

# CARLISLE CITY COUNCIL

Report to:- **THE CHAIRMAN AND MEMBERS OF THE LICENSING & REGULATORY PANEL**

Date of Meeting:- 5<sup>th</sup> December 2001

Agenda Item No:-

A.5

Public

Operational

Delegated Yes

---

## Accompanying Comments and Statements

Required

Included

Cumbria Fire Service

No

No

Cumbria Constabulary

No

No

Environmental Services

No

No

---

Title:-

**HACKNEY CARRIAGE DRIVER –CONVICTION FOR  
MOTORING OFFENCE – JOHN JAMES WRIGHT  
CITY SOLICITOR & SECRETARY**

Report of:-

Report reference:-

TC. 229 /01

---

## Summary:-

John James Wright has been a licensed driver of both Hackney and Private Hire vehicles with Carlisle City Council since 1989. He has disclosed an offence of speeding on 4<sup>th</sup> April 2001, whilst carrying a passenger in a private hire vehicle.

*9 October 2001*

## Recommendation:-

To reach a decision from the options available, after hearing the evidence and the response from Mr Wright in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

J M Egan

City Solicitor & Secretary

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- Fixed Penalty Ticket and Driving Licence, copies of which are attached to this report.

To the Chairman and Members of The Licensing & Regulatory Panel 5<sup>th</sup> December 2001

NAME John James Wright  
DATE OF BIRTH 16<sup>th</sup> May 1943  
ADDRESS 32 Rashdall Road, Carlisle

UNSPENT CONVICTIONS

30 <sup>th</sup> November 1997	Speeding	FPT & 3 Penalty Points
9 <sup>th</sup> October 2001	Speeding	FPT & 3 Penalty Points

HISTORY

Carlisle City Council granted Mr Wright a Private Hire Drivers Licence in 1989. Since that time he has held both Hackney Carriage and Private Hire Licences. The Private Hire Drivers Licence was last renewed on 29<sup>th</sup> January 2001.

On 20<sup>th</sup> April 1998 Mr Wright appeared before the Licensing Panel as a result of motoring convictions and for not disclosing the latter of these convictions. His Private Hire driving licence was suspended for two weeks.

On 4<sup>th</sup> June 1998 Mr Wright appealed to Carlisle Magistrates Court against this decision. The appeal was rejected.

On 9<sup>th</sup> October 2001 Mr Wright was driving a Private Hire vehicle with a passenger on board in West Road, Wigton. He was stopped by the Police travelling at 47 mph in a 30 mph limit and was issued with a fixed penalty ticket (Appendix A). Under the conditions of his Private Hire driving licence he reported the offence to the Licensing Officer a few days later.

A copy of his DVLA licence is attached which shows a previous offence (Appendix B).

Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976, states that a District Council may suspend or revoke a Hackney Carriage Drivers Licence on a number of grounds following conviction for an offence. Section 61 (1)(b) gives the ground of 'for any other reasonable cause' (Appendix C).

It is therefore recommended that members reach a decision in line with the options available after hearing the evidence.

OPTIONS

1. To issue him with a letter of warning.
2. To suspend his Private Hire drivers licence for a period of time.
3. To revoke his Private Hire drivers licence.

Prepared by J A Messenger

PART 1

SERIAL NO: 2103063 4 (03)

APP "A"

FIXED PENALTY NOTICE (ENDORSABLE OFFENCE)

PLEASE READ THE NOTES ON THE REAR OF THIS FORM

TITLE: Mr/Mrs/Miss/Ms WRIGHT DATE OF BIRTH 11/05/43  
 SURNAME WRIGHT  
 FORENAME(S) JOHN JAMES  
 ADDRESS 35 RASHDALE ROAD  
MORTON HALL, GALLUP  
 POST CODE E 12 3 4 5 6 0

SEE NOTE

On 09/10/01 at 14:45 hrs  
 at WEST ROAD, WIGTON  
 you were driving/using  
 a Vehicle, Registration Number H20 UKC  
 (when the Offence indicated below was committed.)  
 BEAT CODE U26  
 OFFENCE: EXCESS SPEED - 30  
47-49 CODE 098

VEHICLE DETAILS	Manual	Motorway	L Plates
	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Make <u>Ford</u>		Passenger(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Type/cc <u>GALAXY</u>		Driver-Supervised Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Use <u>Business</u>		HGV Class <u>N/A</u>	
Class <u>PLG</u>		<u>Silver</u>	

B

You are reminded that you must produce the documents indicated  
 Check only 1 ☐ 2 ☐ 3 ☒ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐  
 Record details 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐  
 at PICKERGATE, GALLUP Police Station

C

D

E

LICENCE NOT SURRENDERED AT ROADSIDE  
 You have been required to produce your Driving Licence and Counterpart WITHIN 7 DAYS. If when you do so, it meets the necessary requirements AND you are prepared to surrender it, the Police will take no further action in respect of this Offence provided you then pay within 28 Days the sum of £60 to the address shown in Part 2 below.

