



Wednesday, 29 June 2016

## **LICENSING SUB-COMMITTEE**

A meeting of **Licensing Sub-Committee** will be held on

**Thursday, 7 July 2016**

commencing at **10.00 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### **Members of the Committee**

Councillor Barnby

Councillor Ellery

Councillor Doggett

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**A prosperous and healthy Torbay**

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For information relating to this meeting or to request a copy in another format or language please contact:

**Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207087**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

[www.torbay.gov.uk](http://www.torbay.gov.uk)

# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the meeting.
2. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 3 - 4)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 10 December 2015.
4. **Declarations of interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
6. **Taxi Driver Report** (Pages 5 - 32)  
To consider a report on the above.



## Minutes of the Licensing Sub-Committee

10 December 2015

-: Present :-

Councillors Doggett, King and Stubley

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### 34. Election of Chairman/woman

Councillor Doggett was elected as Chairman for the meeting.

### 35. Minutes

The Minutes of the meeting of the Sub-Committee held on 3 September 2015 were confirmed as a correct record and signed by the Chairman.

### 36. Application for Torbay Council Driver's Licence

Members considered a report on an application for a Torbay Council issued Driver's Licence. Members were informed that the applicant, Mr Nasim, had previously had his licence revoked by a Licensing Sub-Committee on 19 December 2013. On the 19 December 2013, Mr Nasim's licence had been revoked because Members at the time were no longer satisfied that Mr Nasim remained a 'fit and proper person' to hold such a licence.

At the Licensing Sub-Committee, Members heard the circumstances surrounding the revocation of Mr Nasim's previous licence and the steps he had since taken to address his behaviour.

#### Decision

That Mr Imran Nasim's application for a Torbay Council Driver's Licence be approved subject to the following conditions:

- i) That Mr Nasim formally applies to the Licensing Authority for a Driver's Licence and carries out the necessary requirements of that application.
- ii) During the initial three month period of Mr Nasim's licence, Mr Nasim will be required to attend anger management appointments, at least once per month with evidence of attendance being submitted to the Licensing Authority;
- iii) During the initial six months period of Mr Nasim's licence, Mr Nasim will be required to meet once a month with a Licensing Enforcement Officer of the

Licensing Authority, for support, monitoring and to address any issues of concern that may arise; and

- iv) That the anger management appointments and appointments with the Licensing Enforcement Officer shall alternate on a fortnightly basis.

### **Reasons for Decision**

Members were initially mindful to refuse the approval of a Driver's Licence in respect of Mr Nasim, because they could not be satisfied that the two year period which had elapsed between the violent incident and the similar incident which occurred only eight weeks prior to that was a long enough period for Mr Nasim to demonstrate that lessons had been learnt and that he was a reformed character which in turn, met their expectation of what is a 'fit and proper' person to hold such a licence. This coupled with short length of time that Mr Nasim had voluntarily undertaken sessions of anger management, did not reassure them that Mr Nasim would have in place the necessary support should issues arise again as they had when he was previously a licensed driver and on duty.

However after careful consideration of all the written and oral Representations, Members resolved to approve the granting of the licence, having been satisfied that the conditions imposed with this approval would eliminate their immediate concerns.

In coming to that decision, Members gave careful consideration to their primary duty in ensuring public safety and had regard to the fact that at no time was Mr Nasim's violence or aggression directed towards any members of the public or customers. Therefore they were satisfied that the test set out in page 7 of the report was met with a conclusive yes.

Members were reassured to note that Mr Nasim had not come to the attention of Devon and Cornwall Constabulary during the two year period since his Driver's Licence was revoked. This was evidenced by the author of the reports submission when reviewing Mr Nasim's Disclosure and Barring Service check.

In concluding, Members noted Mr Nasim's evident remorse and notable maturity in his submissions and when questioned what he would do differently if faced with similar circumstances, Members were reassured by his responses and with the additional conditions, that he was unlikely to repeat the behaviour which led to the revocation of his previous licence.

Should issues of concern arise following Mr Nasim being granted a Driver's Licence, Members would encourage those responsible for issuing and monitoring driver's licensed by Torbay Council to return Mr Nasim before a Licensing Sub-Committee, where appropriate action can be taken to address these concerns.

