

# AGENDA

## Regulatory Panel

**Wednesday, 21 January 2015 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 meetings held on 8 October 2014 and 12 November 2014.

[Copy Minutes in Minute Book 41(4)]

## **PART A**

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

- A.1    APPLICATION TO LICENCE A 6 YEAR OLD WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGE                      5 - 14**
- The Licensing Manager to submit a report on an application received to licence a six year old Wheelchair Accessible Hackney Carriage.  
(Copy Report GD.06/15 herewith)
- A.2    MR IAN MORTON - HACKNEY CARRIAGE DRIVER COMPLAINT                      15 - 34**
- The Licensing Manager to submit a report regarding a complaint received against a Hackney Carriage Driver.  
(Copy Report GD.07/15 herewith)
- A.3    MR JOHN SCOTT KENNEDY - HACKNEY CARRIAGE DRIVER COMPLAINT                      35 - 68**
- The Licensing Manager to submit a report regarding a complaint received against a Hackney Carriage Driver.  
(Copy Report GD.08/15 herewith)
- A.4    DELEGATED AUTHORITY TO THE REGULATORY PANEL                      69 - 74**
- The Director of Governance to submit a report on the possibility of changes to the delegated powers of the Regulatory Panel as requested by the Regulatory Panel.  
(Copy Report GD11/15. herewith)

## **PART B**

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

- NIL -

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

**Conservative** – Bowman S, Layden, Morton, Mrs Parsons, Collier (sub), Nedved (sub), Mrs Prest (Sub)

**Labour** – Bell, Cape, Ms Franklin, Scarborough, Mrs Stevenson, Mrs Warwick, Wilson, Boaden (sub), Dodd(sub), Stothard (sub)

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

**Enquiries, requests for reports, background papers,  
etc to Lead Committee Clerk: Rachel Rooney – 817039**



# Report to Regulatory Panel

Agenda  
Item:

**A.1**

Meeting Date: 21<sup>st</sup> January 2015  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and Budget Framework NO  
Public / Private Public

Title: APPLICATION TO LICENCE A 6 YEAR OLD WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGE,  
Report of: Director of Governance  
Report Number: GD 06/15

## Purpose / Summary:

An application has been received from Mr A Young, to licence a 6 year old Hackney Carriage. As the current policy is for vehicles to be no more than 3 years old on initial licensing, this application does not comply with the policy.

## Recommendations:

Members are requested to consider the application and reach a decision from the options outlined on page 5 of this report.

## Tracking

Executive:	
Overview and Scrutiny:	

To: The Chairman and Members of the Regulatory Panel 21<sup>st</sup> January 2015

1. APPLICATION

- 1.1 An application has been received from Mr A. Young of Carlisle Drivers, to licence a 6 year old Peugeot Expert wheelchair accessible vehicle as a Hackney Carriage. In accordance with current Council application criteria, vehicles must be under 3 year old on initial licensing, but Mr Young believes this should be increased to 7 years.
- 1.2 Mr Young is the owner of Carlisle Drivers radio circuit which is the largest taxi and private hire operator in Carlisle. He does not actually own any of the vehicles on his circuit, they are all owner drivers.

2. HISTORY

- 2.1 In 2007 the Council amended its taxi policy to incorporate age limits upon purpose built wheelchair accessible vehicles (WAVs) for the first time. This was as a result of a request from the local Taxi Association for the Council to stop issuing any additional Hackney Carriage licences.
- 2.2 Following negotiations between Licensing Staff and the Taxi Association, a report was put before the members recommending that the Council stop issuing any more licences for "saloon type" taxis but to continue issuing additional licences for WAVs.
- 2.3 As an age policy for the WAVs was being introduced, all taxi owners were asked for their preferred maximum vehicle age limit on initial licensing. Of those who replied 41% wanted 1 year; 22% wanted 3 year; 9% wanted 5 year and 16% wanted no minimum age policy. 12% had no opinion. The Taxi Association was also consulted and their preferred option was initially for 1 year, but after discussion with licensing staff this was changed to 3 years.

3 MR YOUNG'S APPLICATION

- 3.1 Mr Young's application is attached as 2 emails, **Appendix 1 & 2**. The main points are summarised below with relevant comments from Licensing where appropriate.
- 3.2 USED WAV TAXIS UNDER 3 YEAR OLD ARE VIRTUALLY NONE EXISTANT. According to the National Sales Director of Cab Direct (the largest seller of this type of vehicle) they usually have around a dozen WAVs for sale under 3 years old at any one time. Another company, Allied Vehicles, currently have 7 taxis

under three years old for sale. There are of course many other firms who sell second hand taxis including those who specialise in London style cabs.

### 3.3 THE DECLINE IN THE NUMBER OF WAVs COULD BE DOWN TO THE COUNCIL'S POLICY.

From our records the number of licensed WAVs for the last 5 years is:

2010	90
2011	86
2012	86
2013	79
2014	78

As you can see from the figures there has been a reduction in the number of WAVs. This is most likely to be as a result of the number of older drivers who have retired and also older vehicles which have been scrapped and not replaced. We have also had a number of drivers who have had their licences revoked or, in the case of foreign drivers, they have returned to their home countries and their taxis have been either repossessed by a finance company or sold on out of the City.

Carlisle currently has more purpose built WAVs licensed than any of the other Districts within Cumbria.

### 3.4 A DRIVER SCRAPPING HIS TAXI HAS 3 OPTIONS, GO PRIVATE HIRE, RENT A TAXI OR PURCHASE A TAXI LESS THAN 3 YEAR OLD.

There is also a very important 4<sup>th</sup> option. Under the present policy you can purchase and transfer a taxi currently licensed in Carlisle. The larger fleet companies regularly replace their taxis with newer models.

e.g. A taxi company replaces their 4 year old taxi with a new one.

An owner driver buys this 4 year old taxi and sells his 8 year old taxi to a driver who is currently renting a vehicle or is an employee. This system of passing currently licensed taxis down the line has worked well for last 7 years and has the advantage that we know the full service history of the vehicle.

### 3.5 A 65 YEAR OLD DRIVER HAS HAD HIS 9 YEAR OLD TAXI WRITTEN OFF IN AN ACCIDENT THROUGH NO FAULT OF HIS OWN.

The inference is that he will have to replace it with a taxi less than 3 year old and the amount he receives from the insurance company would not be enough to replace it. I have since spoken to this driver and he has ordered a brand new

WAV. He has also intimated that the Council should tighten up their policy to 2 years. As a capital asset, the owner of a taxi should be planning ahead and putting aside an amount each year towards a future replacement taxi.

3.6 **CARLISLE DRIVERS REGULARLY HAVE TO REJECT DISABLED CUSTOMERS AND MOTHERS WITH BUGGIES.**

Carlisle Drivers are just one of 4 large operators who all have WAVs on their circuit. Many owners of WAVs do not work on any circuit but have regular customers who are disabled and who contact them directly.

Cumbria County Council operates a scheme called “City Wheels” which is currently tendered to Beeline Taxis. It is a subsidised transport scheme for elderly or disabled people who cannot drive or can’t make use of a bus pass. Saloon taxis, WAVs or rear wheelchair loading mini-buses are dispatched depending upon the degree of disability. The scheme does not run at weekends or after 5pm but gives a reliable service to the disabled during the week.

3.7 **CARLISLE DRIVERS IS THE LARGEST OPERATOR IN THE CITY AND YET THEY WERE NOT CONSULTED ON THE 3 YEAR RULE.**

Carlisle Drivers does not actually own or license any of the taxis on their circuit. Only the people directly concerned, i.e. the owners of the taxis and their taxi association were consulted in 2007.

4 **CARLISLE TAXI ASSOCIATION**

- 4.1 Carlisle Taxi Association has been consulted on this application and their views are contained in a letter attached as **Appendix 3**. They hope to have a committee member present to answer any questions the members may have. Briefly they agree with the retention of the current 3 year policy for new applications, but have sympathy with existing older drivers who need to renew their vehicle shortly before retirement. As with any policy it must be flexible and if a current driver appeared before the members and could put forward a convincing reason to license an older taxi, the members could consider the application and deviate from their policy.

5 **RADIO TAXIS**

- 5.1 Radio Taxis is one of the larger taxi operators in the City and are aware of the application being made by Mr Young. They will be attending the Regulatory Panel and Mr Stuart Davidson has requested that he be allowed to speak at the meeting. **Appendix 4**



## 6 LEGISLATION

- 6.1 The powers to attach conditions to Hackney Carriages are contained in The Local Government (Miscellaneous Provisions) Act 1976. Section 47 (1) allows a Council to attach such conditions as they may consider “Reasonably Necessary”.

## 7 OPTIONS

- 7.1 To refuse the application and retain the current policy.
- 7.2 To deviate from the current 3 year policy and grant a Hackney Carriage licence for a specific 6 year old wheelchair accessible taxi to Mr Young on this occasion.
- 7.3 To amend the maximum age policy on initial licensing for new Hackney Carriage licences to 7 years or to an age the members consider appropriate.

**Contact Officer: Barry Sharrock**

**Ext: 7027**

**Appendices**                      **1 & 2 Email application from Mr Young**  
**attached to report:**        **3 Letter from Carlisle Taxi Association**  
   **4 Email from Radio Taxis – Stuart Davidson**

**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 – N/A**

**Community Engagement – N/A**

**Economic Development – N/A**

**Governance – N/A**

**Local Environment – N/A**

**Resources – N/A**

## Appendix 1

**Susan Stashkiw**

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**From:** admin@carlislecabs.com  
**Sent:** 27 November 2014 10:22  
**To:** Susan Stashkiw  
**Subject:** Hackney carriage licence three year rule.

Fao Sue  
Licensing  
Carlisle City Council

Vehicle make/model: Peugeot Expert 7 seat with wheelchair access  
Registration mark: SD08 WXH  
Reg. date: 11/04/2008

I wish to make application for a hackney carriage licence for the above vehicle or similar, to operate in the City of Carlisle.

I understand the vehicle is outside the city councils 3 year age rule but in my opinion the vehicle is fit for purpose and necessary to prevent further damage to that sector of the trade providing wheelchair access to the city's residents.

I have many valid points to argue favour for the 3 year rule to be relaxed for (WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES) and believe a seven year rule would be more realistic.

A single fact I wish to point out is that new wheelchair access vehicles are driven by the owner for 3 years plus then traded in, used vehicles under 3 years are virtually none existent.

