

Report to Regulatory Panel

Agenda Item:

A.1

Meeting Date: 29 May 2013

Portfolio: Finance, Governance and Resources

Key Decision: Not Applicable:

Within Policy and

Budget Framework NO
Public / Private Public

Title: MARTIN PETER LEWCOCK- HACKNEY CARRIAGE DRIVER—

SPEEDING CONVICTION

Report of: Director of Governance

Report Number: GD 22/13

Purpose / Summary:

Martin Peter Lewcock is a licensed Hackney Carriage Driver with this Council. He has recently reported that he was convicted of a speeding offence on the 10th February 2013 whilst driving his Hackney Carriage which was transporting a fare paying passenger at the time

Recommendations:

To reach a decision from the options available, after hearing the evidence and the response from Mr McPake 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

NAME Martin Peter Lewcock

<u>ADDRESS</u> Newtown Road, Carlisle

<u>AGE</u> 41

LICENSING HISTORY

Mr Lewcock has been licensed as a Hackney Carriage Driver since 2001.

10/05/05 Speeding Offence (SP50) for which he received a fixed penalty & 3 pts.

26/11/07 Traffic Light Offence (TS10) for which he received a £60 fine & 3pts. He was

also issued with a warning letter from the Licensing Manager (Appendix 1)

Nov 2012 Following a further speeding matter Mr Lewcock opted to take a speed

awareness course. Because of this he did not receive any further points on

his licence.

LATEST CONVICTION

Mr Lewcock has now reported that on the 10th of February 2013 he received a £60 fine and 3 pts for speeding (SP30). He was in his taxi at the time and was carrying a fare paying passenger. It is usual practice to place speeding offences to the Regulatory Panel where the taxi driver was carrying a fare paying passenger.

In mitigation Mr Lewcock claimed his passenger thought he was about to be sick and that was the reason for his lapse of concentration. (Appendix 2)

DVLA DRIVING LICENCE

This is the only conviction recorded on Mr Lewcock's driving licence (Appendix 3)

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 4)

OPTIONS

It is recommended that after hearing the evidence and any representations from Mr Lewcock, 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
- To suspend his Hackney Carriage Driver's licence for a period of time.
- 4 To revoke his Hackney Carriage Drivers Licence.
- 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 1 - Warning Letter attached to report: 2 - Disclosure Form

3 - Driving Licence

4 - 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: Local Government (Miscellaneous Provisions) Act 1976

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

APPENDIXI

1907

Legal and Democratic Services

Director of Legal & Democratic Services: J M Egan LLB
Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023
Document Exchange Quote DX 63037 Carlisle Type talk please ring 0800 95 95 98
Council Website www.carlisle.gov.uk

Martin Lewcock

Newtown Road
Carlisle

Please ask for:

Mr Sharrock

Direct Line:

01228 817523

E-mail:

licensing@carlisle.gov.uk

Your ref: Our ref:

Licensing/BS

20 December 2007

Dear Sir

I understand that you have recently reported to my Licensing Officer that on the 26th of November 2007 you were convicted of an offence of failing to comply with a traffic signal.

I note that although you were in your taxi there were no passengers. I intend therefore to deal with this by way of an official warning.

As a result of this conviction, and also a previous conviction for speeding in 2005, I must warn you that should there be any further convictions, or indeed any breaches of the conditions of your Licence, it may be necessary for you 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 faithfully

Licensing Manager



, MARTIN PETER LEWCOCK

Date

Form I

CARLISLE CITY COUNCIL

DISCLOSURE OF ADDITIONAL CONVICTION

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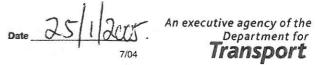
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SECTION 61.

SUSPENSION AND REVOCATION OF DRIVERS' LICENCES

- 3 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 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 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.

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- (a) 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 grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days accordance with Section 54 of this Act. Where a District Council suspend, revoke or refuse to renew any licence under this Section they shall give to the driver notice of the
- 0 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.

NOIL

S61.

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

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