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Chairman/woman



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**

Contact Officer: **Steve Cox**  
Telephone: **01803 208034**  
E.mail: [Steve.cox@torbay.gov.uk](mailto:Steve.cox@torbay.gov.uk)

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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:





Please reply to: Mr Craig Noble

**Community Safety**

c/o Town Hall  
Castle Circus  
TORQUAY  
Devon  
TQ1 3DR

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Mr R G Woolacott  
(Address removed)

**My ref:** R:226834/CAN  
**Your ref:**  
**Telephone:** 01803 208025  
**Website:** [www.torbay.gov.uk](http://www.torbay.gov.uk)  
**Date:** 26 February 2016

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Dear Mr Woolacott

**Re: Complaint Received**

I have received a complaint from a member of the public who has made some serious allegations about your conduct and behaviour. The complaint is regarding an issue which took place close to the Short Rank, opposite Hoopers on Torquay Harbourside, the alleged incident happened at approximately 14.45 on the 24<sup>th</sup> February 2016. The complainant alleges that he temporarily parked his vehicle behind the short rank so he could pick up his wife in the area; he recognises that he was illegally parked but he states he was not parked on the Taxi Rank at any time. He then states that you pulled up alongside his vehicle and started shouting and using offensive and foul language. He goes on to say that you then pulled onto the Taxi Rank and got out of your vehicle and started taking photographs of him and his number plate. He states that he asked you to stop taking photographs of him personally but you declined to stop and at this point you again used offensive and foul language. The complainant then alleges that you opened his car door and spat at him, in his face and continued to use offensive and foul language, he is also alleging that you threw a punch at him through the open window of his vehicle. He also says that you prevented him from leaving the area by standing in front of his vehicle and refusing to move. The driver of the other vehicle has made a full statement to the Police who I believe are investigating the matter. I have to advise you that I have requested CCTV footage from the area taken at the time of the incident as this may assist my investigation into the incident.

Torbay Council expects all of its drivers to act in a professional and positive manner at all times under all circumstances. I understand you were obviously frustrated by the actions of the driver parking where he did but as previously stated he did not park on the Taxi Rank at any time. I am unsure why you felt it was necessary to photograph him and prevent him from moving his vehicle.

I now need you to respond to this letter, in writing, as soon as possible and in any case no later than Tuesday 8 March 2016. You should look on your written response as your opportunity to give your version of events and tell me of any mitigating factors you may feel are relevant. Once I have received your response I will then be able to decide if the matter should be referred to the Licensing Committee for a decision on any possible further action.


I look forward to receiving your response, should you require any further information please contact the Licensing Office on the telephone number above.

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

Yours sincerely

Mr Craig Noble  
Licensing Enforcement Officer  
Licensing and Public Protection

*Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.*

Mr R G Woolacott,  


TORBAY COUNCIL

- 4 MAR 2016

COMMUNITY SAFETY

Your ref ; R;226834/CAN.  
Date 1/3/16.  
Copy; Almy and Thomas.

Dear Sir,

Reference your letter dated 26<sup>th</sup> February, I am sick and tired of being abused because of my size and weight. I arrived at the short rank with three taxis parked there, one was loading passengers, there was a private car half on the rank, I gave him a short beep on my horn, a head came out of the car and shouted some abuse, I didn't catch what he said, at the same time the taxi that was loading pulled away and I passed the illegally parked car, stopping with my passenger window open, to say to him that he was causing an obstruction and I pay the local council to be able to park here. All I got was, and I quote, "fuck off you fat bastard". I pulled onto the rank got my camera and walked back and took a photo of his car and himself. After I took the photos I returned to my car and sat in the drivers seat. CCTV will show this. Moments later the driver must have followed me back, and grabbed my right arm, with my camera in, I told him to take his hands off me has this was assault, ( his second assault on me), again the CCTV will show this, suddenly he reached into my car and grabbed my camera which by this time I had transferred into my left hand and placed it on the car dashboard . He then returned to his car, I followed and tried to retrieve my property. Just then a 'cab co' driver came up behind this car and I asked him to call the police, which he did. A struggle occurred for a minute or so with me trying to get my camera back, he had put it in his right hand coat pocket and during the struggle he kept punching me in the head and on my hand and I sustained some minor injuries, mainly to my hand. Just then his wife returned and got into the passenger seat, he then took my camera out his pocket and gave it to her telling her to delete photos from it. ( in fact some important photos of my family have been deleted )I told her that her husband had stolen my camera and that the police have been called. She then gave it back to her husband saying "give it back to him" has he did he said, and again I quote " I'll stitch you up, I'm a fucking good lair I'll have you out of a job you fat bastard" Third time I've been assaulted. As I was waiting for the police I decided to stop him driving away by standing in front of his car until the police arrived. The police arrived and I told the constable what happened and that I wished to make a complaint against this man for assault. I also showed him my minor injuries. I,m still waiting to make a statement to the police.

