

# Report to Regulatory Panel

Agenda  
Item:

**A.2**

Meeting Date: 29 May 2013  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework NO  
Public / Private Public

Title: IAN MAGILL - HACKNEY CARRIAGE DRIVER—SPEEDING  
CONVICTION  
Report of: Director of Governance  
Report Number: GD 23 /13

## Purpose / Summary:

Ian Magill is a licensed Hackney Carriage Driver with this Council. He has recently reported that he was convicted of a speeding offence on the 3<sup>rd</sup> of March 2013 whilst driving his Hackney Carriage which was transporting fare paying passengers at the time

## Recommendations:

To reach a decision from the options available, after hearing the evidence and the response from Mr Magill in accordance with Section 59 (1) (a) of the Local Government (Miscellaneous Provisions) Act 1976.

## Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

To the Chairman & Members of the Regulatory Panel on the 29<sup>th</sup> May 2013

NAME Ian Magill

ADDRESS Garden Village, Newby West, Carlisle

AGE 52

LICENSING HISTORY

Mr Magill has been licensed as a Hackney Carriage Driver since 2003

01/11/03 Speeding (SP30) Fixed Penalty & 3pts

15/01/05 Traffic Light Offence Fixed Penalty & 3pts  
A warning letter was issued by the Licensing Manager regarding this offence. ( **see appendix 1**)

14/01/10 Failure to report an accident Fined £200

14/01/10 Failure to stop after an accident Fined £270 & 7pts  
The police notified the Council of these offences and their evidence was that a passenger fell out of his moving taxi and Mr Magill left the scene of the accident. Mr Magill claimed the passenger jumped out of his taxi at 15mph to avoid paying the fare. He left the scene to phone for an ambulance and immediately returned. The matter went to Court and he was found guilty on both counts.  
A warning letter was issued by the Licensing Manager regarding these offences. ( **see appendix 2**)

LATEST CONVICTION

Mr Magill has now reported that on the 3<sup>rd</sup> of March 2013 he received a £60 fine and 3 pts for speeding (SP30). He was in his taxi at the time and was carrying 2 fare paying passengers. His speed was recorded by a fixed camera at Warwick Bridge at 39mph in a 30mph limit. The time of the offence was 03.07. ( **see appendix 3**)

It is the policy of the Council to always report speeding offences to The Regulatory Panel where the taxi driver was carrying a fare paying passenger.

## DVLA DRIVING LICENCE

Apart from this latest conviction Mr Magill's driving licence is "clean" **(Appendix 4)**

### **LEGISLATION**

Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976, states that a District Council may suspend or revoke a Hackney Carriage Driver Licence on a number of grounds.

Section 61 (1) (b) gives the grounds of "any other reasonable cause" **( Appendix 5 )**

### OPTIONS

It is recommended that after hearing the evidence and any representations from Mr Magill members reach a decision in line with the options available.

- 1 To take no further action.
- 2 To issue him with a letter of warning
- 3 To suspend his Hackney Carriage Driver's licence for a period of time.
- 4 To revoke his Hackney Carriage Drivers Licence.
- 5 As well as or instead of the above, to require him to sit and pass a Driving Standards Agency Taxi Driving Test

**Contact Officer: Sue Stashkiw**

**Ext: 7029**

**Appendices**  
**attached to report:**

- 1 - Warning Letter 14/02/05**
- 2 - Warning letter 17/02/10**
- 3 - Disclosure Form**
- 4 - Driving Licence**
- 5 - Legislation**

**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:**

### **CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's – Not applicable**

**Community Engagement – Not applicable**

**Economic Development – Not applicable**

**Governance – Included within report**

**Local Environment – Not applicable**

**Resources – Not applicable**

# APPENDIX 1

## **Environmental Protection Services**

Head of Environmental Protection Services : Richard Speirs MIEH MIOA  
Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817346  
Document Exchange Quote DX 63037 Carlisle Type talk please ring 0800 95 95 98  
Council Website [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

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Mr I Magill  
Newby West  
Carlisle  
CA2 6QU

**Please ask for:** Mr Messenger / Mr Sharrock  
**Direct Line:** 01228 817026  
**E-mail:**  
**Your ref:**  
**Our ref:** Licensing/FW

14 February 2005

Dear Sir

You have recently disclosed a conviction for contravening a traffic light on Botchergate on 15<sup>th</sup> January 2005.

A record of this incident will be placed on your file. Should there be any further occurrences, it may be necessary for you to appear before the Licensing Panel where this record may be mentioned.