An early response would be appreciated.

Tony Young

Director  
Carlisle Drivers

Sent from my iPad

## Appendix 2

**Barry Sharrock**

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**From:** admin@carlislecabs.com  
**Sent:** 03 December 2014 11:42  
**To:** Barry Sharrock  
**Subject:** Re: Hackney carriage licence three year rule.

Hi Barry

The points I wish to put forward to the panel are as follows.

National taxi association survey figures suggest from January-April 2010.

2010.	2012.	2014
217 hackney.	210 hackney.	202 hackney
50 private hire.	52 private hire.	60 private hire. operated in Carlisle.

The decline in hackney licensed vehicles are of course the wheelchair accessible ones and not the white saloon cars, which brings me to ask.

Do council conditions have any bearing on the decline ? I think so.

The driver scrapping his old cab has three options, 1. Purchase a saloon car (8 year rule). and drive private hire. 2. Rent a white saloon hackney licenced vehicle/no true commitment to the trade. 3. Take on a lengthy hire purchase agreement in purchasing a wheelchair accessible vehicle within the 3 year rule ?

Other than brand new, 3 year rule wheelchair accessible vehicles are virtually non existent throughout the whole of the UK and any that do become available tend to attract an unfair premium.

Through no fault of his own a 65 year old driver in the city was recently involved in a RTC of which left his cab a write off.

Carlisle Drivers private hire and taxi co. reject customer requests for such taxis tens upon tens of times per day due to non availability although ex black cab drivers now in saloon cars can be within those request areas at those same given times.

I can further briefly explain why a wheelchair bound customer whom shopped twice weekly in Morrisons Carlisle regrettably now stays at home while her daughter does her shopping for her. Why a mother with her baby in a buggy hates to walk the length of Newtown Road during rush hour. etc etc etc.

Carlisle Drivers have been the largest operator in the City for many years guiding both saloon cars and wheelchair accessible vehicles to their next customer.  
Why were we not consulted on the 3 year rule ?

I have through time spoken to all licensing officers on this matter to no avail and wish to point out that this is not a new idea, its just the same old story.

Tony Young

Director  
Carlisle Drivers

# Carlisle Taxi Association

60 Chesterholm  
Sandsfield Park  
Carlisle, CA2 7XX  
Tel/Fax: 01228 598740  
Email: [secretary@national-taxi-association.co.uk](mailto:secretary@national-taxi-association.co.uk)  
Website: [www.national-taxi-association.co.uk](http://www.national-taxi-association.co.uk)



Members

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5<sup>th</sup> January 2015

Mr Sharrock  
Licensing Officer  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

Dear Mr Sharrock

I write with reference to your recent letter regarding an application to have the age limit on first license of Hackney Carriage Wheelchair Accessible Vehicles (WAV) relaxed.

As an association, we understand and sympathise with the difficulty the private hire operator has, from an operators perspective supplying the vehicle required by the customer is, as you may agree, rather important.

The policy was introduced at a time when there was no age policy, upper or lower, in respect of WAV's – it was leading to a situation where an increasing number of older vehicles were being licensed, thus both the authority and association were concerned about a lack of investment.

The association are however mindful of the older generation of taxi owners – some when needing to renew vehicles may face a quandary of attaining finance when they are at an age of where it is either difficult to obtain or may prolong their careers beyond a point where they would normally wish to retire.

In some cases a restrictive policy may lead to these drivers leaving the taxi trade completely – I am sure you may agree, this is not what the authority or association wanted or envisaged when the policy was introduced.

Whilst we accept that an owner could purchase a vehicle that is already licensed from someone either leaving the trade or replacing his or her vehicle, this may not be something a person wishes to do.

We do believe there is a difference between existing licenses that have already been issued, to new freshly issued ones.

# Carlisle Taxi Association

60 Chesterholm  
Sandsfield Park  
Carlisle, CA2 7XX  
Tel/Fax: 01228 598740  
Email: [secretary@national-taxi-association.co.uk](mailto:secretary@national-taxi-association.co.uk)  
Website: [www.national-taxi-association.co.uk](http://www.national-taxi-association.co.uk)



Members

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In short, we believe the authority could allow existing licensees a degree of discretion according to their circumstances.

If for example an existing licensee has their vehicle written off through no fault of their own, the replacement vehicle is to be attached to the existing license and the vehicle supplied is newer than the vehicle being replaced and within the councils upper age policy.

We believe under such circumstances discretion should be given.

Sincerely

*WJ Casey*

Wayne Casey  
Chairman

## Appendix 4

**Fred Watson**

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**From:** Licensing (Carlisle)  
**Subject:** FW: panel meeting

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**From:** Stuart Davidson [mailto:stuart@radiotaxis.org.uk]  
**Sent:** 08 January 2015 15:53  
**To:** Licensing (Carlisle)  
**Subject:** panel meeting

Radio Taxis(Carlisle)Ltd  
Unit 1, Millrace Rd  
Carlisle, CA2 5RS

Re Panel Meeting,

We at Radio Taxis would like to say a few words at the up and coming meeting concerning the age policy for new licenced ways within the city.

Many thanks  
S Davidson  
Radio Taxis



This email is free from viruses and malware because avast! Antivirus protection is active.

# Report to Regulatory Panel

Agenda  
Item:

**A.2**

Meeting Date: 21st January 2015  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and Budget Framework  
Public / Private Public

Title: MR IAN MORTON - HACKNEY CARRIAGE DRIVER COMPLAINT  
Report of: Director of Governance  
Report Number: GD 07/15

## Purpose / Summary:

Ian Morton is a licensed Hackney Driver with this council. A complaint has been received that he was extremely unhelpful towards an elderly passenger returning from hospital with a fractured pelvis.

## Recommendations:

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

## Tracking

Executive:	
Overview and Scrutiny:	
Council:	

## **To the Chairman & Members of the Regulatory Panel on 21<sup>st</sup> January 2015**

**NAME** Mr Ian Morton

**ADDRESS** Edenside, Cargo, Carlisle

### **1. HISTORY**

- 1.1** Mr Morton was first granted a Private Hire Drivers licence in October 1991 and was granted a Hackney Carriage Drivers licence in 1995.  
He has come to our attention since 1992 on numerous occasions for motoring offences and non-compliance of vehicle conditions and has appeared 4 times before the Regulatory Panel between 1995 – 2003 specifically for his motoring offences. These have resulted in a warning letter, a 1 week suspension, 2 week suspension and a 2 week suspension to include taking and passing his DSA (Driving Standards Agency) taxi test.
- 1.2** In February 2007 Mr Morton disclosed to Licensing that he was suspended by his operator following a complaint to them from a member of the public alleging he left a 16yr old girl a mile from her home because she did not have enough fare insisting she get out of the taxi at 11.50pm on Eastern Way. This was reported in the newspaper, but as no official complaint was made to Licensing, no further action was taken. **Appendix A**
- 1.3** On 31<sup>st</sup> July 2009 Mr Morton received a Police caution for common assault. This was a domestic incident and he was issued with a warning letter. **Appendix B**
- 1.4** On 20<sup>th</sup> January 2014, Licensing received a complaint alleging Mr Morton pushed a passenger out of his taxi after a disagreement. There were no independent witnesses therefore no further action was taken. Mr Morton was advised to invest in CCTV in case any future incidents occurred, to which he replied he had purchased a system and would contact Licensing for approval. To date no application for approval has been received. A letter was sent to Mr Morton confirming the action taken. **Appendix C**

### **2. BACKGROUND TO COMPLAINT**

- 2.1** On Saturday 22<sup>nd</sup> November 2014, the complainant, a Mr Leigh, and family were attending a family wedding at the Hallmark Hotel, Carlisle. During the evening Mr Leigh's mother in law fell and had to be taken to the hospital. Unfortunately the lady had fractured her pelvis, but was allowed to go home, as there is little that can be done for this type of injury. A taxi was called before midnight through an operator,



Carlisle Drivers, and Mr Morton arrived. The lady was taken out to the taxi in a wheelchair and was able to get into the back of the vehicle from the wheelchair.

The address of St Peters Drive, Lowry Hill was given and Mr Leigh said that all was fine on the way home and the driver was asking what had happened.

On approaching the address Mr Leigh asked if it was possible to pull onto the driveway, but the driver replied he wasn't allowed to do so as it was private land and he wouldn't be insured.

As the driver pulled up on the opposite side of the road (next to the bus stop), Mr Leigh then asked if he could turn the vehicle around to park outside the property to save his mother in law having to cross the road.

Mr Morton then replied 'No I can't do that because the computer says we have arrived at the address'. He then offered to carry her across the road.

Mr Leigh then had to help his mother in law out of the taxi and ended up carrying her across the road, as she was distressed with the pain. Mr Leigh felt the driver was 'taking the mick' and felt his lack of assistance and attitude was unacceptable towards a 79yr old lady who had suffered a serious injury. **Appendix D**

## **2.2** A letter was sent to Mr Morton asking him to call into the Civic Centre to discuss a complaint.

I interviewed Mr Morton on Thursday 26<sup>th</sup> November. He was not happy and commented that we were 'breaking the law' by not informing him in advance what the complaint was about. I replied saying that is not the way we deal with complaints and always speak to the driver direct, then listen to the driver's recollection of the event.

I read out the complaint. Mr Morton then asked to be 'given time to think'. He recalled the journey, saying there was a 'drunken man' laughing and joking with the receptionists in the waiting area when he arrived at A&E. He opened the rear door and held the lady's handbag while she was helped into his vehicle. He remembered being asked to pull onto the driveway but said 'I'm thinking well a bus driver wouldn't do that & I'm not allowed to', so he said he replied 'sorry I can't do that'. He could not remember saying anything about not being insured. I then asked him what was the difference between this and pulling into a Hotel driveway, but he did not respond.

He said to me that 'this was a main road with two way traffic and 'I'm not allowed to turn around, the Council won't allow me' He then said in our knowledge test that we ask a driver to get from A to B and the computer had said he'd reached his destination.

He said to Mr Leigh 'Look I'll help you get her out and carry her if you want'. He said he then got out & held the door open and was quite willing to help.

He also said to me that he would always get out & help people and that he couldn't be more helpful.