I must say that the tone of your letter seems, although I'm sure its not the case, but it seems I'm guilty until I prove my innocence. We drivers take abuse almost on a weekly basic and I would think we should have full support and protection from the council. I'll wish to see the CCTV of this incident. I also have two witnesses which approached me a couple of hours after the incident.

Finally I have at last been connected to a home phone and will in the next few days forward you an E mail address.

Yours,  




Divar name : TBC Cams 1-16  
MAC address : 00:04:63:10:2F:62  
Camera name : Fleet St/Strand  
Time & Date : 2/24/2016 15:17:58 (GMT -00:00)  
Events : None  
Unique ID : 0x0004305C1B5D3F2D  
Image size : 704 (H) x 576 (V)  
Compression : 74  
Image format : H264  
Authenticity : Image is authentic



3



Divar name : TBC Cams 1-16  
MAC address : 00:04:63:10:2F:62  
Camera name : Fleet St/Strand  
Time & Date : 2/24/2016 15:00:03 (GMT -00:00) Image format : H264  
Events : None  
Unique ID : 0x0004305C15979E59  
Image size : 704 (H) x 576 (V)  
Compression : 106  
Authenticity : Image is authentic

2

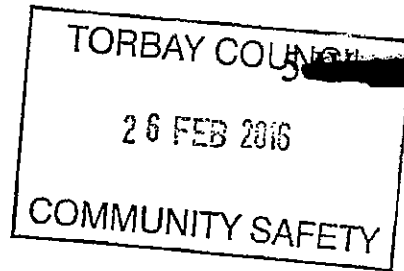


Divar name : TBC Cams 1-16  
MAC address : 00:04:63:10:2F:62  
Camera name : Fleet S1/Strand  
Time & Date : 2/24/2016 14:59:56 (GMT -00:00)  
Events : None  
Unique ID : 0x0004305C158E9C4F  
Image size : 704 (H) x 576 (V)  
Compression : 83  
Image format : H264  
Authenticity : Image is authentic

①



Divar name : TBC Cams 17-32  
MAC address : 00:04:63:10:2B:47  
Camera name : Vaughan Parade  
Time & Date : 2/24/2016 14:55:14 (GMT -00:00)  
Events : None  
Unique ID : 0x0004305C140BD746  
Image size : 704 (H) x 576 (V)  
Compression : 84  
Image format : H264  
Authenticity : Image is authentic



Dear whom it may concern,

I am writing to express our frustration toward the sheer disregard to road safety and the interest of public safety displayed by many taxi drivers in and around Torquay, in particular, Torquay harbour side.

This issues are the fact they not only park on the bus stop before midnight, causing passengers boarding buses to alight and disembark in the middle of the road, they think it's acceptable to park in and around the clock tower roundabout casing a real issue for larger vehicles and create blind spots for all road users alike.

I have spoken with the police who stated "it's not our problem, take it up the council/Highways agency" even though, it is actually a road traffic offence, blocking the road/public highway.

The officer in question not only stated it wasn't his problem but the fact he said " I cannot be bothered to stand here, issuing tickets or to usher them on", which is a joke as far as I'm concerned as he should be acting in the interest of the public, preventing a possible accident.

I accept they have a job to do but Torquay is home to many taxi ranks, not including the roundabout or the bus stop before midnight, so why they have to abuse this facility I really don't understand. The Miscellaneous Provisions Act 1976 states "if a rank is full, you must move on to the next one", an act which isn't followed as it should be.

As a regular passenger on buses, I frequently see this of an evening particular Friday and Saturday nights where the demand for taxis is increasingly high but in my opinion safety is paramount.

I had a brief chat with the street pastors who are there every weekend and they said and I quote, " it's a danger to people's safety, whether that be other road users or people who are intoxicated walking in the street with taxis in the way of junctions and pavements where they shouldn't even be".

Recently, I was actually threatened by a taxi driver, licence place 76 (registration plate 413DDV) , for asking him to move on out of the bus stop as I was assisting a bus trying to pull into the stop at 22:15, way before the designated times for them to be there. He shouted at me" I hope you fu\*\*ing float, as I'll chuck you in the harbour", to which I just walked away.

