

CARLISLE CITY COUNCIL

Report to:- **THE CHAIRMAN AND MEMBERS OF THE REGULATORY PANEL**

Date of Meeting:- 5th August 2009

Agenda Item No:-

| Public | Operational | Delegated Yes |
|--------|-------------|---------------|
|--------|-------------|---------------|

| Accompanying Comments and Statements | Required | Included |
|--------------------------------------|----------|----------|
| Cumbria Fire Service | No | No |
| Cumbria Constabulary | No | No |
| Environmental Services | No | No |

Title:- **PAUL RHODES – HACKNEY CARRIAGE DRIVER –
MOTORING CONVICTIONS**

Report of:- **DIRECTOR OF LEGAL & DEMOCRATIC SERVICES**

Report reference:- **LDS 56a/09**

Summary:-

Paul Rhodes is a licensed Hackney Carriage Driver with this Council. He has informed the Council that he has been caught speeding in his taxi on two occasions in the last three months.

This issue was adjourned from 1st July 2009 as Mr Rhodes did not receive the report.

Recommendation:-

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

J A Messenger
Licensing Manager

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:- Conviction Disclosure, DVLA Driving Licence,

To the Chairman & Members of the Regulatory Panel on 5th August 2009

NAME Paul Rhodes
ADDRESS Gilsland Road, Carlisle
AGE 45

LICENSING HISTORY

Mr Rhodes has held a Private Hire drivers licence at various times between 1985 and 1999. More recently he was granted a Hackney Carriage drivers licence with effect from 26th April 2007 and continues to hold this licence.

He has the following relevant convictions.

| | | |
|----------|---------------------------------------|--|
| 02/12/02 | Resist or Obstruct a Police Constable | Police Caution |
| 28/01/03 | Speeding | Fixed Penalty & 3pts |
| 23/01/07 | Common Assault | Police Caution |
| 13/11/07 | Common Assault | Fined £200, £50 compensation & £35 costs |
| 13/11/07 | Speeding | Fined £100 & 3pts |
| 10/12/07 | Using Mobile Phone Whilst Driving | Fixed Penalty & 3 pts |
| 13/09/08 | Speeding | Fined £60 and 3 pts |
| 03/03/09 | Speeding | Speed awareness course |
| 16/06/09 | Speeding | Fined £295 and 5 pts |

On 23rd January 2008 Mr Rhodes appeared before the Regulatory Panel as a result of the three offences in November and December 2007. The panel resolved to issue Mr Rhodes with a letter of warning enforcing the seriousness of the matter (**Appendix 1**).

On 13th September 2008 Mr Rhodes was convicted of travelling in his taxi at 45 mph in a 30 mph limit. He was not carrying passengers at this time. He was fined £60 and received 3 points. The licensing office issued him with a warning letter (**Appendix 2**).

LATEST CONVICTIONS

On 16th June 2009 Mr Rhodes reported to the licensing office that he had been convicted of speeding that day by Carlisle Magistrates Court. The circumstances were that he was travelling at 47mph in a 30 mph zone in his taxi with three passengers. The offence took place on 10th April 2009 but the court case was not heard until 16th June.

Mr Rhodes also informed the licensing office that he had been stopped for speeding at Durranhill on 3rd March 2009, but had accepted the offer of attending a speed awareness course in lieu of a conviction. He was in his taxi at this time but was not carrying any passengers (**Appendix 3**).

An up to date copy of Mr Rhodes' driving licence is not available at this time but hopefully will be produced prior to the Regulatory Panel meeting.

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 grounds of “any other reasonable cause” (**Appendix 4**)

OPTIONS

It is recommended that after hearing the evidence and any representations from Mr Rhodes, 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 drivers 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

Prepared by
J A Messenger
Licensing Manager

APP 1.

**CARLISLE
CITY COUNCIL**



www.carlisle.gov.uk

Legal & 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 18001 01228 817000
Council Website www.carlisle.gov.uk

Mr P Rhodes

Cumbria

Please ask for:

Direct Line:

E-mail:

Your Ref:

Our Ref:

Licensing Officer

01228 817523

licensing@carlisle.gov.uk

25 January 2008

Dear Mr Rhodes

Regulatory panel - 23 January 2008

I refer to your appearance before the above panel in connection with a number of offences whilst a licensed driver with this Council.

Having considered the evidence the Panel resolved:

- 1) That, having given detailed consideration to the matter, a letter of warning enforcing the seriousness of matter be issued to Mr Rhodes;
- 2) That it be noted that Mr Rhodes was informed that he had a right of appeal and that right would be confirmed in writing.

You were present at the hearing when the Chairman stated in no uncertain terms, that the Panel considered these to be very serious offences. He also warned you as to the possible consequence of a re-appearance for similar matters.

I must inform you that you have the right of appeal against this decision, which must be lodged with the Clerk to the Justices, North Cumbria Magistrates Court, Rickergate, Carlisle within 21 days of receiving this letter. Evidence that the appeal has been lodged must be produced to the licensing office.

Yours sincerely,

Licensing Manager



INVESTOR IN PEOPLE

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Mr P Rhodes

Cumbria

Please ask for:

Direct Line:

E-mail:

Your Ref:

Our Ref:

Licensing Officer

01228 817523

licensing@carlisle.gov.uk

12 September 2008

Dear Mr Rhodes

Disclosure of speeding conviction

I refer to your recent notification of a speeding conviction, committed on the 3rd September 2008.

Although you were driving your hackney vehicle I note that there were no fare paying passengers in the vehicle at the time. Because of this, I intend to deal with this matter by way of a written warning.

I note that this is your second speeding offence in a period of a year and your third motoring offence during the same period.

I must warn you therefore that should there be any further convictions, or indeed any breaches of the conditions attached to your drivers licence, it may be necessary for you to appear before the Council's Regulatory Panel where the options available to the members include the suspension or revocation of your licence.

Yours sincerely,

Licensing manager



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APP 3.

Form I

CARLISLE CITY COUNCIL

DISCLOSURE OF ADDITIONAL CONVICTIONI PAUL RHODESof GILSLAND RD 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 |
|-----------------|--------------------|---------------------------|--------------------------|--|
| 1/10/10 | 16/10/09 | SP 30 (47MPH) | CARLISLE MAGS | 5 PTS FINE £295 |
| 2/3/10 | | SP 30 (36MPH) DURNHILL | | OFFER TO DO SPEED IMPROVISED COURSE |

Circumstances

1/ Castle way towards Stenwix Speeding 47MPH in 30MPH. 3 passengers on board.
Cast 16/10/09

2/ Durnhill Rd eastward (no passengers) 36MPH in 30MPH.

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

P Rhodes 16/10/09

Date

Local Government (Miscellaneous Provisions) Act 1976 c. 57

Part II HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

This version in force from: **March 16, 2007 to present**

(version 3 of 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 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.

(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[subsection (1) of]¹ this section may appeal to a magistrates' court.

1. words inserted by Road Safety Act 2006 c. 49 s. 52(3)