He told me it was illegal to 'do a U turn and was only following council rules by going the shortest distance'. He said had he gone any further, it might have resulted in the passenger paying more fare. I suggested that the passenger may have been happy to pay for another click on the meter given the circumstances and that doing a safe U turn, on a quiet estate road at midnight would have been acceptable.

Mr Morton just kept repeating that he had 'reached his destination' and I was unable to communicate how his actions had been seen as unhelpful and had contributed to the distress of his customers.

- 2.3** The route Mr Morton took and the location he parked on St Peters Drive is shown as **Appendix E**

### **3 LEGISLATION**

- 3.1** 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. **Appendix F**

### **4 OPTIONS**

It is recommended that after hearing the evidence and any representations today, that members reach a decision in line with the suggested options:

- Take no further action
- Issue a warning letter
- Suspend Mr Morton's Hackney Carriage Drivers Licence for a period of time.
- Revoke his Hackney Carriage Drivers Licence.

**Contact Officer: Mrs S Stashkiw**

**Ext: 7029**

**Appendices attached to report:**

- A – Newspaper report 2007**
- B – Disclosure and Warning letter 2009**
- C – Complaint January 2014**
- D – Current complaint**
- E – Route**
- F – Legislation**

# Taxi driver 'left teen a mile from home at night'

JArmstrong

Published at 00:00, Thursday, 15 February 2007

By Julie Armstrong

A CARLISLE taxi driver has been suspended by his boss after a 16-year-old girl claimed she was left to walk a mile alone at midnight.

The teenager booked a cab with Carlisle Drivers on Tuesday night after babysitting for a friend in Harraby, who gave her £6 for the taxi – the fare she said it had cost the previous time she made the journey.

But the girl said she was told this was not enough to reach her home in the Warwick Road area. She said the driver insisted she get out of the taxi on Eastern Way at 11.50pm.

She then endured a frightening half hour walk home looking over her shoulder in the dark, she said.

The passenger's father, Tony Harrison, 48, said: "I was fuming. For any human being, never mind a taxi driver, to insist a young girl walk that distance on her own at night, I think it's an utter disgrace.

"She was quite frightened and on the phone all the way home to her friend, so as not to feel alone."

The suspended driver has worked for the Carlisle Drivers firm, based at Atlas Works, Nelson Street, for a few years.

Tony Young, a director at the firm, said: "We do not condone this behaviour, and the driver in question has been suspended until we get to the bottom of it. He may have to go before the licensing panel, and it's possible his licence may be revoked. If it was one of my own brothers who treated a customer like this, he would be subject to the same procedure.

"It is in the drivers' rules and regulations that in such a situation they should continue the journey and if necessary discuss payment with the parents."

He added that many of his drivers had been conned by passengers who knew they did not have the sufficient fare.

Caroline Tindall, chair for West Cumbria Rape Crisis, gives talks in schools to advise on personal safety. She said: "That is not a responsible attitude in this day and age.

"Well done to his company for suspending him."

A Carlisle City Council spokesperson said: “When complaints are received about Hackney Carriage licence holders, our licensing section investigate the matter. No one has contacted us to make a complaint about this alleged incident.”

If the licensing section think there is just cause to take action, they look at the driver's previous licence history and issue a warning letter. In the most serious incidents they take the matter to the Licensing Committee.

Published by <http://www.newsandstar.co.uk>

**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](http://www.carlisle.gov.uk)

Mr I V Morton  
Edenside  
Cargo  
Carlisle  
Cumbria  
CA6 4AQ

**Please ask for:****Direct Line:****E-mail:****Your Ref:****Our Ref:**

Licensing Officer

01228 817523

[licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)

Barry Sharrock

20 August 2009

Dear Mr Morton

**Common Assault**

I understand that you have reported to my Licensing Officer that on the 31st July 2009 you were issued with a police caution for common assault.

I note from the circumstances that this was a family related matter and I therefore intend 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,

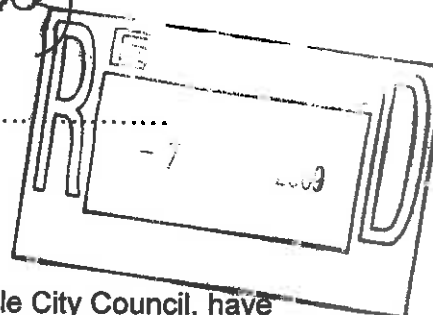
Licensing Manager



INVESTOR IN PEOPLE

## Form I

## CARLISLE CITY COUNCIL

DISCLOSURE OF ADDITIONAL CONVICTIONI IAN MORTON (TAXI DRIVER)of EDENSIDE, CARGODate of Birth 5<sup>TH</sup> JULY 2009

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
26-07-09	31-07-09	COMMON ASSAULT	—	CAUTION

Circumstances I got into a disagreement with my brother which ended in a short scuffle and a couple of punches where thrown. My brother accepted my ~~apology~~ apology and my remorse and was happy for me to receive a CAUTION. THE POLICE agreed and gave me a CAUTION.

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 Morton  
Signature of Licence Holder

6<sup>TH</sup> AUGUST-09  
Date

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**CARLISLE  
CITY COUNCIL**



**www.carlisle.gov.uk**

## **Governance Directorate**

**Director of Governance: M D Lambert LLB (Hons)**

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023

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Council Website [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

Mr I V Morton  
Edenside  
Cargo  
Carlisle  
Cumbria  
CA6 4AQ



Enquiries to:  
Direct Dial:

Sue Stashkiw  
01228 817029

28 January 2014

Dear Mr Morton

### **Complaint.**

On the 27th of January 2014 my Licensing Officer interviewed you regarding a complaint the Council had received. It concerned a journey taken by Mr on Sunday 19th January 2014 from the Joiners Arms at approximately 19.45 hrs, going to Creighton Avenue, Carlisle.

The passenger complained that you swore at him and that he was pushed out of the taxi at Shaddongate onto the pavement by yourself.

You disputed these facts and told my Licensing Officer that the passenger was aggressive and drunk and was escorted to your taxi by a barmaid. You said that he grabbed your steering wheel, which was why you stopped your taxi and asked him to get out. This was at Shaddongate.

I have established from the Landlady that the passenger was not escorted out of the pub, but was waiting by himself to the side of the pub. She confirmed that he had drunk 4-5 pints throughout the course of the late afternoon/evening.

As there are no independent witnesses to the incident, I can not take the complaint any further or establish exactly what happened.

In order to conclude the complaint, I have spoken to Carlisle Drivers who have agreed not to send you to any further bookings from this passenger.

This is acceptable to Mr and I will assume yourself, unless I hear from you otherwise.

Yours sincerely

Licensing Manager

## CARLISLE CITY COUNCIL

02/14

COMPLAINT FORM  
Licensing Section

Full Name of Complainant Mrs

Creighton Ave

Carlisle

Tel: 01228

Nature of Complaint:- Assaulted by Ian Morton on Sunday 19 January 2014 @ 7.45pm

Mrs rang Carlisle Drivers on Monday 20<sup>th</sup> Jan to complain that a taxi driver had physically pushed her husband out of the taxi & onto the pavement.

Mr only goes out once a week on a Sunday to the Joiner Arms for 3-4 pints. Every week he calls for a taxi & they usually park around the corner turning into Sainsburys. Mr was waiting there, when he spotted the taxi waiting on the main road at the traffic lights. He approached the taxi & said 'you usually turn around the corner'. The driver replied 'do you want an f\*\*\*ing taxi or not?'. He got in (front passenger seat) & the driver turned right at the lights & proceeded up towards Dixon's Chimney. Mr said to the driver that 'you usually turn up the side street (John St) & then back onto Caldewgate & up Wigton Rd'. The driver slammed on his breaks (just after Windsor shoes) & pulled up, he leaned across Mr, opened the door & said 'get out of my f\*\*\*ing taxi' & physically pushed him out onto the pavement. He slammed the door & waited to see if my husband got up, then he sped off.

Her husband is 62 & has diabetes. If he had hit his head, or was injured she would have called the Police. Fortunately, he was OK, just shaken up, but feels to be totally inappropriate behaviour. They do not wish the driver to lose his licence, as they say all people have a living to make & probably a family to keep, but want it investigated.



To repeat, he takes taxis regularly always from Carlisle Driver's & has never experienced anything like this. He was not drunk & the Joiners Arms would verify his routine and that he had only had 3-4 pints.

Signed.....Date.....

#### FOR OFFICE USE ONLY

Officer Receiving Complaint: S J STASHKIW

Action taken:

Ian Morton was interviewed on Monday 27<sup>th</sup> January 2014 @ 2.30 & asked for his recollection of the journey.

He recalled the name of the passenger & the fact it was to Creighton Ave.

He said he came staggering up to the car with the barmaid helping him.

He got into the front seat.

He remembered turning right at the lights & seemed unsure if he went straight on after that. Then he said his passenger said something about turning right.

He remembered then that he was going to go straight on and cut down Ridge St, as he thought it would be quicker. He said Mr then grabbed the steering wheel, pushing the car into an on-coming wagon. He pushed his arm off, stopped the car & told him to get out. He stepped out of the vehicle onto the pavement and he drove off. He said Mr didn't fall onto the pavement.

Ian said he should have called the Police.

I then read the statement out to him. He could not recall Mr being around the corner of the Joiner Arms. He said he never swears at customers. He said Mr was drunk and abusive. He said he cannot reach over to open the passenger door and did not push him out of the taxi.

I did say that landlady ( of the pub had verified that Mr is a regular customer and does not drink to excess. She said he is very mild mannered and laid back & has never been abusive or any trouble in her pub. On the Sunday eve he had between 4-6 pints that night. She confirmed that he was not escorted out of the pub. I also confirmed to Ian that Carlisle Drivers do not have any complaints about this passenger on file.

As the family have said they do not want anyone to lose their licence or livelihood, they would not take the complaint any further, but felt the 'assault' was serious enough to report, as it could have had more serious consequences had Mr [redacted] hit his head when they say he was pushed out of the taxi.

I will telephone Carlisle Drivers to ensure Mr [redacted] is not picked up by Ian again & accept that on this occasion it is a situation that cannot be verified and its 'word against word'

I did however advise Ian to invest in CCTV in the hope that instances like this could protect both him & his passengers.

He says he has already bought one & will contact Barry for approval.

Ltr to Ian.

