

Report to Regulatory Panel

Agenda
Item:

A.1

Meeting Date: 30th March 2016
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and Budget Framework
Public / Private Public

Title: MR MARIO GOMES - HACKNEY CARRIAGE DRIVER COMPLAINT
Report of: Director of Governance
Report Number: GD 22/16

Purpose / Summary:

Mr Mario Gomes 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 Tuesday 1st March 2016.

Recommendations:

To reach a decision from the options available, after hearing the evidence and 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 30th March 2016

NAME Mr Mario A F Gomes

ADDRESS Merith Avenue, Carlisle

1. HISTORY

- 1.1** Mr Gomes was granted a Hackney Carriage Drivers licence in May 2015. He passed his Driving Standards Agency driving test including the wheelchair element in April 2015. **Appendix A**
- 1.2** As part of the application process Mr Gomes attended a Disability Awareness Session on 20th May 2015 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 B**
- 1.3** He came to the attention of the Licensing Section in November 2015 when his vehicle was observed unattended at the end of Scotch Street by a Licensing Officer. The vehicle was obstructing the main access point for emergency vehicles in to the city centre pedestrian area. Mr Gomes was then observed leaving the market/Wilkinsons shopping area and returning to his vehicle. He was issued with a warning letter on 23rd November 2015. **Appendix C**

2 BACKGROUND TO COMPLAINT

- 2.1** On 2nd March 2016 a complaint was received from Mrs Carol Topliss (**Appendix D**). She and her husband, who is a wheelchair user, hired a taxi from the Station Taxi Rank at approximately 9pm on Tuesday 1st March 2016 to take them to their home in Sheenan Crescent, Carlisle.
- 2.2** The driver assisted Mr Topliss in his wheelchair into the vehicle. The complainant states that Mr Topliss was put in sideways behind the driver's seat. The driver secured the wheelchair by one strap round the back wheels of the wheelchair then clipped to the floor. Mr Topliss was not fastened with the vehicles seat belts. The driver said that the wheelchair didn't have the special hooks.
- 2.3** Mrs Topliss sat on the nearside back seat. When the taxi turned the corner of English Street and Victoria Viaduct (B&M stores), the wheelchair started moving from right to left in the cab, Mrs Topliss moved seat to sit at the drivers side of the back seat so that she could put her feet up against the wheelchair to stop it moving within the cab.
- 2.4** Mrs Topliss stated that they have a regular driver who puts the wheelchair in so that it is backed up to the driver and the passenger is facing the rear of the vehicle. The straps are fastened securely to the wheelchair and the vehicles seat belt is fastened around her husband. She was concerned about the way he was strapped in on this journey but as it was a short journey she didn't like to make a fuss.

- 2.5 After getting home, Mrs Topliss felt concerned about what had happened and made contact with her regular driver who advised her how a wheelchair should be secured correctly in a vehicle. After speaking to this driver she decided to contact the Licensing Department.
- 2.6 Mrs Topliss made some investigation into who the driver was and telephoned Carlisle Taxi Hire (424242), she gave them a description of the driver and it was confirmed that they knew who the driver was but would not disclose this information. The man on the phone also said that the driver had the right to leave the meter on.

3 Complaint Investigation

- 3.1 Following enquires by the Licensing Officer it was identified that the possible driver of the taxi was Mario Gomes and he attended the Civic Centre at 3pm on Thursday 3/3/16. I asked him whether he had taken a fare from the Station Taxi Rank to Sheenan Crescent at approximately 9pm on Tuesday 1/3/16. He replied that he had not. He went on to explain that he had driven to Stranraer at 4pm on that date and this takes 2hr 20mins each way. He then picked up a regular customer from The Near Boot at Houghton at 9pm and took them to Green Lane. He then picked up a customer from Bellgarth Gardens and took them to Denton Holme. These were the only fares he had taken on 1/3/16. I asked whether he had taken a fare to 91 Sheenan Drive at any time that week, he replied he had not.
- 3.2 I asked Mr Gomes how he secures wheelchairs into his vehicle and what direction the passenger would be facing. He explained to me that he would wheel them in and then secure the wheels. I asked which way the wheelchair would be facing and he replied that they would be looking out the side window. As it seemed to me that he was describing the wrong way to secure a wheelchair, I asked that we go outside to his vehicle so that he could show me.
- 3.3 Mr Gomes showed me the vehicles ramp and that he would push the wheelchair into the vehicle. He would not turn the wheelchair (therefore facing sideways) and would put the vehicles straps around the wheelchair wheels. I asked why would he not turn the wheelchair around so that the passenger was facing backwards, he replied that the customers didn't like facing backwards and wanted to be in the cab sideways. I asked Mr Gomez whether this was the way he had fastened a wheelchair into a cab when he undertook his DSA Wheelchair Test. He replied no. I asked if he recalled the Disability Awareness Training that he attended in May 2015 when it is stressed that a wheelchair should never be fitted sideways in a vehicle. I explained the severe consequences of not securing a wheelchair correctly and quoted a case in Birmingham where a disabled passenger died as a result of being transported sideways and not correctly secured (**Appendix E**). I advised him that if a customer did not want to be secured in the correct manner that he was in his right to refuse the fare.
- 3.4 Mrs Topliss attended the Civic Centre at 3:45pm on 2/3/16 – I showed her a photograph of Mr Gomes and asked whether this was the driver, she gave no hesitation in confirming this. Her son, Andrew Topliss was also present and he also

