

AGENDA

Regulatory Panel

Wednesday, 29 May 2013 AT 14:00
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

Appointment of Chairman

To appoint a Chairman of the Panel for the 2013/14 municipal year.

Appointment of Vice Chairman

To appoint a Vice Chairman of the Panel for the 2013/14 municipal year.

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests, and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private

Minutes of Previous Meetings

To agree the minutes of the meeting held on 17 April 2013.
[Copy Minutes in Minute Book 39(6)].

PART A

To be considered when the Public and Press are present

A.1 Hackney Carriage Driver - Speeding Conviction MPL 5 - 12

The Licensing Manager to submit a report regarding a Hackney Carriage Driver who has received a speeding conviction.
(Copy Report GD.22/13 herewith)

A.2 Hackney Carriage Driver - Speeding Conviction IM 13 - 22

The Licensing Manager to submit a report regarding a Hackney Carriage Driver who has received a speeding conviction.
(Copy Report GD.23/13 herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

B.1a Hackney Carriage Exceptional Condition Policy

- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

B.1b Hackney Carriage Driver Fit and Proper Person

- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

B.1b - Addendum Hackney Carriage Driver Fit and Proper Person

- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

Enquiries to Committee Clerk: Rachel Rooney (01228 817039)

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

C 6364156

D740

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

MARTIN PETER LEWCOCK
NEWTOWN ROAD
CAP' TSL

22711



5711030300

Driver number

050241875717

Issue number

17A

Provisional Entitlement (see booklet **MS57P** 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

NOTE: < means "earlier than"

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

Forfeitures (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

1. LEWCOCK
2. MARTIN PETER

5.
7.

17

2. 150 MENTON ROAD, CARLISLE, CA2 7LT

DRIVING LICENCE

1. LEWCOCK
2. MARTIN PETER



2. 150 NEWTOWN ROAD, CARLISLE, CA2 7LT

• A, B, BE, C1, C1E, D1, D1E, E, L, L1, L2

Changes: ~~do not~~ **do not** change your address; ~~please~~ **please** write clearly in the boxes using **CAPITAL LETTERS IN BLACK INK.** (See Section 5 overleaf)

NewHouseNo New Post Code
NewAddress

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**

Date _____

25/1/2005

7/04

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

Report to Regulatory Panel

Agenda
Item:

A.2

Meeting Date: 29 May 2013
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and
Budget Framework NO
Public / Private Public

Title: IAN MAGILL - HACKNEY CARRIAGE DRIVER—SPEEDING
CONVICTION
Report of: Director of Governance
Report Number: GD 23 /13

Purpose / Summary:

Ian Magill is a licensed Hackney Carriage Driver with this Council. He has recently reported that he was convicted of a speeding offence on the 3rd of March 2013 whilst driving his Hackney Carriage which was transporting fare paying passengers at the time

Recommendations:

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

To the Chairman & Members of the Regulatory Panel on the 29th May 2013

NAME Ian Magill

ADDRESS Garden Village, Newby West, Carlisle

AGE 52

LICENSING HISTORY

Mr Magill has been licensed as a Hackney Carriage Driver since 2003

01/11/03 Speeding (SP30) Fixed Penalty & 3pts

15/01/05 Traffic Light Offence Fixed Penalty & 3pts
A warning letter was issued by the Licensing Manager regarding this offence. (**see appendix 1**)

14/01/10 Failure to report an accident Fined £200

14/01/10 Failure to stop after an accident Fined £270 & 7pts
The police notified the Council of these offences and their evidence was that a passenger fell out of his moving taxi and Mr Magill left the scene of the accident. Mr Magill claimed the passenger jumped out of his taxi at 15mph to avoid paying the fare. He left the scene to phone for an ambulance and immediately returned. The matter went to Court and he was found guilty on both counts.
A warning letter was issued by the Licensing Manager regarding these offences. (**see appendix 2**)

LATEST CONVICTION

Mr Magill has now reported that on the 3rd of March 2013 he received a £60 fine and 3 pts for speeding (SP30). He was in his taxi at the time and was carrying 2 fare paying passengers. His speed was recorded by a fixed camera at Warwick Bridge at 39mph in a 30mph limit. The time of the offence was 03.07. (**see appendix 3**)

It is the policy of the Council to always report speeding offences to The Regulatory Panel where the taxi driver was carrying a fare paying passenger.

