

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 21st 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 31st 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 20th 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 22nd 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 26th 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
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Mr I V Morton
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CA6 4AQ

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

Licensing Officer

01228 817523

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,

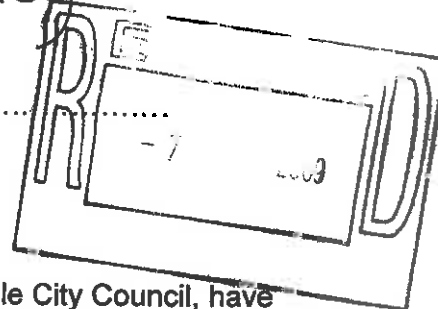
Licensing Manager



INVESTOR IN PEOPLE

Form I

CARLISLE CITY COUNCIL

DISCLOSURE OF ADDITIONAL CONVICTIONI IAN MORTON (TAXI DRIVER)of EDENSIDE, CARGODate of Birth 5TH 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 ~~my~~ 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

6TH AUGUST-09
Date

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Governance Directorate

Director of Governance: M D Lambert LLB (Hons)

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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 20th 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 27th 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 22nd 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 26th 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.

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Enquiries to:
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Sue Stashkiw
01228 817029

24 November 2014

Dear Mr Morton

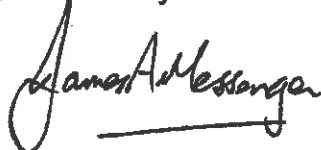
Complaint - YS11 DDO

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)



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 [^{F1}level 1 on the standard scale].

[^{F2}(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 [^{F3}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