

# CARLISLE CITY COUNCIL

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

Date of Meeting:- 20<sup>th</sup> January 2010

Agenda Item No:-

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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

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Title:-	<b>RAYMOND EARL - HACKNEY CARRIAGE DRIVER – ADDITIONAL SPEEDING CONVICTION</b>
Report of:-	<b>ASSISTANT DIRECTOR-GOVERNANCE</b>
Report reference:-	<b>GD 01/10</b>

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## Summary:-

Mr Earl is a licensed Hackney Carriage Driver with this Council. 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 Earl, 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, and Section 61 LG(MP) Act 1976

**To the Chairman & Members of the Regulatory Panel on 20<sup>th</sup> of January 2010**

NAME Raymond Earl  
ADDRESS Webster Crescent, Carlisle  
AGE 53

**LICENSING HISTORY**

According to Council records, Mr Earl was first granted a temporary licence by the Licensing Panel in 1994 after an earlier application to the Panel had been refused because of various motoring and criminal convictions. Shortly after being granted this temporary licence he received a speeding conviction and the Panel refused to renew his licence. Mr Earl appealed this decision to the Magistrates Court but his appeal was rejected. He further appealed the decision to the Crown Court and they re-instated his licence for a further temporary period to expire on the 31<sup>st</sup> January 1996

**CONVICTIONS AND RELEVANT MATTERS SINCE BEING LICENSED**

14/01/95	Speeding	Fixed Penalty & 3 pts
15/07/98	Speeding	Fixed Penalty & 3 pts
07/07/00	Speeding	Fixed Penalty & 3 pts
11/09/00	Appeared before the Licensing Panel because of the above speeding conviction and his previous history since being licensed. His licence was suspended for a period of 4 weeks.	
29/05/02	Appeared before the Licensing Panel because of illegal ranking outside of Mood nightclub in Botchergate, carrying out a dangerous 3 point turn by traffic lights in Botchergate and his previous history whilst a licensed driver. His licence was suspended for a period of two weeks and he was required to undertake and pass the DSA taxi driving test.	
25/06/02	Appealed the above decision to the Magistrates Court and his appeal was refused.	
11/03/03	No Seat Belt	Fined £50 with £35 costs
22/09/04	Speeding	Fixed Penalty & 3 pts
22/04/08	Using a Mobile Phone Whilst Driving	Fixed Penalty & 3 pts
19/12/08	Speeding, Fixed Penalty & 3pts He was travelling at 38mph in a 30mph limit whilst conveying a 15 year old child on a contract	

- 25/02/09 As a result of the speeding offence of the 19<sup>th</sup> December 2008 Mr Earl appeared before the Council's Regulatory Panel. After considering the matter the Panel revoked his Hackney Carriage driver's licence as he was no longer considered to be a "fit and proper person" to hold such a licence.
- 07/05/09 Mr Earl appealed the decision of the Council to revoke his Hackney Carriage driver's licence to the Magistrates Court on the 7<sup>th</sup> of May 2009. The Magistrates instead imposed an 8 week suspension of his Hackney Carriage driver's licence and ordered him to retake and pass the DSA taxi driving test within 3 months. The Magistrates reasoning was that the Council had gone straight from written warnings to revocation without going through a suspension stage.
- Mr Earl failed his DSA taxi driver test and therefore didn't get his licence returned at the end of his 8 week suspension. It was returned on the 14<sup>th</sup> of July after passing the test.

### LATEST CONVICTION

- 16/12/09 Mr Earl has now notified the Council ( **Appendix 1** ) that on the 8<sup>th</sup> of December 2009 he received a Fixed Penalty Notice and 3 pts for speeding. He was travelling at 43mph in a 30mph limit in a taxi whilst conveying a child on a Social Services contract.
- He now has 9 penalty points valid on his DLVA licence and this licence is currently at Swansea getting the latest conviction added. The most recent licence we have is attached as **Appendix 2**

### 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 3**

### OPTIONS

It is recommended that after hearing the evidence and any representations from Mr Earl, 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 1

## Form I

### CARLISLE CITY COUNCIL

### DISCLOSURE OF ADDITIONAL CONVICTION

I ..... RAYMOND EARL .....

of ..... WEBSTER CRESCENT, CARLISLE .....

Date of Birth .....

being a licensed Hackney Carriage/Private Hire Driver with Carlisle City Council, have been convicted of an additional offence or offences that I have not previously declared to the Council. This/these offences are disclosed below. This List includes any penalty imposed upon me other than by a Court but as a result of any legal process.

I understand that under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, ALL convictions must be disclosed upon renewal.

Date of Offence	Date of Conviction	Offence	Court at which convicted	Sentence or Order of the Court or Fixed Penalty Notice
8/12/09		SPEEDING 43 IN 30MPH GLASGOW ROAD GRETNA	F. P.	£60 3PTS.

#### Circumstances

I PASSENGER ON BOARD GOING TO LOCKERBIE SOCIAL SERVICES CENTRE.  
TRAVELLING GLASGOW ROAD GRETNA NORTHBOUND  
TO LOCKERBIE

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

1. Candidate

EARL

2. Other names

RAYMOND

3. Date of birth

Place of birth

4. Issued by DVLA (CARP/BS)

5. Fee

6. Signature

8. Detachment address

CARLISLE

25611

(A1)	---	---	---
A	---	---	---
B1	---	---	---
B	B	24 01 92	24 02 26
C1	C1	24 01 92	24 02 26
C	---	---	---
D1	D1	24 01 92	24 02 26 101
D	---	---	---
BE	BE	24 01 92	24 02 26
C1E	C1E	24 01 92	24 02 26 107
D1E	D1E	24 01 92	24 02 26 101, 119
D1E	---	---	---

FKL 24 01 92  
NP 24 01 92

RAYMOND EARL

CARLISLE

25611

Key to symbols:  
indicates category  
indicates authorised area  
indicates passenger seats  
greater than  
less than or equal to  
earlier than  
later than

# INTERFANT LICENCE

NOTES: 1. Offences are supplied by Convicting Court - see list 111557 for Offence Codes

Vehicle Code	Date of conviction Day Month Year	Offence code	Date of offence Day Month Year	Fine £	Disqual. period	Pen. pts
582	---	SP30	04 01 95	FIXED PENALTY		03
512	---	SP50	15 7 98	FIXED PENALTY	FP	3
551	---	SP60	07 07 00	FIXED PENALTY		03
512	---	SP30	22 07 04	FIXED PENALTY	FP	03
23	---	C080	02 04 08	FP		03
523	---	SP50	19 12 08	FP		03

## PROVISIONAL ENTITLEMENT

D2198614

## PREVIOUS LICENCE HISTORY

Your licence authorises you to drive, under provisional licence conditions as set out in the Motor Vehicles (Driving Licences) Regulations.

Cat.	from	until	Codes
A	24 10 89	24 02 26	
GH	24 10 89	24 02 26	

Cal. from Codes

You may only drive the above if you hold current entitlement for a higher category

NB: Provisional Cat. A not valid without CBT  
See 111557

Issue No. 08 66618009 972681327044

APPENDIX 2

## **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]<sup>1</sup> this section may appeal to a magistrates' court.

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