confirmed the drivers identity (he was at home when Mr and Mrs Topliss returned on 1/3/16).

- 3.5** I wrote to Mr Gomes on 3/3/16 to request that he attends for a formal interview on 9/3/16 at 2pm.
- 3.6** Mr Gomes attended Civic Centre 2pm 9/3/16. I reminded him of our discussion the previous week, and informed him that the passenger had now identified him from a photograph. I asked him again whether he had taken the fare, he responded that he could not remember but it was possible.
- 3.7** I asked him whether he had taken any fares from the Station Taxi Rank on Tuesday 1/3/16, he responded that he had but it was more likely to be around 10pm. I reminded him that when he was interviewed on 3/3/16 he stated that he had undertaken the Stranraer run then only two other pre-booked fares and stressed to me that he had only take these two local fares. He said that he had stopped for something to eat after the two local fares and then went to the rank.
- 3.8** I put it to Mr Gomes that given the evidence - ie positive identification from the passengers, his demonstration of how he would secure a wheelchair sideways in his vehicle which matched the description of the complainant - it was reasonable to assume that he was indeed the driver. He accepted this point.
- 3.9** I explained that I would now put a report together and the case may be referred to the Regulatory Panel.

4 LEGISLATION

- 4.1** 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**

5 OPTIONS

- 5.1** 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: Nicola Edwards, Licensing Officer **Ext:** 7025

**Appendices
attached to report:**

A – DSA certificates

B – Disability Awareness session test

C – Letter regarding inappropriate parking

D – Current complaint

E – Birmingham case information

F – Legislation



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W 13508 %

Wheelchair Test Assessment Pass Certificate

WTA10
AUG 2003
Driver Number
of Candidate

G O M E S 8 0 2 1 2 1 M A G M L

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

Day	Month	Year
29	04	15

I certify that:

Name	MARIO ARTUR F GOMES
Address <small>(must be your permanent address in GB)</small>	68 MERUTH AVE CARLISLE
Postcode	CA1 2TP

has completed the Wheelchair Assessment as required by:

CARLISLE CITY COUNCIL

(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 MPTC

Signature of Candidate

Important – please remember

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

Section 165 Passengers in Wheelchairs

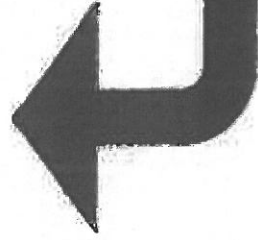
Duties of the Driver are:

- 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!



Name: Yasir Abdul Fares Gohar Disability Awareness

3 of the statements in each of the following are CORRECT.

Circle 3 of 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

87%

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.

**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

Mr M Gomes
68 Merith Avenue
Carlisle
Cumbria

Enquiries to: Barry Sharrock
Direct Dial: 01228 817523
email: licensing@carlisle.gov.uk

23 November 2015

Dear Mr Gomes

MT15 FKJ

On the 23rd of November 2015, at approximately 13.30, my licensing officer observed the above taxi parked and unattended at the end of Scotch Street, Carlisle. The vehicle was obstructing the main access point for emergency vehicles to the city centre pedestrian area.

He later observed you coming out of the Market/Wilkinsons shopping area.

Should one of the City's Civil Enforcement Officers (traffic wardens) have seen the vehicle it would have been issued with a fixed penalty ticket.

As you were also in breach of the conditions attached to your Hackney Carriage drivers licence the matter could have been dealt with through the Regulatory Panel who have the power to suspend or revoke your licence.

This incident will be recorded on your file and may be mentioned should any future similar matter occur.