TCall to Mrs [redacted] – I explained the driver's side & she appreciates it is his word against her husband's, but stressed her husband would never grab a steering wheel or behave in an aggressive or argumentative manner and said he is a driver himself & would know the danger of doing such a thing. She repeated that she does not want to go any further as all her sons & husband are working men & she knows everyone has to earn a living, but felt the incident warranted a complaint & they are happy with the driver not being sent to them anymore.

Sue Stashkiw 28.1.14

## CARLISLE CITY COUNCIL

29 /14

COMPLAINT FORM  
Licensing Section

Full Name of Complainant Mr Leigh

Tel: H: VI:

Date of Incident Saturday 22.11.14 23.00-23.30 hrs

Date Complaint reported Monday 24.11.14

Nature of Complaint:- Driver extremely unhelpful

Driver HD254 Ian Morton.H244 YS11 DDO

On Saturday 22<sup>nd</sup> Nov 2014 we were attending a family wedding at the Hallmark Hotel. My mother in law had fallen & was taken to hospital where it was found she had fractured her pelvis.

A&E called a taxi to take us home around 11ish, or later but before 12pm. My mother in law was in a great deal of pain & had to be taken to the taxi in a wheelchair.

I gave our address as St Peters Drive, Lowry Hill. When the taxi arrived at the address the driver pulled up on the opposite side of the road by the bus stop.

First I asked if he could pull up the driveway to save my mother in law having to walk far, but he replied he couldn't as it was private land & he would not be insured. I was fine with that, so then asked if he would turn the vehicle round so we didn't have to cross the road. His reply was 'No I can't do that because the computer says we've arrived at the address' he then offered to carry her across the road. Had my mother in law not been in the vehicle I may have asked if he was joking or 'taking the mick', but I was conscious of her distress. We had to get out of the taxi & I tried to help my mother in law across the road. Half way across she was crying as the pain was too much & I had to carry her the rest of the way.

She is 79 yrs old, almost 80 & had suffered enough trauma that evening without the unhelpful manner of the driver adding to her distress.

Signed

.....Date.....

### FOR OFFICE USE ONLY

Officer Receiving Complaint: S J STASHKIW

Phone call from Carlisle Drivers informing us there would be a complaint.

Letter sent to Ian Morton to call in to discuss.

11.45pm Thursday 26<sup>th</sup> November 2014

Ian requested to be taken into an interview room. He immediately said he was not happy & that I was 'breaking the law' by not pre-warning him in the letter what the complaint was about. I replied saying that is not how we look into a complaint. He said he would have wanted to prepare his response. I replied by saying our way of investigating a complaint is by reading out the complaint in person to the driver, then listening to their immediate response and recollection of the event.

I then read out the complaint.

He hesitantly recalled the event, asking to be given 'time to think'

He said he had been called by Carlisle Drivers to attend A&E for a fare. When he got there, he went into A&E dept but there was no-one sitting in the waiting area. He said there was a 'drunken man' laughing & joking with the receptionists in the check-in area. He said he was a taxi & went outside back to his vehicle.

He then said the drunken man came out pushing the lady in a wheelchair.

He said he asked where he wanted the lady put and the man replied 'you can put her on the roof if you want'. He replied 'no thanks I'll put her in the back'

He opened the door & held her handbag, while the man assisted her into the taxi.

He said it was all good on the way home & they were 'talking away'. He was told about the lady falling over at the wedding.

He seemed to remember being asked to pull onto the driveway, but said he 'was thinking he wasn't allowed to do that' and said 'I'm thinking well as bus driver wouldn't do that & I'm not allowed to' so he replied saying 'sorry I can't do that' he couldn't remember saying anything about not being insured.

I asked what about going up a Hotel driveway? & what was the difference?.

He was silent & didn't reply.

He said 'this was a main road with two way traffic and I'm not allowed to turn around, the Council won't allow me' He said in the knowledge test it asks a driver to get from A to B. He said the computer said he had reached his destination.

He said 'Look I'll help you get her out and carry her if you want' he said he got out & held the door open and was quite willing to help.

He then told me that he would always get out & help people and that he couldn't be more helpful.

He said he sat with the window down until they crossed the road and could not be sure if she had needed help or was carried by the man.

He repeated it was illegal to do a U turn and was 'only following council rules by going the shortest distance' He said he had reached the destination and going any further would have resulted in the passenger paying more fare.

I said he had been a driver for a long time & surely knew that doing a U turn safely was legal and asked why he didn't do as the passengers had asked? I said he could have asked if they would be prepared to pay 'another click' on the meter if he was so concerned about the fare?

He just kept repeating that he had reached his destination.

15.12.14

I relayed Mr Morton's response to the complainant, who did not deny that he had had a drink on the evening in question.

It was a family wedding & after the accident, he was immediately responsive and capable of helping his mother in law.

He repeated that it was totally unacceptable the way his mother in law was treated as felt it was a case of 'we were at our destination, now get out' & the offer of the driver to help carry her across the road just added to the insult of not turning the car around. The fact my mother in law actually burst into tears with the pain when trying to cross the road turned what should have been a happy family wedding into an unfortunate accident then into a dreadful experience.

15.12.14 – discussion with Licensing Manager – refer to Panel.



## **Governance Directorate**

**Director of 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](http://www.carlisle.gov.uk)

Mr I V Morton  
Edenside  
Cargo  
Carlisle  
Cumbria  
CA6 4AQ



Enquiries to:  
Direct Dial:

Sue Stashkiw  
01228 817029

24 November 2014

Dear Mr Morton

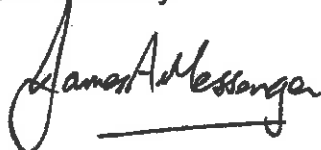
### **Complaint - YS11 DDO**

A complaint has been received regarding the use of your Hackney Carriage.

Would you please attend the Civic Centre as soon as possible, and in any case within 2 working days of receiving this letter, so that my Licensing Officer can discuss the content of the complaint with you.

The office is normally open to the public between 9am and 4.30pm although you may wish to telephone first to check a Licensing Officer will be available.

Yours sincerely



Licensing Manager

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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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# 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 [<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.

*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)

(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)

- C1** 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

# Report to Regulatory Panel

Agenda  
Item:

**A.3**

Meeting Date: 21st January 2015  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and Budget Framework  
Public / Private Public

Title: MR JOHN SCOTT KENNEDY - HACKNEY CARRIAGE DRIVER COMPLAINT  
Report of: Director of Governance  
Report Number: GD 08/15

## Purpose / Summary:

John Scott Kennedy is a licensed hackney carriage driver with this council. A complaint has been received that he did not secure a wheelchair passenger during a journey on Wednesday 17<sup>th</sup> December 2014.

## Recommendations:

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

## Tracking

Executive:	
Overview and Scrutiny:	
Council:	

## **To the Chairman & Members of the Regulatory Panel on 21<sup>st</sup> January 2015**

**NAME** Mr John Scott Kennedy

**ADDRESS** Fell View, Wigton

### **1. HISTORY**

- 1.1** Mr Kennedy was granted a Hackney Carriage Drivers licence in July 2009. He passed his Driving Standards Agency driving test including the wheelchair element in June 2009. **Appendix A**
- 1.2** He first came to the attention of the Licensing Section in July 2010 when a complaint was received from a member of the public alleging his meter was switched on in advance of the journey commencing. No further action was taken on this occasion. **Appendix B**
- 1.3** A further complaint was received in July 2012 when an altercation occurred between Mr Kennedy and a bus driver. Witnesses to the incident did not make statements to the Police and again no further action was taken. **Appendix C**
- 1.4** In February 2013, Mr Kennedy attended a Disability Awareness Session as part of his driver duties to gain further awareness of his obligations as a driver under the Disability & Equalities Act 2010. At the end of the session he sat and passed a short test. **Appendix D**
- 1.5** In February 2014 Licensing received a complaint about Mr Kennedy's driving and overtaking aggressively as well as making an inappropriate sign to the complainant. I interviewed Mr Kennedy, who was immediately aggressive towards me and denied the incident. He was verbally warned about his behaviour and apologised. No further action was taken. **Appendix E**

### **2. BACKGROUND TO COMPLAINT**

- 2.1** On 18<sup>th</sup> December 2014 a complaint was received from a disabled lady, Ms Stanton, who suffers from a rare tissue disorder (Ehlers-Dalos Syndrome). She had called a taxi through Radio Taxis on Wednesday 17<sup>th</sup> December 2014 to take her home from Asda, Kingstown. She was accompanied with 2 carers and had been shopping. When the driver, Scott Kennedy arrived, he got the ramps out, but did not ask if she needed any assistance to get up the ramps. Her wheelchair is electric, so she was

able to proceed herself. When she reached the top of the ramps she got stuck and the driver then gave her a push. She banged her head on entering. He asked if she was ok. She then began to manoeuvre her wheelchair around to face the rear of the vehicle anticipating being strapped in and her wheelchair secured, but the driver just told her to stay where she was, which was sideways. He then took the ramps in, loaded the shopping and set off. Both carers witnessed this. On approaching Ms Stanton's home, the wheelchair was moving about when the vehicle was driving over the cobbled road.

When Ms Stanton got home she had to apply a cold compress to her head and was sick through the night. The incident was logged with the Grey Healthcare Group.

- 2.2** I interviewed Mr Kennedy on 22<sup>nd</sup> December 2014 and asked him his recollection of the event. He was immediately confrontational and aggressive with me. He recalled being late for the job. He said Ms Stanton had not put her headrest down which was why her head hit the vehicle when he tried to push her up the ramps. He said she was in charge of manoeuvring her wheelchair around. He said she was unable to do this. He then said he thought that the chair would be 'heavy enough' and 'would not move' so he didn't attempt to secure the wheelchair or Ms Stanton and left her positioned sideways. I asked if he thought the chair was too big to be secured correctly and suggested he brought the vehicle down and we could test it, but he admitted that he would have been able to accommodate the wheelchair correctly, he just didn't. He admitted he had made a mistake but there was nothing he could do about it now. **Appendix F**

I mentioned the very reason The Regulatory Panel made the decision in August 2012 for all drivers (over 320) to attend our Disability Awareness Session was to avoid such mistakes being made, to ensure the safety of passengers as well as to protect driver's in the event of an accident occurring. **Appendix G**

I reminded him of the Birmingham case, where a disabled passenger died as a result of being transported sideways and not correctly secured. This was an important case which brought about many Authorities in the country introducing Disability Awareness Sessions to educate drivers of their duties under the Disability & Equalities Act 2010. I reminded him that we had worked really hard over the past 2 years to bring our session together and deliver it to all our drivers. Our session shows a DVD explaining the correct procedures to follow and enforces to all drivers never to carry wheelchairs sideways unless there are exceptional circumstances, as well as a power-point presentation to recap on procedures **Appendix H**

sideways unless there are exceptional circumstances, as well as a power-point presentation to recap on procedures **Appendix H**

I said I would be in touch with him after discussing it with my manager. Mr Kennedy's parting comments to me were 'well you might as well have my badge now then'

### **3 LEGISLATION**

- 3.1** 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. **Appendix I**

### **4 OPTIONS**

It is recommended that after hearing the evidence and any representations today, that members reach a decision in line with the suggested options:

- Take no further action
- Issue a warning letter
- Suspend Mr Kennedy's Hackney Carriage Drivers Licence for a period of time.
- Revoke his Hackney Carriage Drivers Licence.