I am asking you to review the situation and do something about it as it's getting worse every week, causing danger to public safety.

I must add, I do feel sorry for those who follow the rules as the ones who use the bus stops and roundabouts are effectively queue jumping and are making the job harder for the ones that are trying to earn a living, again, on behalf of them, is a reason it should be put to an end.

I appreciate that the amount of cuts the government are making and the fact it is quite late when this facility is being abused is of some difficulty for you but would it be possible to monitor the situation on a Friday or Saturday night when it's out of hand the most?

Here is a list of registrations and licensing plates that abuse the facilities on a regular basis, parking on said bus stops and even the roundabout junction.

I look forward to hearing from you,

Thanks for your time,





Please reply to: Mr Craig Noble

**Community Safety**  
c/o Town Hall  
Castle Circus  
TORQUAY  
Devon  
TQ1 3DR

---

Mr R Woolacott  
(Address Removed)

---

**My ref:** R:227633/CAN  
**Your ref:**  
**Telephone:** 01803 208025  
**Website:** www.torbay.gov.uk  
**Date:** 1 April 2016

---

Dear Mr Woolacott

**Re: Complaint Received**

I have received another complaint from another member of the public alleging aggressive and poor behavior and dangerous driving. The complaint has clearly identified the vehicle involved as the vehicle you drive, Plate Number 76 – Registration Number 413 DDV. I have detailed the complaint below as received in this office on the 23<sup>rd</sup> March 2016:-

*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 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.*

What I now need you to do is respond to this complaint, in writing, to me as soon as possible and in any case no later than 12<sup>th</sup> April 2016. Once I have received your response I will be in a position to decide what further action, if any, to take in regard of this matter.

Should you require any further information please contact the Licensing Office on the telephone number above.

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

Yours sincerely

Mr Craig Noble  
Licensing Enforcement Officer  
Licensing and Public Protection

*Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.*



**Cox, Steve**

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**From:** [REDACTED]  
**Sent:** 03 April 2016 10:21  
**To:** Cox, Steve; Noble, Craig  
**Cc:** Manning, Terry; Doggett, Ian  
**Subject:** Yet Another Refusal To Carry A Guide Dog

Dear Steve and Craig

Once again I am having to contact you regarding a driver, number 76, (Rob) refusing to carry me and my guide dog in his taxi yesterday on the grounds that "she does not look like a guide dog."

This is, at least, the third time this has happened to me in Torbay and I am getting the feeling that there may be an issue here. In addition to it being rather upsetting, causing a scene and reflecting poorly on the taxis who are more than happy to carry my guide dog, it sends a negative message further afield that Torbay does not welcome guide dogs.

I await your positive response but I really feel enough is enough. The driver was rude especially to me and my mother who suffers from dementia and became even more confused. Coral, my dog, was not wearing her harness as she was not working but she had a flash on her lead which was easily visible and she also had her guide dog medallion round her neck.

If you want to discuss this with me please call me on [REDACTED]

Many thanks

[REDACTED]  
[REDACTED] Councillor  
[REDACTED] Ward  
Torbay Council

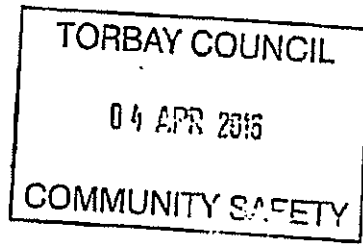
This email and any attachments are intended solely for the use of the intended recipient(s) and may contain confidential information and/or may be legally privileged. If you have received this email in error, please notify the sender immediately and delete this email.

# Agenda Item 6

## Appendix 7

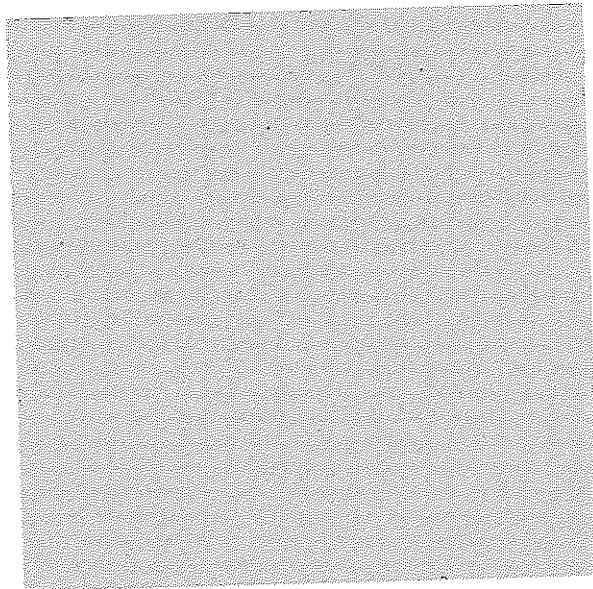
Mr R Woolacott,

Copy.  
Dated 3.4.16.



