

CARLISLE CITY COUNCIL

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

Date of Meeting:- 17th December 2008

Agenda Item No:-

Public	Operational	Delegated Yes
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Accompanying Comments and Statements	Required	Included
Cumbria Fire Service	No	No
Cumbria Constabulary	No	No
Environmental Services	No	No

Title:-	EDWARD PATRICK CRANGLE - HACKNEY CARRIAGE DRIVER – ADDITIONAL SPEEDING CONVICTION
Report of:-	DIRECTOR OF LEGAL & DEMOCRATIC SERVICES
Report reference:-	LDS 77/08

Summary:-

Mr Crangle is a licensed Hackney Carriage Driver. He has recently informed the Council of a further speeding conviction.

Recommendation:-

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

J A Messenger
Licensing Manager

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- Driving licence, Disclosure of Convictions and Section 61 LG(MP) Act 1976

To the Chairman & Members of the Regulatory Panel on 17th December 2008

NAME Edward Patrick Crangle

ADDRESS Springfield Road, Carlisle

LICENSING HISTORY

According to Council records, Mr Crangle has been licensed as a Hackney Carriage driver since at least 1999 and has held a licence continuously since that date.

- 15th August 2002 Warning letter regarding using a mobile telephone whilst vehicle was in motion. **(Appendix A)**
- 4th January 2005 He appeared before The Regulatory Panel following a complaint from a member of the public that he had been using his mobile phone whilst driving his taxi. Following a hearing, the Panel resolved that Mr Crangle should be issued with a warning letter and be required to take and pass the DSA Hackney Drivers test **(Appendix B)**. He successfully took the test on 3rd May 2005.
- 9th June 2006 Speeding SP30 Fixed Penalty & 3pts
- 28th August 2006 Speeding SP50 Fixed Penalty & 3pts (91mph on motorway)
- 20th Dec 2006 He again appeared before the Regulatory Panel as a result of his two recent speeding convictions, and the fact that had already been required to undertake the DSA driving test just a year earlier. He was issued with a further warning letter informing him that should he commit any further offences he may have to reappear before the Regulatory Panel where the options available to the members included the suspension or revocation of his licence. **(Appendix C)**

RECENT CONVICTION

- 3rd October 2008 Mr Crangle has now informed the Council that on the 3rd of October 2008 he received a Fixed Penalty notice and 3 points for speeding. Although he was driving his taxi at the time, he was not carrying fare paying passengers and his speed was 35mph in a 30mph limit. **(Appendix D)**
- Mr Crangle now has 9 points shown on his DVLA driving licence. The 2 speeding offences committed in 2006 would normally be spent in June 2009 and August 2009 respectively but as a taxi driver these offences are never spent and may be taken into consideration. **(Appendix E)**

LEGISLATION

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

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

OPTIONS

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

- 1 To take no further action.
- 2 To issue him with a letter of warning
- 3 To suspend his Hackney Carriage drivers licence for a period of time.
- 4 To revoke his Hackney Carriage drivers licence
- 5 As well as or instead of the above, to require him to sit and pass a Driving Standards Agency Taxi Driving Test.

Prepared by B J Sharrock
Licensing Officer

APPENDIX A

City Solicitor and Secretary

City Solicitor and Secretary : J M Egan LL B
Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817048
Document Exchange Quote DX 63037 Carlisle Type talk please ring 0800 95 95 98

Mr E Crangle
Springfield Road
Carlisle

Please ask for:

Mr J A Messenger

Mr B Sharrock

Direct Line:

01228 817026

E-mail:

Your ref:

Our ref:

Licensing/BS

15 August 2002

Dear Sir

On the 15th August 2002 my Licensing Officer observed you driving your Hackney Carriage in Botchergate, Carlisle whilst using a mobile phone. Botchergate was very busy at that time of day and you were also seen to drive through traffic light whilst still using the phone.

Cumbria Police are currently mounting a campaign against this bad practice and I am sure that you are aware of the possible dangers of using a mobile phone whilst in charge of a motor vehicle on a road, notwithstanding any traffic regulations that may have been breached. Actions such as this give the local private hire and taxi trade a poor image when viewed by members of the public.



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

Yours faithfully

City Solicitor and Secretary

APPENDIX B

Environmental Protection Services

Head of Environmental Protection Services
Civic Centre Carlisle CA3 8QG Telephone (01228) 817200
Document Exchange Quote DX 63037 Carlisle
Council Website www.carlisle.gov.uk

Mr E P Crangle
Springfield Road
Carlisle

Dear Sir

Re: Licensing and Regulatory Panel

I refer to your recent appearance before the Licensing and Regulatory Panel in connection with a complaint that you, as a licensed Hackney Carriage Driver, used a mobile phone in your vehicle.