Yours sincerely

Licensing Manager

CARLISLE CITY COUNCIL

COMPLAINT FORM

Appendix D

Licensing Section

Name of Complainant: Carol Topliss

Member of the Public

Address: 91 Sheenan Crescent, Carlisle, CA2 7HH**Complaint relates to :** Hackney Driver

Nature of complaint: Mrs Topliss and her husband, Mr Topliss hired a Taxi from the Station Taxi Rank to take them home (Sheenan Crescent) at approximately 9pm on 1/3/16. Mr Topliss has a wheelchair and the driver assisted him into the vehicle. Mr Topliss was put in sideways behind the driver's seat. The driver secured the wheelchair by one strap round the back wheels of the wheelchair then clipped to the floor. Mr Topliss was not fastened with the vehicles seat belts. The driver said that the wheelchair didn't have the special hooks.

Mrs Topliss sat on the nearside back seat. When the taxi turned the corner of English Street and Victoria Viaduct (B&M stores), the wheelchair started moving from right to left in the cab, Mrs Topliss moved seat to sit at the drivers side of the back seat so that she could put her feet up against the wheelchair to stop it moving within the cab.

On arrival home the driver assisted Mr Topliss from the vehicle. Andrew Topliss (Son) came out of the house. Mrs Topliss noted the meter stated £6.65 but when she went to pay the driver he asked for £7.10.

Mrs Topliss stated that they have a regular driver who puts the wheelchair in so that it is backed up to the driver and the passenger is facing backwards. The straps are fastened securely to the wheelchair and the vehicles seat belt is fastened around her husband. She was concerned about the way he was strapped in on this journey but as it was a short journey she didn't like to make a fuss.

After getting home, Mrs Topliss felt concerned about what had happened and made contact with her regular driver who advised her how a wheelchair should be secured correctly in a vehicle and suggested that she contact the Licensing Department.

Mrs Topliss made some investigation into who the driver was and telephoned Carlisle Taxi Hire (424242), she gave them a description of the driver and it was confirmed that they knew who the driver was but would not disclose this information. The man on the phone also said that the driver had the right to leave the meter on.

Mrs Topliss and her son Andrew Topliss attended the Civic Centre on Thursday 3rd March 2016 and identified the driver as Mario Gomes from a photograph.

Complaint received by: Nicola Edwards**Date:** 02/03/2016**Signed (Complainant)**Carol Topliss**Date**7/3/16

RESPONSE TO COMPLAINT

Officer Receiving Complaint: Nicola Edwards

Action Taken: 2/3/16 – Telephone 424242 spoke to David Irving who said that he thinks that the driver was Mario Gomes and he hires a radio from Carlisle Taxi Hire and therefore advertises 424242 on his cab. Mario hires a vehicle from John Moore. I telephone John to ask whether he knew if Mario was working on 1/3/16, he did not.

I tried to contact Mr Gomes by telephone but the number we had on file was not recognised, and therefore I sent a letter first class asking him to come to speak to me about a complaint that had been received.

Mario Gomes attended the Civic Centre at 3pm on Thursday 3/3/16. I asked him whether he had taken a fare from the Station Taxi Rank to Sheenan Crescent at approximately 9pm on Tuesday 1/3/16. He replied that he had not. He went on to explain that he had driven to Stranraer at 4pm on that date and this takes 2hr 20mins each way. He then picked up a regular customer from The Near Boot at Houghton at 9pm and took them to Green Lane. He then picked up a customer from Bellgarth Gardens and took them to Denton Holme. These were the only fares he had taken on 1/3/16. I asked whether he had taken a fare to 91 Sheenan Drive at any time that week, he replied he had not.

I asked Mr Gomes how he secures wheelchairs into his vehicle and what direction would the passenger be facing. He explained to me that he would wheel then in and then secure the wheels. I asked which way the wheelchair would be facing and he replied that they would be looking out the side window. As it seemed to me that he was describing the wrong way to secure a wheelchair, I asked that we go outside to his vehicle so that he could show me.

Mr Gomes showed me the vehicles ramp and that he would push the wheelchair into the vehicle. He would not turn the wheelchair (therefore facing sideways) and would put the vehicles straps around the wheelchair wheels. I asked why would he not turn the wheelchair around so that the passenger was facing backwards, he replied that the customers didn't like facing backwards and wanted to be in the cab sideways. I asked Mr Gomez whether this was the way he had fastened a wheelchair into a cab when he undertook his DSA Wheelchair Test. He replied no. I asked if he recalled the Disability Awareness Training that he attended in May 2015 when it is stressed that a wheelchair should never be fitted sideways in a vehicle. I explained the sever consequences of not securing a wheelchair correctly in the vehicle and advised him that if a customer did not want to be secured in the correct manner that he was in his right to refuse the fare.