Sir,

I wish to report an incident which happened on Saturday 3<sup>rd</sup> April whilst I was parked on the Haldon taxi rank. Two ladies approached me with a dog, I said "sorry I don't take dogs", but the first lady still put the dog into the front passenger seat well, I repeated I don't take dogs. She then said it was a guild dog, I replied I didn't know that, she then said "what do you expect a guild dog to look like" I replied that I thought they were reflective jackets. She then said that he was not being used as a guild dog at the moment has he had been ill. She then showed me the label that was on the dogs lead, saying in an manner which I wasn't happy with that "you shouldn't be doing the job and I'm a councillor and I want your name. I said I don't have to give my name and at the same time showed her my driver I.D. At no time was I rude to her, yet her attitude towards me was appalling and this from a councillor. I ask her name, it was [REDACTED]. She then left in the next taxi. Yes I do know the by-laws relating to carrying guild dogs, and after she had explained the circumstances I said I was willing to take her and the dog, she still refused.





Please reply to: Mr Steve Cox

**Community Safety**  
c/o Town Hall  
Castle Circus  
TORQUAY  
Devon  
TQ1 3DR

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Mr Rodney Woolacott  
(address removed)

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**My ref:** R:227915/SJC  
**Your ref:**  
**Telephone:** 01803 208025  
**Website:** www.torbay.gov.uk  
**Date:** 6<sup>th</sup> April 2016

---

Dear Mr Woolacott

**Re: Complaints about your aggressive behaviour, and about your refusal to carry a wheelchair and a guide dog for the blind**

I am writing to you about a series of complaints and behaviour that appears to form a pattern that I would consider to be unacceptable as a Torbay Licensed Driver. I am therefore advising you that it is my intention to take this matter to a Licensing Sub-Committee for them to consider whether you remain a 'fit and proper person' to hold a Torbay Council issued Drivers Licence.

I will list the main complaints below so that you are able to consider them and should you wish to present any information to the committee within the committee report, to send that to me in writing by Thursday 14<sup>th</sup> April 2016. Some of these you will have seen and commented on before so I will include those responses within the committee report.

I currently anticipate the date of the hearing will be on Thursday 28<sup>th</sup> April 2016 commencing at 9.30am in the Meadfoot Room at Torquay Town Hall, Castle Circus, Torquay TQ1 3DR. You will also get the opportunity at this hearing to present any responses to the complaints. I will send you the committee report and confirm the date nearer the time.

On the 2<sup>nd</sup> December 2015, the allegation is that you refused to take a fare as they had a wheelchair that needed to be placed into the boot of your vehicle, but that was not possible as it was full of your personal belongings. You referred the fare to the vehicle behind who wasn't very happy with your approach and this resulted in an argument between you.

On the 26<sup>th</sup> February 2016 Torbay Council received a letter of complaint about taxi parking on the Harbourside Bus Bays and a paragraph in this letter refers to the driver of Plate 76, 412 DDV, your vehicle, swearing and making threats to a person, namely you were going to throw him in the harbour.

A second complaint Torbay Council received on the 26<sup>th</sup> February 2016, in relation to an incident on the 24<sup>th</sup> February 2016. In this complaint you allegedly punch and spat at a member of the public who had parked his vehicle illegally but not on a rank. There is some CCTV footage of the incident, which shows you getting out of your vehicle and taking photographs of the offending vehicle and its driver it also shows you stopping the driver leaving the area for a considerable period of time by standing in front of his vehicle.

On the 23<sup>rd</sup> March 2016 a complaint was received regarding your driving standards. The content of that complaint are subject to a letter from Craig Noble dated 1<sup>st</sup> April 2016, however for the purposes of this letter I copy the allegations 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 her 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.*


On the 2<sup>nd</sup> April 2016 you were approached by two females, one with a guide dog for the blind and you refused to carry them, which is an offence in itself, however in addition to that the allegation is that you were rude to them.

