time, when driving a Hackney Carriage or Private Hire vehicle:
h) Allow any person(s) to drive the vehicle unless they are authorised to do so by the proprietor, hold an appropriate Torbay Council dual drivers licence and are fully insured to do so

APPENDIX D: Vehicle Specification Standards and Schedule of Conditions

Unlicensed Drivers

Your attention is drawn to section 46 of each of the 1847 and 1976 Acts which require ALL drivers of Hackney Carriage and Private Hire vehicles to hold the appropriate drivers licence as issued by the Licensing Authority and it is an offence which affects the insurance to allow any unlicensed person to drive any licensed vehicle.

Because of the seriousness of the offence and what I believe to be dishonesty surrounding this incident, 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.

A hearing date of **Thursday the 26th of October 2023 at 09:30hrs** has been set.

In order for me to compile a report to put before members, please can you respond in writing with any mitigating circumstances which you believe will support your case relating to this incident and provide any supporting documents that you have not already sent. This information will be included in the report, however, you will also be invited to attend and address the Committee members on the day and put your case before them.

Please can you return this information by no later than **Thursday the 12th of October 2023.**

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

Yours sincerely



Shaun Rackley
Licensing Officer