Yours faithfully

Licensing Manager

**CARLISLE  
CITY COUNCIL**



**www.carlisle.gov.uk**

## **Governance Directorate**

**Assistant Director (Governance): M D Lambert LLB (Hons)**

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023

Document Exchange Quote DX 63037 Carlisle Type talk 18001 01228 817000

Council Website [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

Mr I M Magill

Garden Village, Newby West,  
Carlisle  
Cumbria  
CA2 6QU

Enquiries to: Licensing Officer  
Direct Dial: 01228 817523

Date: 17 February 2010

Dear Mr Magill

### **Motoring Conviction**

I understand that you have reported to my Licensing Officer that you were recently convicted of failing to stop and failing to report an accident.

I have read your account of the circumstances relating to the convictions but ultimately the court weighed up the evidence and found you guilty of the offences.

However, on this occasion I have decided to deal with this matter by way of an official warning.

I must warn you therefore that should there be any further convictions, or indeed any breaches of the conditions of your Licence, you may have to appear before the Regulatory Panel where the options open to the members include the revocation or suspension of your Hackney Carriage Driver's Licence.

Yours sincerely

Licensing Manager

# APPENDIX 3

Form I

CARLISLE CITY COUNCIL

## DISCLOSURE OF ADDITIONAL CONVICTION

RECEIVED

09 MAY 2013

LICENSING

I IAN MAGILL

of GARDON VILLAGE NEWBY WEST CARLISLE

Date of Birth .....

being a licensed Hackney Carriage/Private Hire Driver with Carlisle City Council, have been convicted of an additional offence or offences that I have not previously declared to the Council. This/these offences are disclosed below. This List includes any penalty imposed upon me other than by a Court but as a result of any legal process.

I understand that under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, ALL convictions must be disclosed upon renewal.

Date of Offence	Date of Conviction	Offence	Court at which convicted	Sentence or Order of the Court or Fixed Penalty Notice
3/3/2013	-	SP30 - Speeding	(1323) South Lakeland	3pts £60 fine

### Circumstances

Travelling from Carlisle city Centre to Brampton on 3/3/2013 at 3.07 a.m. Was recorded speeding at 39mph at Warwick Bridge (fixed camera). I had 2 male fare paying passengers in vehicle. (CK07VLF)

I agree that this conviction and/or penalty and my history as a licensed driver may be disclosed at the public hearing of Carlisle City Council Regulatory Panel, or any subsequent hearing held in any Court or Tribunal

Signature of Licence Holder

8/5/2013.

Date

D3273509

2

D32735093

4 D3273509

1. Surname  
**MAGILL**  
2. Other names  
**IAN MARK**  
3. Date of birth  
**02 12 1997**  
Place of birth  
**NK**

4. Issued by DVLA SWANSEA  
**02 12 1997**  
5. No.  
**39**

7. Signature  
8. Permanent Address  
**NEWBY WEST  
CARLISLE  
CA2 6QU  
25611**

CATEGORIES OF VEHICLES FOR WHICH THE LICENCE IS VALID				Stamp		from		until		Information codes	
A1	A	B	B1	C	C1	D	D1	D1E	D1E	BE	C1E
---	---	---	---	---	---	---	---	---	---	22	22
83	29	01	31	83	29	01	31	83	29	01	31
107	107	107	107	107	107	107	107	107	107	107	107

COUNTERPART LICENCE

ENDORSEMENTS as supplied by Convicting Court see latest INSS7 to Offence Codes

Convicting Court Code	Date of conviction Day Month Year	Offence code	Date of offence Day Month Year	Fine £	Disqual. period	Per. pts
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**B23** **SP30011103** Fixed Penalty **03**

**B23** **TS10150105** **03**

**2002** **22 10 09** **AC20160809** **700-00** **00**

**2002** **14 01 10** **AC10160809** **270-00** **07**

**1303** **SP300103** **03** **03**

PROVISIONAL ENTITLEMENT

D3273509

Your licence authorises you to drive, under provisional licence conditions as set out in the Motor Vehicles (Driving Licences) Regulations.

Cat.	from	until	Codes
A	29 09 79	29 01 31	
GH	29 09 79	29 01 31	

PREVIOUS LICENCE HISTORY

Cat.	from	Codes
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National Categories  
Categories of vehicles for which licence is valid nationally  
Cat. from until  
**FKL** **22 02 83** **29 01 31**  
**NP** **22 02 83** **29 01 31**

**IAN MARK MAGILL**  
**NEWBY WEST**  
**CARLISLE**  
**CA2 6QU**  
**25611**

Key to symbols  
+ Unladen mass  
+ Maximum authorised mass  
+ Indicate passenger seats  
NHR = not for hire or reward  
SEE OVERLEAF FOR DETAILS OF CATEGORIES

You may only drive the above if you hold current entitlement for a higher category

APPENDIX H



## 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**.

S61.