**Contact Officer:**                      **Mrs S Stashkiw**    **Ext: 7029**

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

- A – DSA certificates**
- B – Complaint 2010**
- C – Complaint 2012**
- D – Disability Awareness session test**
- E – Complaint 2014**
- F – Current complaint**
- G – Disability Awareness introduction**
- H – Birmingham case information**
- I – Legislation**

Official Use Only

# Hackney Carriage / Private Hire Test Assessment Pass Certificate

Driver Number  
of Candidate

Please note this certificate is valid for 1 year only from this date

Date of test Day Month Year  
22 06 09

Certify that:

Name **MR JOHN SCOTT KENNEDY**  
Address (must be your permanent address in GB) **FOR VIEW**  
**STATION HILL**  
**WISTON**  
Postcode **CA7 9BP**

has completed the Hackney Carriage/Private Hire Assessment as required by:

**CARLISW**

(Licensing Authority)

Please present this along with all other relevant documentation to the Licensing Authority

Signature of Examiner

Authorised by the Driving Standards Agency to conduct Hackney Carriage/Private Hire Test Assessments

Test Centre

**CARLISW MBTE**

Signature of Candidate

## Important – please remember

1. **Change of address** – if you have changed your name and/or address, put the new details on the back of your licence.
2. **Health** – you must tell DVLA at the onset or worsening of any medical condition which will affect your fitness to drive.

# Wheelchair Test Assessment Pass Certificate

WTA1  
AUG 200

Driver Number  
of Candidate

--	--	--

Please note this certificate is valid for 1 year only from this date

Date of test

Day	Month	Year
22	06	09

I certify that:

Name	MR JOHN SCOTT KENNEDY
Address (must be your permanent address in GB)	1 FELL VIEW STATION HILL WIGTON
Postcode	CA7 9BP

has completed the Wheelchair Assessment as required by:

CARLISLE	(Licensing Authority)
----------	-----------------------

Please present this along with all other relevant documentation to the Licensing Authority

Signature of Examiner

Authorised by the Driving  
Standards Agency to conduct  
Wheelchair Test Assessments

Test Centre

CARLISLE MAF

Signature of Candidate

*[Handwritten Signature]*

## Important – please remember

1. **Change of address** – if you have changed your name and/or address, put the new details on the back of your licence.
2. **Health** – you must tell DVLA at the onset or worsening of any medical condition which will affect your fitness to drive.



## Appendix B

Complaint 24/10

Mr Armstrong, Brownrigg Drive  
Driver of H197 Scott Kennedy File 2119

10pm, Wed 14<sup>th</sup> July 2010.

When the taxi arrived, I saw the driver put the meter on well before we got there. I asked him not to start the meter until we were in. The driver got out and came around to me very aggressively and started shouting. My girlfriend tried to get between us and got her arm stuck. The baby was crying because of the shouting. He wouldn't give me his badge number so I went round to the back of the taxi and took his plate number. He got out of the taxi again and came up to me and belly bashed me knocking me backwards.

9am, Thurs 15<sup>th</sup> July 2010 – interview with Scott Kennedy/Mr Sharrock Licensing Officer  
Went to Brownrigg Drive. Was about to ring back when I saw him back house with pushchair. When he got to the taxi I switched the meter on and went to get out to give him a hand, I then noticed there was a lady behind him so I didn't get out. He said 'you can switch that fucking meter off and switch it back on when we get in' I told him I switched it on when he got to the taxi with the pushchair. He claimed I had switched it on when I was miles away and called me a 'fucking arsehole' I told him it would be better if he got another taxi as I wasn't going to be spoken to like that and told him to shut the door. He called me a 'fat bastard' and wouldn't shut the door. I got out to close it and he said 'come on then if you want a go' We had an argument and I admit I did tell him to fuck off, but knew I would lose my badge if I hit him so I got back in and left.

## CARLISLE CITY COUNCIL

COMPLAINT FORM  
Licensing SectionFull Name of Complainant Mr Armstrong

Member of Public/Hackney/Private Hire Operator/Driver

Address Bourne DriveDriver/Operator/Other Complained of: Driver of H197  
Scott Kennedy Feb 2019

## Nature of Complaint:

When the taxi arrived I saw the driver put the meter on well before we got there. I asked him not to start the meter until we were in. The driver got out and came round to me very aggressively and started shouting. My girlfriend tried to get between us and got her arm struck. The baby was crying because of the shouting. He wouldn't give me his badge number so I went round to the back of the taxi and took his plate number. He got out of the taxi again and came up to me and Bally Bashed me - knocking me backwards.

Signed ..... Dated .....

## FOR OFFICE USE ONLY

Officer Receiving Complaint SS 15-7-10 12.00Action taken Advised him to contact police as he said his neighbours witnessed it

## CARLISLE CITY COUNCIL

COMPLAINT FORM  
Licensing Section

Full Name of Complainant .....

Member of Public/Hackney/Private Hire Operator/Driver

Address .....

Driver/Operator/Other Complained of: Scott Kennedy

## Nature of Complaint:

10pm Wed 14-7-10

Went for fare at Brownrigg Drive  
Was about to use myback when I saw him leave  
house with pushchair. When he got to the taxi  
I switched the meter on and went to get out  
to give him a hand. I then noticed there was  
a lady with him so didn't get out. He said  
"You can turn that fucking meter off and switch  
it back on when we get in" I told him I switched  
it on when he got to the taxi with the pushchair.  
He claimed I had switched it on when I was miles  
away and called me a "Fucking Arse Hole"  
I told him it would be best if he got another taxi

Signed ..... Dated ..... P70

## FOR OFFICE USE ONLY

Officer Receiving Complaint BS 9am 15-7-10

Action taken .....

as I wasn't going to be spoken to like that and told him to shut the door. He called me a "Fat-Bastard" and wouldn't shut the door. I got out to close it and he said "Come on then if you want a go"

We had an argument and I admit I did tell him to Fuck Off but knew I would lose my badge if I hit him so I got back in and left.

**CARLISLE  
CITY COUNCIL****www.carlisle.gov.uk****Governance Directorate****Director of Governance: M D Lambert LLB (Hons)**

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023

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Council Website [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

Mr J S Kennedy  
Fell View  
Station Hill  
Wigton  
CA7 9BP

Enquiries to:  
Direct Dial:

Barry Sharrock  
01228 817523

13 August 2012

Dear Mr Kennedy

**Complaint**

On the 16th of July 2012 my Licensing Officer interviewed you regarding a complaint the Council had received from Reays Coaches about an incident that took place between yourself and one of their bus drivers.

Although you disputed most of the allegations you did admit that an altercation had taken place although it was nothing more than a bit of pushing and shoving.

This was however witnessed by members of the public who were concerned enough to ring the police. As the witnesses did not want to make statements the police decided to take no further action other than to advise you both to "grow up"

Because of this the Council will not be taking the matter any further and the complaint will be allowed to "lie on file" but may be referred to in any future similar incidents.

Yours sincerely

Licensing Manager

# 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 please ring 18001 01228 817000

Council Website [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

Mr A Horn  
Reays Coaches  
Strawberry Fields  
Syke Park  
Wigton  
CA7 9NE

**Please ask for:**

**Direct Line:**

**E-mail:**

**Your ref:**

**Our ref:**

Licensing Officer

01228 817027

[licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)

Licensing/BS

13 August 2012

Dear Sir

I refer to a recent complaint made against a licensed taxi driver by a member of Reay's office staff. Brief details of the complaint are that

On Thursday 12<sup>th</sup> of July or Friday 13<sup>th</sup> of July a Reays bus and Scott Kennedy's taxi clashed mirrors at the taxi rank outside of Woolies (B & Ms)

Mr Kennedy chased after the bus and stopped it at Asda.

The driver of the bus got out to get away from his passengers so they would not see the argument

Mr Kennedy pushed the bus driver making him fall to the ground into nettles.

Mr Kennedy said a few things that you shouldn't say to a black guy (his words).

2 witnesses have made statements to the police.

Mr Kennedy has been interviewed at The Civic Centre and gives a very different version of the incident. He claims that

The incident in fact took place on Saturday 14<sup>th</sup> of July.

The collision took place in Georgian Way when the bus changed lanes and its mirror caught the rear offside of Mr Kennedy's taxi.

The confrontation took place on Stanwix Bank by the cricket club.

There were no passengers on the bus.

It was the bus driver who pushed Mr Kennedy first, even after being warned not to.

The bus driver drove off without exchanging details.

He strongly denies any racist language was used and has in fact sought legal advice over this particular part of the complaint.

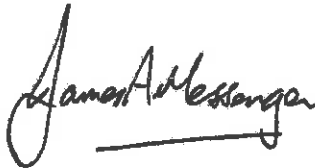
He notified the police himself about the incident and has spoken to Pc 2126 at police Headquarters

Looking back he is now embarrassed at what happened, just 2 big blokes losing control.

I have spoken to Pc 2126 and she has confirmed that 2 members of the public rang in to report the altercation but neither pointed the finger at the bus driver or the taxi driver as being the aggressor and neither were prepared to make a statement. To the best of her knowledge the 2 drivers were basically just told to "grow up".

In view of the 2 completely different versions given by the drivers, that there are no independent witnesses and also the fact that Mr Kennedy may be taking legal action regarding the allegation of racist language, the Council can take no disciplinary action against Mr Kennedy although the complaint will be kept on his record and may be referred to in the future.

