

## **REGULATORY PANEL**

**WEDNESDAY 17 AUGUST 2016 AT 2.00PM**

**PRESENT:** Councillor Franklin (Vice-Chairman), Councillors Bainbridge, Bowman S, Layden, Mrs Parsons, Sidgwick, Dr Tickner (as substitute for Councillor Bell), Mrs Warwick and Wilson.

**OFFICERS:** Principal Lawyer  
Licensing Officer

### **RP.31/16 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Bell, Morton and Osgood.

### **RP.32/16 DECLARATION OF INTEREST**

There were no declarations of interest submitted.

### **RP.33/16 PUBLIC AND PRESS**

It was agreed that the items of business in Part A be dealt with in public and the items of business in Part B be dealt with when the public and press were excluded.

### **RP.34/16 MINUTES OF PREVIOUS MEETING**

RESOLVED – 1) That the minutes of the meetings held on 30 March 2016 and 8 June 2016 be agreed as a correct record of the meetings and signed by the Chairman.

2) That the minutes of the meeting held on 13 July 2016 be noted.

### **RP.35/16 HACKNEY CARRIAGE DRIVER – MOTORING CONVICTIONS**

The Licensing Officer presented report GD.46/16 regarding a speeding conviction notification from a Hackney Carriage and Private Hire Driver whilst carrying passengers.

Mr Taylor, the licensed driver was in attendance.

The Principal Lawyer outlined the procedure the Panel would follow. Mr Taylor confirmed that he had received, read and understood the Licensing Officer's report. The Principal Lawyer advised Mr Taylor that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer reported that Mr Taylor had held a Hackney Carriage driver's licence since 2011 and a Private Hire Driver's licence since January 2016. At the time his Hackney Carriage licence was issued Mr Taylor had 6 penalty points on his licence which related to two speeding convictions in 2008. The points had since expired and were no longer on his licence.

Mr Taylor's driving licence was attached to the report and showed that he had been convicted of a speeding offence in June 2014 and received a fine and 3 Penalty Points.

On 8 August 2016 Mr Taylor disclosed to the Licensing Office that he had been issued with a fixed penalty ticket for a speeding offence which had occurred on 13 July 2016 at 8.32am. At the time of the offence Mr Taylor had been carrying passengers under his Private Hire Driver's badge.

In response to questions the Licensing Officer clarified that Mr Taylor had been travelling into Carlisle down Wigton Road, past the school when he had received the fixed penalty ticket.

Mr Taylor then addressed the Panel. He confirmed that he had been travelling from Maryport into the City Centre and slowed down from 60mph to 30mph past the school and had been caught there. He stated that he had regretted doing it and that he had not been in trouble before.

In response to questions Mr Taylor clarified the following:

- he had been taking a young man and his escort to collect another young person to take them to school at Brampton.
- he was due at the school at 8.50am when the school gates opened, the school gates closed at 9.00am. He added that he was not making excuses but on occasion he did run late when there was difficulty getting the young man ready for school.
- he had attended a speed awareness course two years ago.
- he notified the Licensing Office of the speeding offence as soon as he had received his letter which confirmed he had taken responsibility.
- he had notified them as he knew he had to notify them as soon as possible.

The Licensing Officer outlined the relevant Legislation and outlined the options open to the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter.

**RESOLVED** – The Panel had carefully considered and read the evidence in the report and listened carefully to the responses from Mr Taylor.

The Panel noted that Mr Taylor had received 3 penalty points for exceeding the speed limit on 12 June 2014.

The Panel had the opportunity of asking Mr Taylor questions concerning the circumstances which led to him receiving 3 penalty points for a speeding offence committed on 13 July 2016 and the Panel acknowledged that Mr Taylor brought the speeding conviction and penalty points to the attention of the Licensing Department on 8 August 2016 as he was obliged to do so.

Mr Taylor had been carrying two fare paying passengers at the time of the speeding offence, and this was a fact which the Panel considered to be the most worrying aspect of the matter. The safety of passengers should be a driver's primary concern and exceeding

prescribed speed limits could often lead to accidents and harm being caused to passengers, members of the public and drivers. Happily this had not been the case here, but the Panel wanted to impress upon Mr Taylor the importance of respecting prescribed speed limits. The Panel felt that Mr Taylor's speeding offence had been on the cusp of a much more serious offence and had been disappointed to hear he had previously attended a speed awareness course.

The decision of the Panel was to issue Mr Taylor with a letter of warning.

(The meeting ended at 2.30pm)