



Minutes of the Licensing Sub-Committee

7 July 2016

-: Present :-

Councillors Doggett, Ellery and Stocks

7. Election of Chairman/woman

Councillor Doggett was elected as Chairman for the meeting.

8. Apologies

In the absence of Councillor Barnby the membership of the Sub-Committee had been amended by including Councillor Stocks.

9. Minutes

The Minutes of the meeting of the Sub-Committee held on 10 December 2015 were confirmed as a correct record and signed by the Chairman.

10. Taxi Driver Report

Members considered a report that sought a review of a Torbay Council issued Driver's Licence.

At the Hearing, Members were informed that during the past four months Torbay Council had received five complaints regarding Mr Woolacott's conduct whilst on duty as a licensed driver, the complaints related specifically to Mr Woolacott losing his temper and on several occasions becoming aggressive.

Members had the opportunity to view CCTV footage of one of the incidents and were able to ask questions of both Mr Woolacott and his Legal Representative.

Decision

That Mr Rodney Woolacott's Torbay Council Driver's Licence be suspended for a period of three months, in accordance with Section 61(1)(b) of the Local Government (Miscellaneous) Provisions Act 1976 and that this suspension shall have immediate effect, in accordance with Section 61(2B) of the Local Government Miscellaneous Provisions Act 1976.

During the period of suspension, Mr Rodney Woolacott must undertake an anger management course and produce written evidence to that effect to Torbay

Council's Licensing Department. Failure to do so will result in Mr Rodney Woolacott's Torbay Council Driver's Licence being revoked with immediate effect.

Should Mr Woolacott complete the anger management course within a two month period from the date of the suspension and produce written evidence to that effect, then the period of suspension will be reduced by a period of one month.

Reason for Decision

Having carefully considered all the oral and written representations, Members resolved to suspend Mr Woolacott's driver's licence having unanimously voted that Mr Rodney Woolacott did not remain a 'fit and proper person' to hold a Torbay Council Driver's Licence. In coming to that decision, Members applied the test set out in Appendix A, section 1.2 at page 26 of Torbay Council's current Hackney Carriage and Private Hire Licensing Policy.

Members took in to consideration that all incidents occurred whilst Mr Rodney Woolacott was on duty as a driver licensed by Torbay Council, the time frame in which the incidents occurred, the nature and number of those incidents and unanimously resolved that Mr Rodney Woolacott's conduct fell well below the standard reasonably expected by them of a driver licensed by Torbay Council.

In particular and despite evidence produced by Mr Rodney Woolacott to the contrary, Members were alarmed by Mr Rodney Woolacott's conduct during the incident which they believe did occur, given the detailed account of the event, as evidenced in the written complaint received by Torbay Council on the 23rd March 2016. In addition, and on viewing the CCTV footage of the incident which occurred on 24 February 2016, Members resolved that Mr Rodney Woolacott conduct was unnecessarily confrontational, aggressive and unprofessional, Instead, in the opinion of Members, Mr Woolacott should have taken the number plate of the driver who was parked illegally but not on the taxi rank, as submitted by Mr Woolacott and passed these details on to the responsible authorities. In Members opinion, Mr Woolacott inflamed and protracted an incident which they felt he had no need to involve himself in the manner in which he did. They further noted that the incident took place in front of members of the public and that he put the driver, himself and potentially other road users at risk by his unprofessional and unacceptable conduct.

In respect of the incident which involved Mr Rodney Woolacott being unable to take a customer with a wheelchair, as evidenced in the complaint received by Torbay Council on the 2 December 2015, Members found Mr Rodney Woolacott to be at fault in that he should not have agreed to store a customer's shopping in the boot of his vehicle, as this did not make him wholly available to ply for hire. In keeping with the pattern of conduct which formed, Mr Rodney Woolacott became aggressive towards another driver and again this occurred in front members of the public. Members resolved that Mr Rodney Woolacott's aggressive conduct in this incident fell well below that reasonably expected of them by a driver licensed by Torbay Council.

In considering the incident which resulted in a complaint being made to Torbay Council on the 26 February 2016, Members noted that Mr Rodney Woolacott was, as accepted by him, parked illegally and not in accordance with the agreed position whereby Hackney Carriage Drivers are permitted to wait in the bus bays opposite the Harbour side after midnight until a space becomes available on the rank in that area. Despite Mr Rodney Woolacott's submission that the general understanding that drivers do park in the bus lane before midnight and move on if a bus needs to use it, this is not the agreed position by the Torbay Council or the Bus Company and is therefore not accepted and should not be advocated in any circumstances..

In addition, Members noted that the complaint made reference to threatening conduct by Mr Rodney Woolacott. Whilst Mr Woolacott stated that he did not recall swearing, Members found his submitted comments to be both threatening and aggressive and fell well below that reasonably expected by them of a driver licensed by Torbay Council. Further Members did not accept Mr Rodney Woolacott's submission that he had a dry sense of humour and that this was 'banter'. Instead Members found his comments to be offensive, threatening and aggressive and again fell well below that reasonably expect by them of a driver licensed by Torbay Council.

In respect of the complaint dated 2 April 2016, Members noted that it is a criminal offence to refuse to carry a guide dog, unless the driver of that vehicle has in place an exemption certificate, as in accordance with the Equalities Act 2010. On this occasion Members found that Mr Rodney Woolacott was within his rights to challenge the customer, as the dog was not easily identifiable as a guide dog, in that it was not wearing its harness due to it being unwell.

In coming to the decision that Mr Rodney Woolacott's Driver's License should be suspended with immediate effect, as in accordance with section 61 (2B) of the Local Government Miscellaneous Provisions Act 1976, Members resolved that despite efforts by the Licensing Authority Mr Rodney Woolacott's unacceptable conduct has continued and if they did not impose the suspension with immediate effect as they have, there was in their opinion a real risk to the safety of the public and other road users..

In concluding, Members gave careful consideration to revoking Mr Rodney Woolacott's driver's licence but resolved that in light of the mitigating circumstance put forward by his legal representative, it was on this occasion appropriate to suspend his license for a period of three months and impose a requirement to undertake an anger management course.