C

E

LICENCE SURRENDERED AT ROADSIDE  
 You have surrendered your Driving Licence and Counterpart and been given this Fixed Penalty Notice. The Police will take no further action in respect of this Offence provided you pay within 28 Days the sum of £60 to the address shown in Part 2 below.

Motorists signature John Wright (Request only)

Signed [Signature] Rank PC No 140  
 Str: [Signature] Divn: [Signature] Date 09/10/01

F

I acknowledge receipt of Driving Licence and Counterpart FULL ☒ BROU ☐  
 Driver Number WRIGHT 4.05163 JTD  
 CATEGORIES B BEE CIE DI D1E Expiry Date 25.2.10  
 RESTRICTIONS CUMBRIA Force CUMBRIA  
 Signed [Signature] Rank E.O. No 9414  
 Str: CARLISLE Divn: C Date 9.10.01

PART 2

SERIAL NO: 2103063 4 (03)

Date of Full Notice  
 To: Cumbria Fixed Penalty Office, The Courthouse, Burnside Road, KENDAL, Cumbria LA9 4TJ.  
 I enclose the sum of £60 as payment of the Fixed Penalty for the offence shown in PART 1 of this Notice.  
 Payment should NOT be made unless you have surrendered your Driving Licence and Counterpart to the POLICE.  
 NAME (BLOCK LETTERS)  
 ADDRESS (BLOCK LETTERS)

If you require a receipt you must include a stamped addressed envelope.  
 Payment should NOT be made at a Police Office or to a Police Officer.

1. Full name

WRIGHT

2. Other names

JOHN JAMES

3. Date of birth

16 05 1943

4. Residential address

32 RASHDALL RD MORTON  
CARLISLE  
CA1

5. Issued by

DYLA SWANSEA

6. Valid from

20 04 1991

Valid until

15 05 2013

7. No

WRIGHT 405163 JJ9TD

8. Signature

*Sol. J. Dwyer*

9. Counterpart and PROVISIONAL ENTITLEMENT DOCUMENT referred to in the Road Traffic Act

10. PROVISIONAL ENTITLEMENT as supplied by convicting Court - see leaflet INS 52 for Offence Codes

Case No.	Date of conviction	Offence code	Date of offence	Fine	Disqual period	Part pts
9902	SP30 30 11 97	FIXED PENALTY 03				

11. Stamp

Additional information

A	Motorcycles with or without sidecar and a maximum design speed of 45 mph	
B	Motorcycles with or without sidecar and a maximum design speed of 45 mph	
B1	Motorcycles with or without sidecar and a maximum design speed of 45 mph	
C	Motor vehicles used for the carriage of goods and where maximum authorised mass exceeds 3.5 tonnes	
C1	Motor vehicles used for the carriage of goods and where maximum authorised mass exceeds 3.5 tonnes	
D	Motor vehicles used for the carriage of passengers with more than eight seats in addition to the driver's seat	
D1	Motor vehicles used for the carriage of passengers with more than eight seats, but not more than 16 seats, in addition to the driver's seat	
E	Constitution of vehicles of other categories as set out in categories B, C or D and which are not designated in that category as hazardous	
OTHER CATEGORIES		
D1	CATEGORY RESTRICTION 1 APPLIES	
D1	CATEGORY RESTRICTION 1 APPLIES	
FKL		
NP		

5850252

PROVISIONAL ENTITLEMENT

Your licence authorises you to drive motor vehicles of the categories as set out in the Motor Vehicles (Driving Licences) Regulations, the full name of which you have reached the minimum ages for driving them shown against

A, G + H

This is your driver number

WRIGHT 405163 JJ9TD

You should always quote your driver number if you have to contact DVLA. If you change your name and/or address you must complete the C101 form at the licence and send it to DVLA, Swansea SA99 1BA.

Please check carefully the contents of this page if anything is not right along the bottom back to DVLA.

JOHN JAMES WRIGHT  
32 RASHDALL RD MORTON  
CARLISLE  
CA1

AA B

Physicals Licence Expiry  
19 04 1991  
Physicals Expiry Date  
19 04 1991  
Physicals Expiry Date  
19 04 1991

Delia of Category B: 18 12 1986 Issue No: 21 0451A061 911091670709

PART II, 1976 ACT.

SECTION 61.

SUSPENSION AND REVOCATION OF DRIVERS' LICENCES.

- (1) Notwithstanding anything in the **Act of 1847** or in any part of **this Act**, a District Council may suspend or revoke or (on application therefore under **Section 46 of the Act of 1847** or **Section 51 of this Act, as the case may be**) 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.
- (2) (a) Where a District Council suspend, revoke or refuse to renew any licence under **this Section** they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence **within fourteen days** of such suspension, revocation or refusal and the driver shall on demand return to the District Council the driver's badge issued to him in accordance with **Section 54** of **this Act**.
- (b) If any person without reasonable excuse contravenes the provisions of **this Section** he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **Level 1** on the standard scale.
- (3) Any driver aggrieved by a decision of a District Council under **this Section** may Appeal to a **Magistrates Court**.

NOTE.

The above section is as amended by the **Criminal Justice Act 1982**.

APP "C"