

REGULATORY PANEL

WEDNESDAY 17 DECEMBER 2014 AT 2.00PM

PRESENT: Councillor Bell (Chairman), Councillors Betton, Bowman S, Cape, Mrs Parsons, Scarborough, Mrs Stevenson and Wilson.

OFFICERS: Assistant Solicitor
Licensing Manager
Licensing Officer

RP.34/14 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Layden, Morton and Mrs Warwick.

RP.35/14 DECLARATION OF INTEREST

There were no declarations of interest affecting the business to be transacted at the meeting.

RP.36/14 PUBLIC AND PRESS

It was agreed that the items of business in Part A be dealt with in public.

RP.37/14 MINUTES OF PREVIOUS MEETINGS

RESOLVED – That the minutes of the meetings held on 8 October 2014 and 12 November 2014 be noted.

RP.38/14 HACKNEY CARRIAGE DRIVER - FURTHER SPEEDING CONVICTION

The Licensing Officer submitted report GD.60/14 regarding a Hackney Carriage Driver who had received his third speeding conviction in 17 months.

Mr Cochrane (the licensed Hackney Carriage Driver) was in attendance at the meeting.

The Chairman introduced the Panel and Officers in attendance.

The Assistant Solicitor outlined the procedure the Panel would follow. Mr Cochrane confirmed that he had received and read the Licensing Officer's report. The Assistant Solicitor advised Mr Cochrane that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer outlined Mr Cochrane's licensing history highlighting that he had been a licensed Hackney Carriage driver since 1996 and apart from the speeding convictions he had not come to the attention of the Licensing Office.

Mr Cochrane had received speeding convictions on 26 April 2013 and 15 May 2014 and had, on both occasions, received a warning letter from the Licensing Office. The second

letter informed Mr Cochrane that any further convictions may result in the offences being referred to the Regulatory Panel.

On 24 September 2014 Mr Cochrane received a further speeding conviction for driving at 38mph in a 30mph limit at Warwick Bridge in his private car. Mr Cochrane claimed that he had collected his daughter from school and was taking her to hospital following a hockey injury. As Mr Cochrane had received three speeding convictions in 17 months the matter had been referred to the Panel for their consideration.

In response to a question the Licensing Officer explained that the legislation set out in the report covered all convictions and all drivers were required to report any convictions received to the Licensing Office regardless of their nature.

Mr Cochrane addressed the Panel. He explained that he enjoyed his job and he had not received any complaints during his time as a driver. He reported that the third speeding conviction had been as a result of a call from his daughter's school. His daughter had received an injury to her hand during a hockey game and he had collected her from school. His thoughts had been on taking his daughter home and how to get in touch with his wife. He had been in his private vehicle. He added that he carried out his work diligently and to the best of his ability.

Mr Cochrane informed the Panel that he had previously attended a speed awareness course and explained that he automatically reduced his gear when he saw a speed sign which meant the engine would race and he would not speed. He also stated that the two convictions for Warwick Bridge had recorded him doing exactly the same speed and he thought this was noteworthy.

In response to questions he confirmed that he was a full time driver, this was his only form of employment, he had two dependents and he had not taken the Driving Standards Agency Taxi Test.

The Licensing Officer reminded the Panel of the relevant Legislation and outlined the options open to the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter.

RESOLVED – The Panel had carefully considered and read the evidence in the report and listened to the responses and heard Mr Cochrane.

The Panel noted that Mr Cochrane had held a Hackney Carriage Driving Licence for 17 years without coming to the attention of Licensing Officers but since then had received three convictions for speeding within 17 months and two of which had occurred at the same location.

The Panel had listened to Mr Cochrane's account of the last incident and appreciated that Mr Cochrane's daughter had an injury but he had been 8mph over the speed limit.

The Panel must be satisfied that Mr Cochrane was a fit and proper person to hold a Hackney Carriage Driver's Licence.

The Panel had decided:

- That Mr Cochrane must sit and pass the Driving Standards Agency Taxi Test within 14 weeks
- That a strong letter of warning be sent to Mr Cochrane

The reasons for the decision was:

- Mr Cochrane had three speeding offences in a 17 month period
- Mr Cochrane had received two previous warning letters and had still received a further conviction
- The Panel felt that the test would be beneficial to Mr Cochrane.

(The meeting ended at 2.30pm)