DVLA DRIVING LICENCE

Apart from this latest conviction Mr Magill's driving licence is "clean" **(Appendix 4)**

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 5)**

OPTIONS

It is recommended that after hearing the evidence and any representations from Mr Magill 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 14/02/05**
- 2 - Warning letter 17/02/10**
- 3 - Disclosure Form**
- 4 - Driving Licence**
- 5 - 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:

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

APPENDIX 1

Environmental Protection Services

Head of Environmental Protection Services : Richard Speirs MIEH MIOA
Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817346
Document Exchange Quote DX 63037 Carlisle Type talk please ring 0800 95 95 98
Council Website www.carlisle.gov.uk

Mr I Magill
Newby West
Carlisle
CA2 6QU

Please ask for: Mr Messenger / Mr Sharrock
Direct Line: 01228 817026
E-mail:
Your ref:
Our ref: Licensing/FW

14 February 2005

Dear Sir

You have recently disclosed a conviction for contravening a traffic light on Botchergate on 15th January 2005.

A record of this incident will be placed on your file. Should there be any further occurrences, it may be necessary for you to appear before the Licensing Panel where this record may be mentioned.

Yours faithfully

Licensing Manager

**CARLISLE
CITY COUNCIL**



www.carlisle.gov.uk

Governance Directorate

Assistant Director (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 I M Magill

Garden Village, Newby West,
Carlisle
Cumbria
CA2 6QU

Enquiries to: Licensing Officer
Direct Dial: 01228 817523

Date: 17 February 2010

Dear Mr Magill

Motoring Conviction

I understand that you have reported to my Licensing Officer that you were recently convicted of failing to stop and failing to report an accident.

I have read your account of the circumstances relating to the convictions but ultimately the court weighed up the evidence and found you guilty of the offences.

However, on this occasion I have decided to deal with this matter by way of an official warning.

I must warn you therefore that should there be any further convictions, or indeed any breaches of the conditions of your Licence, you may have 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 sincerely

Licensing Manager

APPENDIX 3

Form I

CARLISLE CITY COUNCIL

DISCLOSURE OF ADDITIONAL CONVICTION

RECEIVED

09 MAY 2013

LICENSING

I IAN MAGILL

of GARDON VILLAGE NEWBY WEST 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
3/3/2013	-	SP30 - Speeding	(1323) South Lakeland	3pts £60 fine

Circumstances

Travelling from Carlisle city Centre to Brampton on 3/3/2013 at 3.07 a.m. Was recorded speeding at 39mph at Warwick Bridge (fixed camera). I had 2 male fare paying passengers in vehicle. (CK07VLF)

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

8/5/2013.

Date

D3273509

2

D32735093

4 D3273509

1. Surname
MAGILL

2. Other names
IAN MARK

3. Date of birth
02 12 1997

Place of birth
NK

4. Issued by DVLA SWANSEA

02 12 1997

5. No.

39

7. Signature

8. Permanent Address

NEWBY WEST
CARLISLE
CA2 6QU

25611

COUNTERPART LICENCE

ENDORSEMENTS as supplied by Convicting Court see latest INSS7 to Offence Codes

Convicting Court Code	Date of conviction Day Month Year	Offence code	Date of offence Day Month Year	Fine £	Disqual. period	Per. pts
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B23 **SP30 01 11 03** **Fixed Penalty** **03**

B23 **TS10 15 01 05** **03**

2002 **22 10 09** **AC20 16 08 09** **700-00**

2002 **14 01 10** **AC10 16 08 09** **270-00**

SP30 03 03 13 **03**

CATEGORIES OF VEHICLES FOR WHICH THE LICENCE IS VALID

Category	Icon	Stamp	From	Until	Information codes
A1		---			
A		---			
B1		---			
B		B	22 03 29 01 31		
C1		C1	22 03 29 01 31		
C		---			
D1		D1	22 03 29 01 31 101		
D		---			
B+E		BE	22 03 29 01 31		
C1+E		C1E	22 03 29 01 31 107		
D1+E		D1E	22 03 29 01 31 101,119		
D+E		---			

PROVISIONAL ENTITLEMENT

D3273509

Your licence authorises you to drive, under provisional licence conditions as set out in the Motor Vehicles (Driving Licences) Regulations.

Cat.	from	until	Codes
A	29 09 79	29 01 31	
GH	29 09 79	29 01 31	

National Categories

Category	from	until
FKL	22 02 83	29 01 31
NP	22 02 83	29 01 31

IAN MARK MAGILL

NEWBY WEST
CARLISLE
CA2 6QU

25611

Key to symbols
+ Unladen mass
+ Maximum authorised mass
+ Indicate passenger seats
NHR = not for hire or reward
SEE OVERLEAF FOR DETAILS OF CATEGORIES

PREVIOUS LICENCE HISTORY

Cat.	from	Codes
------	------	-------

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

APPENDIX H

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.

