



## **ENFORCEMENT OFFICER – SUMMARY OF CASE**

Uniform Case No: 22/05150/LHCDCO

Officer: Sarah Hughes

Driver: Mr Malcolm Rogers – HCD194

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### **Details of Complaint**

A complaint from a member of the public was received on 20<sup>th</sup> October 2022 that the driver of the Hackney Carriage Vehicle 198, registration number TX51MAL was rude and abusive towards him in Pittville Street earlier that same day. The customer reports that he is registered disabled and the driver was not only rude and abusive, but questioned the genuineness of his disability in front of members of the public, which they found upsetting.

The member of the public took photographs of the Hackney Carriage Vehicle, the driver's badge that was positioned on the dashboard, and a photograph of the driver.

### **Investigation**

1. Reported into the Council via email on the same day on the incident (20/10/2022).
2. I emailed the member of the public on 21<sup>st</sup> October 2022 to establish first contact and request further information.
3. I identified the driver as Mr Malcolm Rogers. I made contact with Mr Rogers via telephone on 21<sup>st</sup> October 2022 to inform him that a complaint had been made about him following an incident on Pittville Street rank the previous day. Mr Rogers confirmed he recalled this, although his account was different to that of the reporter. I requested that Mr Rogers provide me with further details via email and send his dash cam footage for the period of 12:15-12:45. I confirmed that I would send an email confirming this to his email address.
4. Email sent to Mr Rogers on the same day. Email requested Mr Rogers provide details of his account of the incident in chronological order, what was said by the other party, what was said by himself and how he felt throughout. Also requested the dash cam footage from his vehicle.
5. I corresponded with both the member of the public, and Mr Rogers, over subsequent weeks.
6. Member of the public provided a full signed statement, which was signed on 9th November 2022.
7. Mr Rogers provided a full signed statement on 14<sup>th</sup> November 2022. No dash cam footage was made available.

Signed: Sarah Hughes

Date: 24/11/2022

Reason for referral to licensing committee.

Cheltenham Borough Council must take all reports of driver aggression seriously.

The Borough Council must be satisfied that the holder of a Hackney Carriage Driver's licence is a fit and proper person to hold that licence. The overriding consideration is the safety of the public.

The reporter of this complaint is a member of the public, who is registered disabled.

The reporter suggests that the licensed driver was rude and abusive towards them and questioned the genuineness of their disability. They report that the driver made aggressive comments towards them which made them feel uncomfortable. The reporter suggests that following this they felt compelled to report it to the Council to prevent this happening to any other person in future.

Mr Rogers reports that the member of the public was the aggressor and he was fearful. Mr Rogers has confirmed at every opportunity that he did not leave his vehicle during the whole time.

Having checked the database for previous complaints recorded against Mr Rogers, 10 previous complaints are recorded.

Mr Rogers appeared before licensing sub-committee 7<sup>th</sup> November 2018 following receipt of the last report of abusive behaviour. Members voted to issue Mr Rogers with a warning letter.