

# AGENDA

## Regulatory Panel

**Wednesday, 17 August 2016 AT 14:00**  
**In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG**

### **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 30 March 2016, 8 June 2016 and 13 July 2016.

[Copy Minutes Minute Volume 43(1) and 43(2)]

## **PART A**

**To be considered when the Public and Press are present**

### **A.1 HACKNEY CARRIAGE DRIVER - MOTORING CONVICTIONS 3 - 10**

The Licensing Manager to submit a report regarding a Hackney Carriage Driver who had received a motoring conviction.  
(Copy Report GD.46/16 herewith)

## **PART B**

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

- NIL -

### **Members of the Regulatory Panel:**

**Conservative** – Bainbridge, Bowman S, Layden, Morton, Mrs Parsons, Collier (sub), Higgs (sub) Nedved (sub)

**Labour** – Bell (Chairman), Ms Franklin (Vice Chairman), Osgood, Sidgwick, Mrs Warwick, Wilson, Ms Patrick (sub), Dr Tickner (sub), Miss Williams (sub)

**Independent** - Tinnion, Betton (sub)

**Enquiries, requests for reports, background papers,  
etc to Democratic Services Officer: Rachel Rooney – 817039**

# Report to Regulatory Panel

Agenda  
Item:

**A.1**

Meeting Date: 17<sup>th</sup> August 2016  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework NO  
Public / Private Public

Title: Philip Taylor, – HACKNEY CARRIAGE DRIVER – MOTORING  
CONVICTIONS  
Report of: Director of Governance  
Report Number: GD 46 /16

## Purpose/Summary

Philip Taylor is a Licensed Hackney Carriage and Private Hire Driver. He has notified the Council of a recent conviction for speeding whilst carrying passengers.

## Recommendation:-

To reach a decision from the options available, after hearing the evidence and the response from Mr Taylor in accordance with Section 61 (1) (a) (i) 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 Licensing & Regulatory Panel 24<sup>th</sup> November 2004

|                      |                   |
|----------------------|-------------------|
| <u>NAME</u>          | Philip Taylor     |
| <u>DATE OF BIRTH</u> | 01/12/1962        |
| <u>ADDRESS</u>       | Drumburgh, Wigton |

### LICENSING HISTORY

Carlisle City Council has licensed Mr Taylor as a Hackney Carriage Driver since March 2011 and a Private Hire Driver since January 2016.

When Mr Taylor was first licensed in March 2011, he had 6 penalty points on his licence relating to two speeding convictions in 2008. These points have now expired and are no longer on his licence.

A copy of Mr Taylor's Driving Licence information is attached and it is noted that he was convicted of a speeding offence in June 2014 when he was fined and was given 3 Penalty Points. **(Appendix A)**

### **BACKGROUND**

On 8<sup>th</sup> August 2016 Mr Taylor disclosed to the Licensing Office that he had been issued with a fixed penalty ticket for a speeding offence which occurred on 13<sup>th</sup> July 2016 at 8:32am. At the time of the offence he was carrying passengers under his Private Hire Drivers Badge. His declaration of the offence is shown in **Appendix B**.

### **LEGISLATION**

Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976, states that a District Council may suspend or revoke a Hackney Carriage Drivers Licence on a number of grounds.

Section 61 (1)(b) gives the ground of **'for any other reasonable cause'** **Appendix C**.

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

## **OPTIONS**

1. To issue him with a letter of warning.
2. To suspend his Private Hire and Hackney Carriage drivers licence for a period of time.
3. To revoke his Private Hire and Hackney Carriage drivers licence.
4. To require Mr Taylor to undertake and pass the DSA 'Taxi' driving test.

**Contact Officer: Nicola Edwards**

**Ext: 7025**

**Appendices**  
**attached to report:**

- A – Driving Licence summary**
- B – Declaration of conviction**
- C - Sec 61 Local Government (Miscellaneous Provisions) Act 1976**

**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:**

Department of Transport and Home Office circulars, Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 and Section 59 of the 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**



# Driver & Vehicle Licensing Agency

## Licence summary

You can share this licence information summary with someone else like your employer or a car hire firm.

