

Report to Regulatory Panel

Agenda
Item:

A.1

Meeting Date: 17th December 2014
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and Budget Framework
Public / Private Public

Title: STUART COCHRANE, FURTHER SPEEDING CONVICTION
Report of: DIRECTOR OF GOVERNANCE
Report Number: GD.60/14

Purpose / Summary:

Stuart Cochrane has recently reported that on the 24th of September 2014 he received a fixed penalty notice and 3 points for speeding. As this was his 3rd speeding conviction in 17 months the matter has been referred to The Regulatory Panel.

Recommendations:

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

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

To the Chairman & Members of the Regulatory Panel on 17th December 2014

NAME Stuart Cochrane

ADDRESS Ghyll Road, Carlisle

AGE 46

HISTORY

Mr Cochrane has been licensed as a Hackney Carriage driver since 1996. Apart from the speeding convictions mentioned below he has not come to the attention of the Licensing Officers.

CONVICTIONS

- 26/04/13 Speeding Fixed Penalty and 3 points.
38mph in a 30mph limit at Warwick Bridge speed camera
4.30am in his taxi but no passengers
Issued with a warning letter from Licensing **(App1)**
- 15/05/14 Speeding Fixed Penalty and 3 points
43mph in a 30mph limit at Scotby Road speed gun
9.02am in his taxi but no passengers
Issued with a further warning letter from Licensing pointing out that
this was his second speeding offence in little over a year and that any
further offences may be referred to The Regulatory Panel. **(App2)**

LATEST OFFENCE

- 24/09/14 Speeding Fixed Penalty and 3 points
38mph in a 30mph limit at Warwick Bridge speed camera
2.06pm in his private car. Mr Cochrane claimed he had picked up his
daughter from school and was taking her to hospital after a hockey
injury **(App3)**
As this is the 3rd speeding offence in 17 months the matter has been
referred to The Regulatory Panel.

DRIVING LICENCE

Mr Cochrane's driving licence is attached at **App4** showing he currently has 9 points endorsed on his licence.

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" (**App5**)

OPTIONS

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

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

Contact Officer: Barry Sharrock

Ext: 7027

**Appendices
attached to report:**

- 1- Warning letter re speeding dated 19/07/13**
- 2- Warning letter re 2nd speeding dated 05/08/14**
- 3- Letter from Mr Cochrane explaining 3rd speeding**
- 4- DVLA driving licence**
- 5- Local Government (Miscellaneous Provisions) Act 1976 section 61(1)(b)**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -	n/a
Deputy Chief Executive –	n/a
Economic Development –	n/a
Governance –	included within the report
Local Environment –	n/a
Resources -	n/a

APPENDIX 1

**CARLISLE
CITY COUNCIL**



www.carlisle.gov.uk

Governance Directorate

Director of 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

Mr S B Cochrane
11 Ghyll Road
Scotby
Carlisle
Cumbria
CA4 8BT

Enquiries to:
Direct Dial:

Fred Watson
01228 817523

19 July 2013

Dear Mr Cochrane

Driving Conviction

I have received your disclosure of additional conviction relating to a speeding offence committed on 26th April 2013. The offence occurred in Warwick Bridge, Carlisle and was dealt with by means of a fixed penalty notice

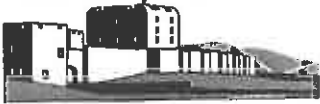
As there were no passengers in the taxi at the time I intend to deal with this matter by way of a written warning. The incident will be recorded on your file and may be mentioned in any future appearance before the Regulatory Panel.

Yours sincerely

Licensing Manager

APPENDIX 2

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Mr S B Cochrane
1 Ghyll Road
Scotby
Carlisle
Cumbria
CA4 8BT

Enquiries to:
Direct Dial:

Barry Sharrock
01228 817523

5 August 2014

Dear Mr Cochrane

UNDECLARED CONVICTION

I note from your recent renewal application that on the 15th of May 2014 you were convicted of speeding.

The code of practice attached to your licence clearly states that you must inform the Council, in writing, within seven days of receiving a conviction, it must not be delayed until renewal (see 18).

As this is your second speeding offence in a little over a year I must warn you that should there be any repeat of this non disclosure or if you receive any further convictions you may be referred to the Council's Regulatory Panel where the options open to the members include the suspension or revocation of your licence.

Yours sincerely

Licensing Manager

APPENDIX 3

Form I

CARLISLE CITY COUNCIL

DISCLOSURE OF ADDITIONAL CONVICTION

RECEIVED

30 OCT 2014

LICENSING

I STUART BRENNEL COCHRANE

of 1 CHYLL ROAD SCOTBY 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
24/9/2014	—	SP30	—	FP — 03 points

Circumstances On the date in question, the 24th of September I was driving through Waverley Bridge at a speed of 38mph when I was caught on camera. In mitigation I must say that I was driving in my PRIVATE CAR, with my eldest child, having just picked her up for school. The time was 2.06pm in the afternoon and my mind was not focusing right 9.5 ~~was~~ I believed that having to pick up my child with on hockey injury I ~~thought~~ thought that I was going to Hospital.

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

29/10/2014
Date

Counterpart Driving Licence

1 2360550

D740

1005875102 / 1418

STUART BREMNER COCHRANE
GHYLL ROAD
SCOTBY
CARLISLE

24000

113000



Document number

111651490648

Driver number

Issue number

. 07A



You can Renew, Update, Exchange, Replace
or Apply for your driving licence ONLINE
Go to www.direct.gov.uk/driverslicence.

Entitlement History (see Section 3 overleaf)

Category	From	Until	Codes
A	05 06 85	05 04 38	
GH	05 06 85	05 04 38	

[illegible]

Category	From	Codes

NOTE < means "earlier than"

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

Endorsements (as supplied by Convicting Court)

Convicting Court code	Date of conviction			Offence code	Date of offence			Fine £	Disqual. period	Other	Penalty points
	Day	Month	Year		Day	Month	Year				
1323				SP30	26	04	13	FP			03
1323				SP30	15	05	14			FP	03
1323				SP30	24	09	14			FP	03

NOTE < means "earlier than"

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

Official Use

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

New house No.

New Post Code

New address

This document must not be used for change of name. For change of name please fill in and send us a 'Application for a driving licence' (D1) form, which is available to order from www.direct.gov.uk/motoringforms and to pick up at Post Office® branches. Send the filled in form with your photocard and counterpart licence to DVLA, Swansea, SA99 1BN

**Sign in the
White box to
confirm choice**

Date _____

An executive agency of the
Department for

APPENDIX 5

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

61 Suspension and revocation of drivers' licences.

- (1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor 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 [^{F1}level 1 on the standard scale].

[^{F2}(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.