Yours sincerely,

A handwritten signature in black ink, appearing to read "James Adlesinger". The signature is written in a cursive style with a long horizontal line extending from the end.

Licensing Manager

7-2-13

Name: JOHN SCOTT KENNEDY Disability Awareness**3** of the statements in each of the following are CORRECT.Circle the correct statements only.Even if you are not licensed to carry Wheel-chairs, you must still answer B**A. When transporting a blind passenger & guide dog, you must:**

1. Not stroke, pat or make a fuss of the dog
- ☒ 2. As well as opening the door for the passenger, inform them which way the vehicle is facing & which side the seats are on
- ☒ 3. Always make the dog travel in the rear of the vehicle
- ☒ 4. Tell them the fare & count out the change
5. Charge extra for carrying the dog

**B. When transporting a Wheelchair user you must:**

- ☒ 1. Always use ramps & extensions where necessary
- ☒ 2. Pull up as far away from the kerb as possible
- ☒ 3. Secure the Wheelchair in accordance with your vehicle instructions
- ☒ 4. Avoid sudden braking & acceleration
5. Push them forward facing down the ramps

**C. When transporting an Autistic passenger:**

- ☒ 1. Always be punctual
- ☒ 2. If it is a regular route you take, make sure you don't change it, unless roadwork dictate you must
- ☒ 3. Try to talk to the passenger as well as the carer
- ☒ 4. If it is a regular route, change it just to add variety for the passenger
- ☒ 5. They can choose if they want to wear seatbelts

**D. When transporting a hard of hearing or deaf passenger:**

- ☒ 1. Always sound the horn when you arrive
- ☒ 2. If you don't understand each other, write it down
- ☒ 3. A map would be useful & advised to be carried
- ☒ 4. If unsure of their instructions, its ok to have a guess
- ☒ 5. Speak clearly face to face when talking, don't shout, as they may be lip-reading

**E. When transporting a passenger with learning difficulties:**

- ☒ 1. Do not grab hold of their arm without the person giving their consent
- ☒ 2. If speech is slurred, don't assume they are drunk
- ☒ 3. Use easy to understand words & phrases and avoid 'jargon'
- ☒ 4. Its ok to make inappropriate or personal remarks, if meant in jest
- ☒ 5. Assume they won't be able to understand the handling of money.

80%



Cumbria  
United Kingdom  
CA7 8BZ  
0

## Appendix E

! [com](#)

The details of the complaint are:

Problem service/department:  
Hackney cab driver

**Problem details:**

whilst travelling on the new northern relief road i was following a learner driver travelling at approx 45mph towards the dalston Rd. roundabout. i didnt consider it was safe to overtake as there was vehicles travelling towards us from the wigton direction, however a radio taxis 7 seater wheelchair cab reg number SG63 WSU hackney licence H383 came up behind us and proceeded to overtake then cut in infront of me causeing me to brake sharply as soon as there was another short gap he also overtook the learner car, i sounded my horn and flashed my lights at his behaviour to which his response was a middle finger salute, i am aware that taxi drivers consider themselves to be better drivers than everyone else but i feel that as the licencing authority you need to have a word with this driver to remind him that taxi drivers should be polite courteous and patient, as we proceeded and turned off at Thursby driving legally we had caught the taxi up so his actions whilst causeing a hazard gained him absolutely nothing. the incident took place at 3.40pm on 19/2/14

**Possible Solution:**

a reminder of his obligations should be given

Previously Reported? No

Previous Service or Department:

Previously reported to:

Previously reported on:

//

**Susan Stashkiw**

---

**From:** Licensing (Carlisle)  
**To:** 1.com  
**Subject:** RE: Completed Complaint Form

Dear Mr Nineham,

I confirm that I have had the driver of the Licensed vehicle in this morning for a chat about the incident.

I have impressed the importance of appropriate and considerate driving at all times whilst driving his licensed vehicle.

A record of this will remain on his file & may be referred to should any further incidents of a similar nature come to light.

Thank you for your time to report this to us, Kind regards,

Sue Stashkiw  
Licensing Officer  
Governance Directorate  
01228 817029

-----Original Message-----

**From:** Complaints (Carlisle)  
**Sent:** 25 February 2014 09:06  
**To:** Licensing (Carlisle)  
**Subject:** FW: Completed Complaint Form

Hi

Please see below complaint received by Complaints 21.2.14.

Regards

Lynne Tinnion  
Customer Services Supervisor  
Carlisle City Council

01228 817233

-----Original Message-----

**From:** Carlisle City Council Online Forms [mailto:onlineforms@carlisle.gov.uk]  
**Sent:** 21 February 2014 10:58  
**To:** Complaints (Carlisle); colin@ecreden.com  
**Subject:** Completed Complaint Form

The following complaint has been submitted by:

Mr Colin Nineham.  
Rose Barn  
Rosley

Scott immediately launched into the interview in an aggressive manner telling me he knew exactly what it was about.

He explained that he had been following the complainant in question up to a roundabout going onto the northern bypass. He said the driver went into the right hand lane to enter the RB, whilst Scott stayed in the left. Both were taking the second exit towards the Dalston Rd direction. Scott told me that he had been a driving instructor & knew how to use roundabouts correctly & said that before 12O'clock you should use the inside lane to go around a RB but after 12, use the outside lane. So he was saying the complainant was incorrect & when he came to exit, he 'cut' Scott up. I managed to interrupt & ask if he was ahead of the complainant then on exiting the RB, to which he said no he wasn't, but I then assumed he was probably along side him if he was saying he was 'cutting him up'.

He then said the complainant flashed his lights & beeped his horn at him & the passenger gave a stern look.

I then managed to stop him & read out the complaint. He denied overtaking inappropriately or putting a middle finger up & was still very wound up about the situation.

I then warned him to calm down & speak to me in a calmer manner or I would terminate the interview. I also reminded him that we had other minor complaints in the file that concerned his attitude.

He then realised he wasn't doing himself any favours. I explained that it's difficult for us to establish exactly what happened, as there are always two sides of things. I did however say that when member of the public takes the trouble to complain, there generally is some element of truth in the report, unless there are personal issues involved.

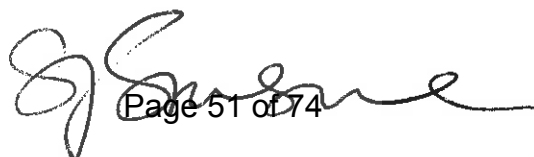
He still denied driving or overtaking inappropriately. He did however say he has a camera in his vehicle that records out of the taxi from the front. He has it due to his last accident which involved a cow colliding with him. I asked if it will have the drive recorded, to which he said he didn't know & that's he's not that technically minded.

I told him to find out how it works & have it switched on in future as he could have proved the incident in question & his driving.

He said he would & apologised for his behaviour.

I said this will remain on his file.

No further action. Email sent to complainant.

  
Page 51 of 74

**CARLISLE CITY COUNCIL****31 /14****COMPLAINT FORM  
Licensing Section**

Full Name of Complainant Leah Stanton

Tel: M: (

Date of Incident Wednesday 17<sup>th</sup> December 2014Date Complaint reported 18<sup>th</sup> December 2014

Nature of Complaint:- Did not strap wheelchair passenger in, carried passenger sideways & banged her head.

Driver HD179 John Scott Kennedy working for Radio Taxis

Leah Stanton is a wheelchair user due to her disability or a rare tissue disorder (Ehlers- Dalos syndrome)

On Wednesday 17<sup>th</sup> Dec 2014 she called for a Taxi to take her from Asda, Kingstown to her home at South Henry St, Carlisle. She had two carers with her from Grey healthcare, a Sam Harris (0 ) & Marie Hewit (0 ).

The driver turned up & got the ramps out. He didn't ask if she needed help up the ramps, but her wheelchair is electric, so she attempted to manoeuvre up the ramps. She got stuck nearer the top & the driver came behind and pushed her up, banging her head on the top of the vehicle on entering. He asked if she was ok, but didn't apologise.

She then began to manoeuvre her wheelchair around to face the rear of the vehicle anticipating being strapped in and her w/c secured. The driver then told her to just stay where she was, which was sideways. He then lifted the ramps up, put the shopping in the taxi & set off without strapping the wheelchair or the passenger in. Both carers can witness that this was the case & that the wheelchair was moving about during the journey, particularly on the cobbled roads around Leah's home.

Leah suffered headache and had to lie down when she got home & was sick through the night. Her condition is such that she has fragile skin tissue, can bruise easily as well as joint hyper mobility where her limbs can dislocate many times throughout the day.

As this incident caused injury to her, her carer has had to report the incident to their employer & it had been logged by them.

Signed

.....

....Date.....

#### FOR OFFICE USE ONLY

Officer Receiving Complaint: S J STASHKIW

22.12.14 10am.

I spoke to Scott Kennedy & asked him his recollection of the event. He was confrontational & aggressive.

He recalled being late for the job. After getting the ramps out, the girl got up the ramps herself, but near the top of the vehicle got stuck, so he attempted to help her. He heard a thud and she put her hands to her head. It seemed the headrest had not been put down on the wheel chair and had come forward & become detached & hit her on entering the taxi. Scott said she threw the headrest onto the seat of the taxi. He asked if she was alright. She said she would need a cold compress on her head when she got home. He asked 'what I am supposed to do?' 'I didn't do anything' all said in an angry tone.

I then asked him to tell me what happened after that. He said she was in charge of manoeuvring her w/c as it was electric. He said she couldn't get it round and he said 'hang on'. He left her sideways and said he thought it was 'heavy enough' and 'would not move', so he didn't attempt to secure the w/c. He said there was too much shopping as well as the two carers.

I suggested the next step would be to get his vehicle down here as well as the w/c and see if it could be correctly strapped in. He said he had no doubt he could have accommodated it correctly, but he just didn't.

He admitted he made a mistake, said there was nothing he could do about it now and had 'made a mistake'.

I said I would be back in touch with him. His parting comment to me was 'well you might as well have my badge now then'



Your health, your choices

# Ehlers-Danlos syndrome

## Introduction

**Ehlers-Danlos syndrome (EDS) is a collection of inherited conditions that fit into a larger group, known as heritable disorders of connective tissue.**

Connective tissues provide support in skin, tendons, ligaments, blood vessels, internal organs and bones.

