

# **TORBAY COUNCIL**

**Please reply to:** Mr Shaun Rackley

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

Mr R Mohammed  
[REDACTED]  
[REDACTED]  
[REDACTED]

**My ref:** SRU:277026

**Your ref:**

**Telephone:** 01803 208025

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

**Date:** 11 September 2023

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Dear Mr Mohammed,

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

I am writing to you following information received from Devon & Cornwall Police relating to your licensed Hackney Carriage vehicle which you are currently the proprietor of. This information concerns a possible offence committed under the Town Police Clauses Act 1847 and also questions your integrity and honesty as a licensed driver with Torbay Council.

On the 16<sup>th</sup> of April 2023 at 22:02hrs your current Hackney Carriage vehicle, HC151, vehicle registration MJ20 YVO, was captured speeding at 25mph in a 20mph zone, along the B3214 Old Laira Road, Plymouth.

On the 18<sup>th</sup> of April 2023, an automatic notice was sent out to the registered keeper's address, this being yourself, however at a different address to that on our system, 16 [REDACTED], Paignton [REDACTED].

Then on the 3<sup>rd</sup> of May 2023, you responded in writing to Devon & Cornwall Police and formally nominated a male living in Plymouth as the driver at the time of the offence. I have been informed that several notices and reminders were sent to the nominated male at the address you provided, however, those letters have been returned on the 12<sup>th</sup> of May indicating the male no longer lives at that address.

On the 19<sup>th</sup> of June 2023, a formal letter was sent to yourself from Devon & Cornwall Police at 16 [REDACTED] Paignton advising you that it is your responsibility to provide updated details of the nominated person's address.

Then on the 28<sup>th</sup> of June 2023, the Police received a written response from the nominated person admitting responsibility. In addition, an unsigned letter was also provided which stated that the male drove your vehicle and currently holds a French driving licence.

As part of this investigation the Police have checked the DVLA, Police and Public systems and there is no trace of the nominated person that you provided. Furthermore, they have checked your insurance for vehicle registration MJ20 YVO and the policy indicates that you are the only nominated driver.

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



Please can you provide me with the details of who the driver was at the time of the offence. I must remind you that I will be liaising with Devon & Cornwall Police on this matter and cross-referencing the name provided. Under the Town Police Clauses Act 1847, Section 47 it states the following:

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

If you have allowed an unlicensed driver to drive your Hackney Carriage, you have committed an offence and this matter will be taken further.

However, if the driver you nominated is licensed with Torbay Council, the above offence has not been committed, but please can you also provide me with a copy of your insurance from the time of the incident to show that the licensed driver was insured.

I look forward to your response and please can you ensure that the requested information is sent to either the above postal address, or, via email, however any correspondence needs to be in writing by no later than **Monday the 18<sup>th</sup> of September 2023.**

Once I have this information, I will be liaising with Devon & Cornwall Police and will come back to you with what action you may face.

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

Yours sincerely



Shaun Rackley  
Licensing Officer