### Mr PHILIP TAYLOR

Driving licence number:

Check code:

**kq KY HG LM**

Licence issue number:

**26**

Licence valid from:

**14 July 2015**

Licence valid to:

**21 May 2017**

This code

- is case sensitive
- is valid for 21 days
- can only be used once

Date summary generated:

**8 August 2016 11:33**

#### Driving Status

Current full licence

#### Endorsements

**1**

Offences

**3**

Points

## Endorsements

**SP30**

Penalty points:  
**3**

Offence date:  
**12 June 2014**

Expiry date:  
**12 June 2017**

#### Description:

Exceeding statutory speed limit on a public road

### Can drive

| Category | Start date        | End date         | Codes        |
|----------|-------------------|------------------|--------------|
| AM       | 14 July 2015      | 30 November 2032 | 01           |
| A        | 19 January 2013   | 30 November 2032 | 01, 79(3)    |
| B1       | 25 September 1981 | 30 November 2032 | 01           |
| B        | 25 September 1981 | 30 November 2032 | 01           |
| BE       | 25 September 1981 | 30 November 2032 | 01           |
| C1       | 25 September 1981 | 30 November 2032 | 01           |
| C1E      | 25 September 1981 | 30 November 2032 | 01, 107      |
| D1       | 25 September 1981 | 30 November 2032 | 01, 101      |
| D1E      | 25 September 1981 | 30 November 2032 | 01, 101, 119 |
| F        | 25 September 1981 | 30 November 2032 | 01           |
| K        | 25 September 1981 | 30 November 2032 | 01           |
| L        | 25 September 1981 | 30 November 2032 | 01           |

### Provisionally drive

| Category | Start date   | End date         | Codes |
|----------|--------------|------------------|-------|
| A        | 1 April 1980 | 30 November 2032 | 01    |
| G        | 1 April 1980 | 30 November 2032 | 01    |
| H        | 1 April 1980 | 30 November 2032 | 01    |

## What to do next

### How to share your licence summary

Give the check code or this licence summary to someone else, like your employer or a car hire firm. They'll also need the last 8 characters of your driving licence number.

### Where to view a shared licence summary

Visit <https://www.gov.uk/check-driving-licence> and enter the last 8 characters of the driving licence number and the check code.

### Check code not working?

If the code generated is older than 21 days, or the code has been viewed once before, a new code must be created.



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## Form I

## CARLISLE CITY COUNCIL

DISCLOSURE OF ADDITIONAL CONVICTIONI Paul Trench

of ...

Date of Birth

01/12/62

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 |
|-----------------|--------------------|----------|--------------------------|--|
| 13/07/16        | 28/07/16           | SPEEDING | FIXED PENALTY            | £100 FINE<br>3 POINTS                                  |

Circumstances

WAS TRAVELLING EAST ON WIGTON ROAD 08.32. WAS DOING MY CCC CONTRACT SO WOULD HAVE DEFINATELY HAD MY ESORT IN PASSENGER SEAT AND ONE PASSENGER IN THE REAR. WAS DOING 36 MPH IN A 30 ZONE

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

4/8/16

Date



# Local Government (Miscellaneous Provisions) Act 1976

## 1976 CHAPTER 57

### PART II

#### HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

##### Annotations:

##### Modifications etc. (not altering text)

- C1** Pt. II(ss. 45–80) modified by [Transport Act 1978 \(c. 55, SIF 126\)](#), **s. 7(3)**
- C2** Pt. II(ss. 45–80) amended by [Public Passenger Vehicles Act 1981 \(c. 14, SIF 107:1\)](#), **s. 79**
- C3** Pt. II(ss. 45–80) applied with modifications by [S.I. 1986/567](#), **regs. 3, 4**
- C4** Pt. II (ss. 45–80) extended (1.4.2000) by [1999 c. 29, s. 255\(1\)\(4\)](#); [S.I. 2000/801](#), art. 2(2)(a), **Sch. Pt. 1**  
Pt. II (ss. 45–80) excluded (1.7.2001) by [1981 c. 14, s. 79A\(1\)\(a\)](#) (as inserted (1.7.2001) by [2000 c. 38, s. 265\(2\)](#); [S.I. 2001/1498](#), **art. 3**)

#### 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

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**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)

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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 [<sup>F1</sup>level 1 on the standard scale].

[<sup>F2</sup>(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.

- (2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2) (a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.]

- (3) Any driver aggrieved by a decision of a district council under [<sup>F3</sup>subsection (1) of] this section may appeal to a magistrates' court.

#### Annotations:

##### Amendments (Textual)

- F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F2** [S. 61\(2A\)\(2B\)](#) inserted (16.3.2007) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 52(2)**, 61; [S.I. 2007/466](#), **art. 2**
- F3** Words in [s. 61\(3\)](#) inserted (16.3.2007) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 52(3)**, 61; [S.I. 2007/466](#), **art. 2**

##### Modifications etc. (not altering text)

- C5** [S. 61](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), **reg. 2(1)**, **Sch. 1** Table B4