There are different types of EDS that may share some features, including:

- joint hypermobility – increased range of movement of joints
- stretchy skin
- fragile skin tissue

The fragile skin and unstable joints found in EDS may be the result of faulty collagen.

Collagen is a protein in connective tissue that acts as a "glue" in the body, adding strength and elasticity. There are many different kinds, including collagens I, III and V. The type of EDS depends on which collagen is involved.

The different types of EDS are caused by alterations in certain genes that make collagen weaker. Sometimes the amount of collagen in the body is reduced. The faulty genes can be passed from parents to their child (inherited).

This information is for anyone who has been recently diagnosed with EDS, or for anyone whose child has the condition. It explains:

- hypermobile joints
- different types of EDS
- [living with EDS](#)
- [managing pain](#)

## Hypermobile joints

People with EDS typically have loose joints, which means the limbs bend more than usual. This can cause floppy joints in infancy, and some affected children take longer to sit, stand and walk.

Read more information about [joint hypermobility](#).

## Different types of EDS

The four most common types of EDS include:

- hypermobile EDS
- classical EDS
- vascular EDS
- kyphoscoliotic EDS

There are also other, rarer, types of EDS, including dermatosparaxis and arthrochalasic. New genes have been found that explain other rare types of EDS.

## Hypermobile EDS

Hypermobile EDS is the most common form. However, there is some debate over whether it is the same as joint hypermobility syndrome. Both conditions may be part of a group of several similar conditions.

There are no tests available to confirm the diagnosis or distinguish between hypermobile EDS and joint hypermobility syndrome. The diagnosis is made based on a physical examination and a person's medical history.

People with hypermobile EDS may have:

- joint hypermobility – the joints have a wider range of movement than usual
- loose, unstable joints that can lead to dislocations and subluxations (incomplete or partial dislocation of a joint)
- joint pain and fatigue
- joints that "click" and are easily bruised
- gastrointestinal complications
- symptoms that affect the autonomic nervous system (the nervous system that controls your automatic functions, such as breathing and urination) – this includes postural tachycardia syndrome, which causes fast heart rate, dizziness and fainting
- mitral valve prolapse – a heart valve abnormality
- uterine, rectal or bladder prolapse
- urinary dysfunction
- dental problems
- low bone density (osteoporosis)

## Classical EDS

Classical EDS (previously known as EDS types I and II) is a rare condition and many health professionals will not be familiar with the symptoms and how to treat it.

People with classical EDS may have:

- joint hypermobility
- loose, unstable joints that can lead to dislocations and subluxations (incomplete or partial dislocation of a joint)
- stretchy (hyperextensible) skin
- fragile skin that can split easily – especially over the forehead, knees, shins and elbows
- smooth, velvety skin that bruises easily
- wounds can be slow to heal and leave wide, papery scars
- fragile and stretchy tissues can also result in hernias and prolapse
- in rare cases, there may be problems with the veins and arteries



## Vascular EDS

Vascular EDS is a rare type of EDS. The condition is sometimes associated with life-threatening complications, as the blood vessels and large bowel wall are prone to rupture, causing internal bleeding.

Women with vascular EDS who become pregnant may have an increased risk of vascular complications. There is an increased risk of womb rupture in later pregnancy.

People with vascular EDS may have:

- skin that bruises very easily because of fragile tissues
- thin skin with visible small blood vessels, particularly on the upper chest and legs
- fragile blood vessels – this can lead to major complications, such as blood vessels tearing (dissection) and arterial aneurysms (artery widening with a risk of rupture)
- risk of damage to hollow organs, such as bowel perforation or uterine rupture (where the womb tears)

Occasionally there may be other features, including:

- hypermobility of small joints (such as fingers and toes)
- premature ageing of the skin on hands and feet
- unusual facial features, such as a thin nose and lips, large eyes, small earlobes and fine hair
- joint contractures (permanent shortening of a joint)
- partial collapse of the lung (pneumothorax)
- gum problems, such as bleeding or receding gums
- varicose veins in early adult life
- wounds may take longer to heal

## Kyphoscoliotic EDS

People with kyphoscoliotic EDS may have:

- curvature of the spine – this starts in early childhood and often gets worse in the teenage years
- loose, unstable joints that frequently lead to dislocations
- weak muscle tone from childhood – this may cause a delay in sitting and walking, or difficulty walking if symptoms progress
- fragile eyeballs that can easily be damaged
- unusual shape or size of the clear front part of the eye (cornea)
- soft, velvety skin that is stretchy, bruises easily and scars

## Living with EDS

Fatigue is common in most types of EDS. If you have been diagnosed with the condition, you may find you need to conserve your energy and pace your activities.

You should avoid heavy lifting, contact sports and keeping your joints in one position for lengthy periods.

Simple measures can help protect some of your joints and help reduce pain. Exercise is important to strengthen the muscles that support the joints and so help minimise joint

dislocations. Swimming, pilates and exercises that strengthen core muscles are recommended.

For children with classical EDS, it may be helpful to pad or bandage your child's lower legs and elbows during activity and pad sharp corners on furniture. This may reduce the risk of skin injury, scarring and bruising.

However, it is important that parents are not overprotective and allow their children to live their life as normally as possible.

It is especially important that people with vascular EDS avoid contact sports and activities that involve lifting very heavy weights, sudden changes of acceleration (sprinting), or weight training.

Strenuous household tasks involving lifting or pushing large or heavy objects should also be avoided.

It is recommended that those with vascular EDS wear a medical alert bracelet.

Read more about living with EDS on the EDS Support UK website for more tips and advice on joint care, and finding a balance between rest and exercise.

## Support

If you or your child are having problems with pain and movement, you can ask your GP to refer you to a physiotherapist with an understanding of hypermobility.

If necessary, your GP can refer you to an occupational therapist to help you manage daily activities and give advice on equipment that may help you.

Counselling and cognitive behavioural therapy (CBT) may be useful in helping you to cope with long-term pain. Your GP should be able to advise about local counselling services. Patient support groups such as EDS Support UK can also be helpful.

If you want to find out more about the cause of the condition and the chance of other family members also having EDS, you can ask your GP to refer you to your local genetics service. Genetic counselling, where you can discuss the chance of passing the condition on to future children, is available.

A specialist EDS diagnostic service was set up in 2009 for patients in England and Scotland. This service is for complex EDS, where the diagnosis of the specific form of EDS requires further investigations.

Hospital consultants can refer you to this service, but not GPs. The clinics are held in Sheffield and London. Individuals in Northern Ireland or Wales require separate funding from their health authority.

## Managing pain

For advice about persistent pain, you can speak to your GP, who may refer you to a rheumatologist or pain specialist. Read more information about living with pain.

The EDS Support UK website also offers advice about overcoming sexual difficulties associated with pain.

# NEWS RELEASE

Date of Issue: Friday, 12 October 2012



## **New lessons learnt**

### **Disability awareness for Carlisle taxi drivers**

Carlisle taxi drivers have been told that they have to attend a disability awareness session to improve their knowledge of carrying passengers with a disability.

Under new rules set out by Carlisle City Council, as the local licensing authority, all 252 Hackney Drivers and 77 Private Hire drivers will have to attend a compulsory awareness session organised by the council. The sessions will ensure that drivers are aware of their responsibilities to disabled passengers. The sessions will conclude with an assessment.

The sessions will give guidance on what support should be offered to disabled passengers e.g. ask whether they need any assistance with their seat belt or entering/leaving the taxi. Also, how to provide support to visually impaired or blind passengers, as well as those who are hard of hearing or deaf; autistic; users of wheelchairs or passengers with learning difficulties.

The decision is that ALL existing drivers will be required to attend a Disability Awareness Session within 12 months of the introduction and that new drivers must attend prior to their licence being granted was taken by members of the Regulatory Panel on Wednesday, 8 August 2012.

The decision was in response to the new Disability and Equality Act 2010 that now replaces most of the Disability Discrimination Act, giving disabled people enhanced protection from discrimination and legal rights in many areas, including access to transport services.

In recent years there have been many high profile cases where passengers have been injured through being carried incorrectly in Taxis. Carlisle licensing regularly receives complaints of this nature and in line with many other authorities, the 'in-house' awareness session has been agreed.

Cllr John Bell, Chairman of the Regulatory Panel, said: "We appreciate that many drivers carry disabled passengers on a regular basis and are familiar with the correct procedures, however, it is our duty to ensure all drivers are fully aware of their responsibilities and their rights when carrying disabled passengers. It is also important that these awareness sessions are consistent across the board and delivered to all drivers. It is recognised that many drivers have carried out training in their own time and achieved qualifications in passenger transport, however, it is felt that the awareness sessions would act as a refresher to them and during open discussion newer drivers would benefit from their experience and knowledge."

Sessions are free and take place in the Civic Centre, Carlisle. They will last a maximum of two hours and a 'multi-choice' questionnaire will be given at the end of the session. Failure to complete the session without a valid reason within the given time scale may result in you drivers being referred to the Regulatory Panel.

# Birmingham Coroner calls for new taxi restraints for wheelchairs

Jul 8 2009

THE Birmingham Coroner has called for the compulsory use of restraints for wheelchair users in taxis following the tragic death of a 14-year-old disabled girl.

Aidan Cotter also said Birmingham City Council should make it part of the terms of the driver's licence and that they should also attend a five-hour seminar on disability discrimination training.

He made his comments after hearing that a black cab driver had picked up Razan Begum from Birmingham Children's Hospital in February.

Razan was with her father and her younger sister and suffered from a "terrible illness" which made her spine very fragile.

The wheelchair she was in was loaded sideways into the vehicle which then set off.

Mr Cotter said something then happened to cause the wheelchair to "jerk" and Razan lost consciousness almost immediately. She died two days later despite attempts to save her.

He said neither the cab driver nor her father had committed any criminal offence and there was no suggestion the driver had driven badly.

He recorded a verdict that Razan of Rupert Street, Netchells died as a result of an accident.

Taxi driver Ashfaq Hussain said because of the design of his cab it had been impossible for him to fit the restraints on the wheelchair as well as having two passengers.

He said he had told Razan's father that if necessary he should hold onto the chair



Page 2 of 2

Peter Barrow, head of licensing for Birmingham City Council, said Mr Hussain received his taxi licence in 2003 and that it only became a requirement for new drivers the following year to receive disability training.