Mrs Topliss attended the Civic Centre at 3:45pm on 2/3/16 – I showed her a photograph of Mr Gomes and asked whether this was the driver, she gave no hesitation in confirming this. Her son, Andrew Topliss was also present and he also confirmed the drivers identity (he was at home when Mr and Mrs Topliss returned on 1/3/16).

I wrote to Mr Gomes on 3/3/16 to request that he attends for a formal interview on 9/3/16 at

2pm.

Mr Gomes attended Civic Centre 2pm 9/3/16. I reminded him of our discussion the previous week, and informed him that the passenger had now identified him from a photograph. I asked him again whether he had taken the fare, he responded that he could not remember but it was possible

CCTV.

I asked him whether he had taken any fares from the Station Taxi Rank on Tuesday 1/3/16, he responded that he had but it was more like 10pm. I reminded him that when he was interviewed on 3/3/16 he stated that he had undertaken the Stranraer run then only two other pre-booked fares and stressed to me that he would only take these two fares. He said that no he had stopped for something to eat after the two local fares and then went to the rank.

I put it to Mr Gomes that given the evidence - ie positive identification from the passengers, his demonstration of how he would secure a wheelchair sideways in his vehicle which matched the description of the complainant - it was reasonable to assume that he was indeed the driver. He accepted this point.

Mr Gomes stressed that he would not charge waiting time to unload the wheelchair.

I explained that I would now put a report together and the case may be referred to the Regulatory Panel.

Date closed: [Click here to enter a date.](#)

1st March 2016

Went out for a meal in town. When we were finished we walked down to the taxi Rank down from the train Station. As my husband is in a wheelchair I waved for a big black Cab to come to the top so we could get my husband and myself in the Cab. The taxi pulled up put the ramp down and then started to put my husband ~~on~~ the Ramp and into the Cab. I said nothing. The driver then pushed my husband in and left him cross ways in the back of the Cab. I waited out side till he tried fastening him in. To my horror he left my husband facing the window so as my husband was not facing me but side ways on. he put a piece of bolt like thing through the right side back ~~wheel~~ wheel across to the left hand back wheel and onto a clip. The taxi man then told me to get in. We set off. I told him our address and off we started. We turned left at the lights just ~~past~~ from the taxi Rank and round towards B. AND M as we came round the corner my husband's wheelchair began to sway right and left. I had to move from the left hand rear seat from behind the passengers side of the taxi and move over to sit just beside my husband's side.

Pin. my Seat up against the front of my husbands front wheels to stop him swaying from right to left by this time i was sitting behind the driver. WE USE TAXIES ALOT for myself and Victor my husband But had Never used these before.

~~At the other taxi~~ When we finally Reached our house the taxi man got out went round and took my husband out i walked out after him when looking up the meter Read £6.65p and so i wanted to give him the money to my disgust he said to me its £7.10p I paid but wonce i got in i phoned a taxi. That i trust and asked for sum advice he said what had happend so i told him everything I only used the 01228 52 75 75 normally but No one was there ~~it~~ then was given some numbers to try to see where the taxi that picks us up from town to put in a Complaint to the taxi I gave a driver a brief description of what the taxi man look like and he said he thought he new the taxi was we found out that the taxi was Not the name of the man but the taxi he works for its

CARLISE TAXIE HIRE (01228 42 42 42)

55 Drumburgh AVENUE

CARLISE CA3 @ PD

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.

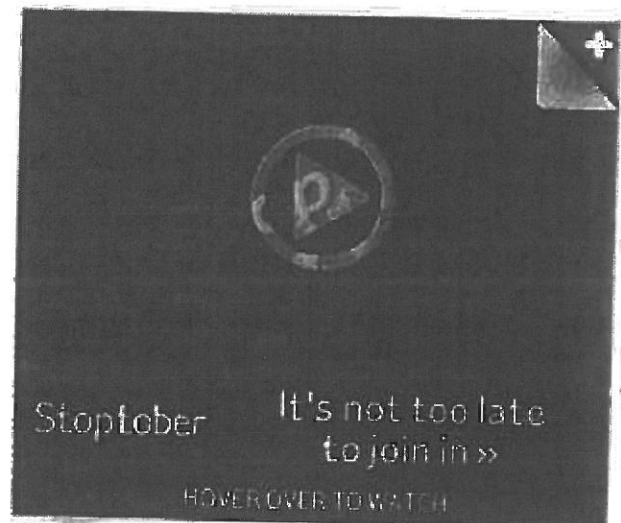
Mr Cotter said something then happened to cause the wheelchair to "jerk" and Razan lost consciousness almost immediately. She died two days later despite attempts to save her.

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, Nechells 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



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
31st 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*

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