

Report to Regulatory Panel

Agenda
Item:

A.1

Meeting Date: 16th October 2013
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and
Budget Framework NO
Public / Private Public

Title: IAN NELSON BELL-TAXI DRIVER-DISCLOSURE OF
ADDITIONAL MOTORING CONVICTIONS
Report of: Director of Governance
Report Number: GD 49/13

Purpose / Summary:

Mr Bell is a Hackney Carriage driver licensed with Carlisle City Council. It has come to our attention that on the 12th of October 2012 he was convicted of riding a motorcycle without insurance or the appropriate driving licence and did not disclose this offence to the Council.

Recommendations:

To reach a decision from the options available, after hearing evidence and the response from Mr Bell 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 the 16th October 2013

NAME Ian Nelson Bell

ADDRESS Petteril Street, Carlisle

AGE 48

LICENSING HISTORY

Mr Bell was first licensed as a Hackney Carriage Driver in April 2011.

At this time he had a number of criminal convictions dating back to 1984, but as his most recent conviction was in 1998, a decision was taken to grant him a Hackney Carriage driver's licence. His most recent motoring offence was for speeding in Scotland in 2006 but the penalty points are now spent.

LATEST CONVICTION

12/10/12 Riding a motorcycle without insurance
Driving otherwise than in accordance with a licence
Fined £250 with 6 penalty points.

These offences were committed in March 2012 and first came to our attention when Mr Bell applied to renew his licence in July 2013. He completed a Disclosure of Additional Conviction (**Appendix A**) and was interviewed where he claimed that he hadn't actually ridden the motorcycle, he had only unloaded it from a vehicle and left it parked on the roadside for a few minutes having just purchased it.

His version of events were checked with the police and proved to be incorrect. A witness statement was provided by the Police Officer present at the scene (**Appendix B**). The officer stated that he was parked in Bower Street when a motorcycle passed him. He noticed that it wasn't fitted with a number plate or lights (race/track bike). He followed it to a house in Brookside and Mr Bell was spoken to as he got off the motorcycle and told he would be reported for the 2 offences.

DRIVING LICENCE

Apart from this latest conviction Mr Bell's driving licence shows no further endorsements (**Appendix C**)

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 D)**

OPTIONS

It is recommended that after hearing the evidence and any other representations from Mr Bell the 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:

- A – Disclosure of Additional Conviction**
- B - Police Officer Witness Statement**
- C – DVLA Driving Licence**
- D – Legislation**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive’s – N/A

Community Engagement – N/A

Economic Development – N/A

Governance – Included within report

Local Environment – N/A

Resources – N/A

Form I

CARLISLE CITY COUNCIL

DISCLOSURE OF ADDITIONAL CONVICTION

RECEIVED

9 JUL 2013

LICENSING

I IAN NELSON BELLof PETTORU BANK ROAD CARLISLEDate of Birth 12/12

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
21/3/12	12/10/12	NO INSURANCE IN10	CARLISLE MAGS,	£250 FINE 6 POINTS.

Circumstances

I TOOK MOTON BIKE OUT OF VAN AND PARK
BIKE ON PAVEMENT AND MOVED VAN TO GET
BIKE ON TO MY DRIVE WAY. IT WAS ON A PUBLIC
HIGHWAY BUT HAD NO INSURANCE ON IT - AG NOTIME
AT ALL I WAS NOT RIDING THE BIKE ON THE ROAD.

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

IAN BELL
Signature of Licence Holder

9/7/13
Date

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN 03

Statement of: Colin DUNNEAge if under 18: Over 18 yrs (if over 18 insert 'over 18') Occupation: Police Constable 648

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: _____ Date: 26/03/2012Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Constable 648 DUNNE of Cumbria Constabulary, currently attached to the Northern Tactical Support Group, based at Carlisle.

At 1800 hours on Wednesday 21st March 2012 I was conducting mobile patrol duties in a marked police vehicle.

At this time I was parked outside [REDACTED] BOWER STREET, CARLISLE when I heard a motor cycle approaching my vehicle from behind. As the motorcycle passed my police vehicle I noticed that the bike did not have a rear number plate or any lights.

I began to follow the motorcycle until it parked on the driveway of [REDACTED] Brookside, Carlisle.

I approached the rider who was wearing a black bike jacket as he was getting off the motorcycle.

The rider identified himself as Ian Nelson BELL ([REDACTED]) of [REDACTED] Brookside.

I pointed out that the bike did not have rear lights or registration plate, BELL stated "I've just bought the bike and I was bringing it back from the garage."

BELL produced a V5 document for the bike with the VRM of J626AHK relating to a black Honda CBR 600.

The bike is white with red and green stripes with a number 4 on the front and back.

I checked the frame number against PNC which is PC25-[REDACTED]

PNC showed that the bike was not insured.

BELL stated that he has bought the bike today and that he will be insured through his other bike insurance policy.

Signature: _____ Signature witnessed by: _____

RESTRICTED (when complete)

MG 11T (CONT)

Continuation of Statement of

No. 2 of 3

BELL gave me a Churchill insurance policy for G970UEC, a red Kawasaki 750 (policy no. ~~018-1-1111-9~~) which is valid till 23/03/12.

I carried out a driving licence check on BELL which showed that BELL has a full driving licence, but only a provisional motorcycle licence.

I pointed out that the vehicle was not showing any 'L-Plates'.

At 1815 hours I contacted the Motor Insurance Bureau (MIB) who informed me that BELL is not insured on J626AHK due to owning the bike. His policy only allows riding other bikes belonging to another person.

At 1830 hours I informed BELL "You will be reported for the consideration of the question of prosecuting you for the offence of riding a motorcycle ~~018-1-1111-9~~ no insurance and riding other than in accordance with a licence.

BELL made no reply to caution.

Signature: _____

Signature witnessed by: _____

RESTRICTED (when complete)

APPENDIX D

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.