

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

ADDRESS Newtown Road, Carlisle

AGE 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
- 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**
- 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

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:

Direct Line:

E-mail:

Your ref:

Our ref:

Mr Sharrock
01228 817523

licensing@carlisle.gov.uk

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



INVESTOR IN PEOPLE

Form I

CARLISLE CITY COUNCIL

DISCLOSURE OF ADDITIONAL CONVICTION

I MARTIN PETER LEWCOCK

of NEWTOWN RD CARLISLE CA2 7LT

Date of Birth 10/2/1973

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
10/2/13		SP 30		£60 3 points

Circumstances Camera at Warrick Bridge.
Dropping Customer off on bus stop 20mtr passed the camera. We got 100 meter near the Camera and my customer was making funny noises and said he was going to be sick. I lost a lapse of concentration due to him trying to get out of the moving car

P.70.

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

3/2/2013

Date



Keep this safe Counterpart Driving Licence

Important Document - The photocard and paper counterpart should be kept together. Both must be produced when required.

C 6364156

D740

MARTIN PETER LEWCOCK
NEWTOWN ROAD
CARLISLE
22711



5711030300

050241875717

Driver number

Issue number

17A

17A

Provisional Entitlement (see booklet INS57P for category details)

Category	From	Until	Codes
GH	05 10 89	10 03 42	

Entitlement History (see Section 3 overleaf)

Category	From	Until	Codes

Category	From	Codes

Offences (as supplied by convicting Court) See booklet INS 57P for offence codes

Convicting Court code	Date of conviction Day Month Year	Offence code	Date of offence Day Month Year	Fine £	Disqual. period	Other	Penalty points
1323		SPSO	10 05 05			CP	03
1322	26 11 07	TSLO	13 10 07	60			03

DRIVING LICENCE



- LEWCOCK
- MARTIN PETER



2. 150 NEWTOWN ROAD, CARLISLE, CA2 7LT

A, B, C, E, C1, C1E, D1, D1E, F, L, A, P

NOTE: < means "earlier than"

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

Official Use

Changes (to your personal details, address, licence) write clearly in the boxes using CAPITAL LETTERS IN BLACK INK. (See Section 5 overleaf)

New/transferable

New Post Code

New address

This document must not be used for change of name. For change of name please refer to the D1, which can be obtained from Post Office branches.

Send the completed form with your photocard licence to DVLA, Swansea, SA99 1BN

Sign in the white box to confirm changes

[Signature]

Date 25/1/2005

An executive agency of the Department for Transport

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.

APPENDIX 4