The case was found proved and the Panel resolved that you receive a letter of warning and be required to undertake the Driving Standards Agency driving test within a period of 26 weeks from the date of receiving this letter. Should you not take the test or be unsuccessful by that date, your licence will be revoked. I enclose an application form for the test.

* The Panel takes a serious view of this incident and should you appear before them in the future this warning may be mentioned.

I must inform you that you have a right of appeal against this decision to the Magistrates Court, Rickergate, Carlisle within 21 days of receiving this letter.

Yours faithfully

Licensing Manager

APPENDIX C

**CARLISLE
CITY COUNCIL**



www.carlisle.gov.uk

Legal and Democratic Services

Director of Legal & Democratic Services: J M Egan LLB

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

Document Exchange Quote DX 63037 Carlisle Type talk 18001 01228 817000

Council Website www.carlisle.gov.uk

Mr E Crangle
Springfield Road
Carlisle
Cumbria

Please ask for: Licensing Officer
Direct Line: 01228 817523
E-mail: licensing@carlisle.gov.uk
Your Ref:
Our Ref:

22 December 2006

Dear Mr Crangle

Regulatory Panel - 20th December 2006

I refer to your appearance before the above Panel in connection with speeding offences whilst a licensed hackney carriage driver with this Council.

Having considered the evidence the Panel resolved:

- That a letter warning be sent to Mr Crangle

* I must therefore inform you that should you commit any further offences, or be in breach of your conditions, you may be required to appear before the Panel once more where your licence may be suspended or revoked.

You have the right of appeal against this decision, which must be lodged with the Clerk to the Justices, Rickergate, Carlisle within 21 days of receiving this letter.

Yours sincerely,

Licensing Manager



INVESTOR IN PEOPLE

APPENDIX D

Form I

CARLISLE CITY COUNCIL

DISCLOSURE OF CONVICTIONS

I Edward Patrick Crange

of SPRINGFIELD ROAD CARLISLE CUMBRIA

Date of Birth

being a licensed Hackney Carriage/Private Hire Driver with Carlisle City Council, have been convicted of an offence or offences that I list below. This includes every offence which I have been convicted of including the date of the offence, the date of conviction, the court at which convicted and the sentence imposed by the court. 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.

Date of Offence	Date of Conviction	Offence	Court at which convicted	Sentence or Order of the Court or Fixed Penalty Notice
03/10/08	10/10/08	EXCEEDED THE RESTRICTED SPEED LIMIT OF 30 MPH AT A SPEED OF 35 MPH	FIXED PENALTY	£60 FINE + 3 POINTS

Circumstances

THOUGHT I WAS TRAVELLING IN A 40 MPH ZONE, ON MY OWN, AT THE TIME OF THE OFFENCE, I AM TRULY SORRY.

I agree that this conviction and/or penalty and my history as a licensed driver may be disclosed at the public hearing of Carlisle City Council Regulatory Panel, or any subsequent hearing held in any Court or Tribunal

.....
Signature of Licence Holder

.....
Date



APPENDIX E
Keep this safe

Counterpart Driving Licence

D740

Important Document - You may need to present this to the Police and Courts together with your photocard licence

EDWARD PATRICK CRANGLE
SPRINGFIELD ROAD
CARLISLE



3491230300

Driver number

Issue number

Provisional Entitlement (see category details overleaf)

Category	From	Until	Codes
A	01 10 74	23 08 27	
CH	01 10 74	23 08 27	

Entitlement History

Category	From	Until	Codes

Category	From	Codes

Endorsements (as supplied by convicting Court) See leaflet INS 57P for offence codes

Convicting Court code	Date of conviction			Offence code	Date of offence			Fine £	Disqual. period	Other	Penalty points
	Day	Month	Year		Day	Month	Year				
9478				SP30	09	06	06				03
9448	-	-	-	SP30	28	08	06	FP			03
1323				SP30	03	10	08	FP			03

NOTE: < means "earlier than"

You may only drive the above if you hold current entitlement for a higher category. (See leaflet INS 57P)

Official Use

Changes to your permanent address, please write clearly in the boxes using BLOCK CAPITALS IN BLACK INK. (See notes overleaf)

New house No.

New Post Code

New address

This document is valid for change of name. For change of name please refer to the D750, which can be obtained from a post office after July 1999. Until that date, contact the DVLA, at the address overleaf.

Sign in the white box to confirm changes

Date

Send the completed form with your photocard licence to DVLA, Swansea, SA99 1BN

Local Government (Miscellaneous Provisions) Act 1976 c. 57

Part II HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

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

(version 3 of 3)

61.— Suspension and revocation of drivers' licences.

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

(a) that he has since the grant of the licence—

(i) been convicted of an offence involving dishonesty, indecency or violence; or

(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or

(b) any other reasonable cause.

(2)

(a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.

(b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

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

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

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