All five of these complaints share the allegation that you were unable to control your temper and act in a manner expected of a professional driver, furthermore in several cases you became aggressive and arguably committed offences under several pieces of legislation.

As stated above, if you wish to include any information within the committee report, you need to provide that in writing by the 14<sup>th</sup> April 2016.

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

Yours sincerely



Mr Steve Cox  
Environmental Health Manager Commercial  
Licensing and Public Protection

*Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.*

21 April 2016



Torbay Council  
FAO: Steve Cox  
Community Safety  
Town Hall Circus  
Torquay  
Devon TQ1 3DR

24 Tor Hill Road  
Torquay  
Devon  
TQ2 5RD

Direct:  
Office: +44 (0)1803202404  
Fax: +44 (0)1803407666

DX 59801  
Torquay

[www.wbw.co.uk](http://www.wbw.co.uk)

Solicitors with Notaries Public

Your ref: R-227915/SJC  
Our ref: DYE/APL

Dear Sirs

**Re: Mr Rodney Woolacott – Complaints to be submitted to Licensing Sub-Committee**

Thank you for your letter dated 15<sup>th</sup> April 2016 regarding the above named.

Please find enclosed our client's Response to your letter dated 6<sup>th</sup> April 2016. We are grateful to you for the extension of time.

We look forward to hearing from you concerning whether the proposed hearing is to be re-scheduled for the 12<sup>th</sup> or 19<sup>th</sup> May 2016.

Whilst writing we should be grateful if you could provide us with disclosure of the CCTV footage in relation to the incident which is the subject of the complaint received by Torbay Council on 26<sup>th</sup> February 2016 relating to an incident on 24<sup>th</sup> February 2016. We also request disclosure of the identity of the persons who have made complaints against our client and whether or not any individual complainant has made more than one of the complaints which are referred to in your letter.

Finally, we note that another matter has been brought to your attention, which is referred to in your letter to our client dated 20<sup>th</sup> April 2016. We propose to let you have our client's response when we have obtained his instructions on or before 28<sup>th</sup> April 2016. In the meantime it would be appreciated if you would provide us with a copy of the screenshot referred to as that is not attached to your letter that we have been provided with.

Yours faithfully  
WBW Solicitors

## **RESPONSE TO TORBAY COUNCIL LETTER DATED 6<sup>TH</sup> APRIL 2016**

1. **Complaint 2<sup>nd</sup> December 2015**

I recall that I was approached by a lady and a gentleman in a wheelchair but I did not refuse to take the fare because they had a wheelchair. I already had another fare's shopping in the boot of my taxi in respect of a customer from the rank who had gone to the dentist. I did not have sufficient room in the boot to be able to carry the wheelchair and I therefore politely asked the customers to take another taxi. The driver of the other taxi was not happy with taking the fare and there was a brief disagreement between us, no more than that, which resulted in the other taxi driver being abusive toward me.

2. **Complaint 26<sup>th</sup> February 2016**

I understand in accordance with Torbay Council Bye Laws that taxis are allowed to use the bus bays after midnight but not in the hours leading up to midnight but it is a fact that all taxi drivers regularly do this. The general understanding is that if a bus needs to use the bus bay prior to midnight then taxi drivers move off. I believe that the incident that is referred to in the second complaint raised actually took place in or about the summer of 2015 and not February 2016. I am therefore at a loss to understand why this complaint has only been put to me in February and not the previous summer. I recall an incident in or about August of 2015 when I was in the bus bay when two young men approached me and started taking photographs of my taxi and shouting at me that I shouldn't park in the bus bay. I recall that I simply said to them words to the effect "go away before you have to fish your camera out of the harbour". I do not recall swearing or making any threats to these persons. The language used was in the form of banter in the circumstances and the young man that I spoke to actually laughed at the time.

3. **Complaint received by Torbay Council on 26<sup>th</sup> February 2016 relating to incident on 24<sup>th</sup> February 2016**

I refer to my previous response to this complaint by letter dated 1<sup>st</sup> March 2016 (copy attached). I deny punching or spitting at a member of the public. I had previously requested disclosure of the CCTB footage of this incident and have yet to receive disclosure of it. I reiterate my request for disclosure of this footage in connection with this complaint.