He added that it would appear to be common practice to put wheelchairs into taxis sideways and that this did pose a risk.

received his taxi licence in 2003 and that it only became a requirement for new drivers the following year to receive disability training.

He added that it would appear to be "common practice" to put wheelchairs into taxis sideways and that this did pose a risk.

Aiden Keith Cotter LL.B., M.B.A., C.M.D.

Her Majesty's Coroner for the City of Birmingham and the Borough of Solihull,  
Coroner's Court, 50 Newton Street, Birmingham B4 6

Our ref: AKC/lmh  
31<sup>st</sup> July 2009

Mr Peter Barrow  
Head of Licensing  
Birmingham City Council  
Ladbroke House  
Bordesley Street  
Digbeth  
Birmingham B5 5BL

Dear Mr Barrow

Re: Ramzan Begum (deceased)

I am reporting this matter to you in accordance with rule 43 Coroners Rules 1984 (as amended by the Coroners (Amendment) Rules 2008). I enclose a copy of the Rule (as amended).

In accordance with rule 43, a copy of this report is being sent to the Lord Chancellor and all the other properly interested persons identified at the inquest (together with other people who I believe may find I useful or of interest). A list of copy recipients can be found at the end of this report. Your response to this report will also be shared with those listed.

I enclose herewith a copy of the **Inquisition**.

It was clear from the evidence that Ramzan's death may well have been avoided if her wheelchair had been secured in the taxi.

I hope that Birmingham City Council will give serious consideration to requiring all taxi drivers operating within the City to secure wheelchairs within the vehicle.

I understand that taxi drivers applying for a licence after June 2004 are required to attend a course of training under the Disability Discrimination Act. I can see no justification to restricting that necessary and invaluable information to a small group of the taxi drivers. I would be grateful if Birmingham City Council would arrange for all taxi drivers operating within the City to undergo that training.

It may well be that the City have already put these matters in hand. I look forward to hearing from you.

Yours sincerely

*Aiden Keith Cotter*  
*H. M. Coroner*  
*Birmingham and Solihull Districts*

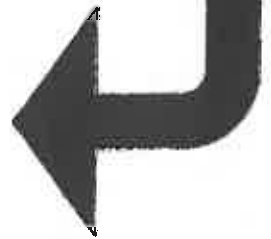
## Section 165 Passengers in Wheelchairs

### Duties of the Driver are:

- To carry the passenger in a W/C
- Not to make an additional charge
- If the passenger wants to sit on a seat, agree to carry W/C
- To take necessary steps to ensure the passenger is carried SAFELY and in reasonable comfort
- To give passenger mobility assistance as is reasonably required

# Wheelchair – Hackney Carriage Summary

- Ramps carried at all times
- Explain what you are going to do
- Always stay behind passenger
- Ask if they want help up the ramps
- Passengers always to face rear of vehicle
- Wheelchair locked into position, brakes on
- Seatbelt securely fastened
- Communicate with passenger
- Meter on!





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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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## 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 [<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.

*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)*

- (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)

- C1** 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

**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.

**Changes and effects yet to be applied to :**

- s. 61 modified by S.I. 2009/2863 reg. 4 Table

**Commencement Orders yet to be applied to the Local Government (Miscellaneous Provisions) Act 1976:**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2007/466 art. 2(b) commences (2006 c. 49)
- S.I. 2007/1897 art. 2 commences (2005 c. 9)
- S.I. 2009/3318 art. 2-4 commences (2009 c. 20)
- S.I. 2011/2329 art. 3 commences (2011 c. 5)
- S.I. 2011/3019 art. 3 Sch. 1 commences (2011 c. 13)



# Report to Regulatory Panel

Agenda  
Item:

**A.4**

Meeting Date: 21 January 2015  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework YES  
Public / Private Public

Title: DELEGATED AUTHORITY TO THE REGULATORY PANEL  
Report of: Director of Governance  
Report Number: GD.11/15

## Purpose / Summary:

Pursuant to Minute Excerpt RP.33/14 the Director of Governance investigated the possibility of changes to the delegated powers of the Regulatory Panel as requested by the Panel at their meeting on 12 November 2014.

## Recommendations:

That Members note the content of this informative report and indicate whether they would like further consideration to be given to requesting that Council create a sub-committee to deal with certain items.

## Tracking

Executive:	
Overview and Scrutiny:	
Council:	

## **1. BACKGROUND**

- 1.1** On 12 November 2014 the Regulatory Panel met to consider three Policy and Budget items which were delegated through the Council's Constitution to the Regulatory Panel. The meeting began at 2.00pm and all three items had been considered and agreed by 2.20pm.
- 1.2** At the end of the meeting the Panel asked the Director of Governance to look at the delegated powers of the Regulatory Panel to see if decisions on future Policy items could be taken by the Chairman of the Panel.

## **2. CURRENT POSITION**

- 2.1** Section 2A of the Council Scheme of Delegation provides that functions relating to licensing and registration (other than Licensing Act 2003 functions) are delegated to the Regulatory Panel, with a membership of 12 members of the Authority.
- 2.2** Section 2B of the Council Scheme of Delegation gives delegated authority to the Director of Governance and the Licensing Manager to grant or renew any licence, registration, permission or consent; to suspend private hire and hackney carriage drivers and operators until the next meeting of the Regulatory Panel; and to institute, defend or participate in any action or legal proceedings where such action is necessary to give effect to decisions of the Regulatory Panel or any officer acting under delegated powers or in any case where the Director of Governance considers that such action is necessary to protect the Council's interests.
- 2.3** The Council's Financial Procedure Rules require that the Regulatory Panel will deal with Taxi, Private Hire and other miscellaneous licences
- 2.4** There is, therefore, no delegation within the Constitution which permits the Chairman and Vice Chairman of the Regulatory Panel to determine policy agenda items.

## **2. CAN THE REGULATORY PANEL DELEGATE CERTAIN DECISIONS TO THE CHAIRMAN AND VICE CHAIRMAN?**

- 2.1** With regard to the Licensing Committee, section 9(1) of the Licensing Act 2003 provides that a licensing committee may establish one or more sub-committees consisting of three members of the committee, and section 9(3) provides that, subject to regulations, each licensing committee may regulate its own procedure and that of its sub-committees. Further, section 10(1)(a) provides that a licensing committee may arrange for the discharge of any functions exercisable by it by a sub-committee established by it.
- 2.2** With regard to the Regulatory Panel, however, there is no such express statutory power to regulate its own procedure or set up sub-committees. The Regulatory

Panel has no greater powers than those conferred on it by Council and cannot itself amend those terms of reference. Section 2A, paragraph 17 provides that it is for Council to appoint sub-committees. In the absence of an express statutory power, therefore, it is for Council to determine terms of reference, the procedure, and any sub-committees of the Regulatory Panel.

### **3 SHOULD COUNCIL BE ASKED TO CONSIDER REVISING THE CONSTITUTION?**

- 3.1** Section 101 of the Local Government Act 1972 provides that a local authority may arrange for the discharge of any of their functions (a) by a committee, a sub-committee or an officer of the authority; or (b) by any other local authority. There is no power to arrange for functions (other than Executive functions) to be discharged by a single Member as case law has held that there can be no delegation to a single Member and, further, a single Member cannot form a committee or sub-committee (*R v Secretary of State for the Environment ex parte Hillingdon London Borough Council* [1986]).
- 3.2** Furthermore, it would not be practicable to have a sub-committee of two. Schedule 12, paragraph 39 of the 1972 Act lays down the principle that all questions coming before the local authority are to be decided by a majority of members. Since, in a committee of even numbers, any deadlock is determined by the chairman's casting vote, in reality any question coming before a committee of two Members could be determined by the Chairman alone. Thus, it is best practice for any local government committee to be comprised of at least three Members.
- 3.3** Any revision to the Constitution, therefore, would need to involve forming a sub-committee of at least three Members to consider certain items.
- 3.4** Sub-committees should not be set up unless such a course is unavoidable. Members should therefore consider whether it is necessary to establish a sub-committee. Occasionally, as was the case on 12<sup>th</sup> November, the Regulatory Panel meets and considers a short agenda. This is generally avoided either by single items being deferred and meetings cancelled, or by combining a short agenda with a pre-arranged Licensing Committee meeting, but this is not always possible. The items which gave concern at November's meeting, indeed, were budgetary matters which were not appropriate for deferral.
- 3.5** It is also very important to note that the Regulatory Panel is required, in law, to be politically balanced. This is to ensure that any decisions taken reflect the balanced views of the different, proportionate views of the various parties which make up Carlisle City Council. The delegation of a budgetary matter to anything other than a politically balanced body would infringe an important safeguard of the system in which we work.

- 3.6** The Council has already set up a Regulatory Panel of 12 Members, that being the considered appropriate number for the function it carries out. Agendas are managed as carefully as possible so as to maximise the use of Members' valuable time when attending meetings. On an odd occasion it is inevitable that there will be a shorter meeting. That said, the meeting which raised the question being addressed in this Report did last twenty minutes and absolutely dealt with important and significant work on behalf of the Council.
- 3.7** Speed of decision making is also important. A sub-committee adds a further layer of administration to deal with and it is likely (albeit subject to terms of reference etc.) that the Regulatory Panel would want to hear back from its sub-committee before recommendations were referred on to full Council.
- 3.8** On balance, it is felt to be vital that all members of the panel have an input into budget and policy matters so as to properly reflect the political balance of the Council. Further consideration may, of course, be given to the creation of a sub-committee but it is officers' view that this is not necessary at this time and the concern is that this would also further reduce member engagement in the work of the Council.

### **3. CONSULTATION**

- 3.1** None, this report is for information only.

### **4. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1** Members will each have a view on whether it is necessary to recommend that Council amend the Constitution in this way, however, if this is a course of action which is being considered, detailed consideration needs to be given to terms of reference and it is suggested that a further report be prepared having regard to Members' views.

### **5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

#### **5.1**

**Contact Officer:** Penny Gray

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**Appendices  
attached to report:** None



**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:**

- **Constitution of the City of Carlisle**
- **Local Government Act 1972 and Local Government Act 2000**
- **R v Secretary of State for the Environment ex parte Hillingdon London Borough Council (1986)**

**CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's** – Not Applicable

**Deputy Chief Executive** – Not Applicable

**Economic Development** – Not Applicable

**Governance** – Included in the report

**Local Environment** – Not Applicable

**Resources** - Not Applicable