4. **Complaint received on 23<sup>rd</sup> March 2016 regarding driving standards**

I find this particular complaint very upsetting as I have been a professional driver for 46 years and have always driven to a very high standard. I have no idea as to the identity of the person who has made this complaint and request disclosure of that information. On the day in question, I was driving [REDACTED] a regular passenger of mine, from Bristol whom I understand would be willing to make a statement concerning the manner of my driving on the day in question. I was driving within the national speed limit and I dispute that my driving was either aggressive or

dangerous. I do recall approaching a coach that was wandering and that I flashed my lights to draw attention to the coach of my presence so that I could overtake him, but at all times I drove within the national speed limit and in a sensible manner. This will be confirmed by the passenger who was in my car on the day in question.

5. **Complaint dated 2<sup>nd</sup> April 2016**

I have previously reported this incident to Torbay Council by letter dated 3<sup>rd</sup> April 2016 (copy letter attached). As indicated in my previous letter, I was approached by two ladies with a dog and I informed them that I was sorry that I didn't take dogs. Notwithstanding that I made that comment, the first lady still put the dog into the front passenger seat well of my vehicle. I repeated that I didn't take dogs and it was then that she said that it was a guide dog. I replied that I didn't know that and she remarked "what do you expect a guide dog to look like?" My response was that I thought they would be wearing a reflective jacket. I could not see anything about the dog which indicated that it was a guide dog initially. The lady in question then remarked that it was not being used as a guide dog at the moment as the dog had been ill. She thereafter showed me the label on the dogs lead in a manner with which I was not happy. The lady in question then said to me that I shouldn't be doing the job and referred to the fact that she was a Councillor and that she wanted my name. I informed her that I was not obliged to give my name but showed her my driver ID. At no time was I rude to her or the other lady, although I would comment that her attitude towards me was appalling, particularly bearing in mind that I understand that she is a Councillor. I asked her name and she informed me that it was [REDACTED]. After she had explained the circumstances to me I had said to her that I was willing to take her and the dog, but she refused and left in the next taxi.

I also wish to refer to the incident that I reported by letter dated 7<sup>th</sup> April 2016 (copy enclosed) which occurred on 5<sup>th</sup> April 2016 on the short rank when I was verbally abused by the driver of a car that pulled alongside me who I recognised was the same driver who had made the complaint about me on the same rank on 24<sup>th</sup> February 2016. I have not had your response to this report

I believe that at all times I have exercised control of my temper and have behaved in the manner of a professional driver. I fully dispute the allegations that I became aggressive and deny that I have committed any statutory offences.

Finally, I would be grateful if Torbay Council would provide disclosure of the names of each individual who has made the complaints which are relied upon by the Council for the hearing that is due to take place before Torbay Council Licensing Sub-Committee. I would be particularly interested to know whether a single complainant has made more than one complaint against me and would be grateful if further information or documentation could be supplied to me concerning these allegations in order that I may provide a more detailed response in due course.

Please reply to: Mr Steve Cox

**Community Safety**

c/o Town Hall  
Castle Circus  
TORQUAY  
Devon  
TQ1 3DR

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WBW Solicitors  
24 Tor Hill Road  
Torquay  
TQ2 5RD

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**My ref:** R:227915/SJC  
**Your ref:** DYE/APL  
**Telephone:** 01803 208025  
**Website:** [www.torbay.gov.uk](http://www.torbay.gov.uk)  
**Date:** 25<sup>th</sup> May 2016

---

Dear Sir

**Re: Mr Rodney Woolacott – Hearing at Licensing Sub Committee 2<sup>nd</sup> June 2016**

I am writing to you with regard to our discussion on the 24<sup>th</sup> May 2016, and the agreement that the hearing regarding your client will be heard on Thursday 2<sup>nd</sup> June 2016 at 10am. I can confirm that this will be held in the Meadfoot Room at Torquay Town Hall, Castle Circus, Torquay, TQ1 3DR. The viewing of the CCTV footage has been arranged for 9am so if you or your clients barrister can contact me when you arrive at the Town Hall reception.

I would strongly advise that your client attends, to be able to make representation to the committee and to answer any questions.

I enclose a copy of the committee report for your information.

If you have any questions then please do not hesitate to contact me.

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

Yours sincerely



Mr Steve Cox  
Environmental Health Manager Commercial  
Licensing and Public Protection

*Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.*

CC Mr Rodney Woolacott, (Address withheld)