

CARLISLE CITY COUNCIL

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

Date of Meeting:- 13th October 2010

Agenda Item No:-

Public

Operational

Delegated Yes

Accompanying Comments and Statements

Required

Included

Cumbria Fire Service

No

No

Cumbria Constabulary

No

No

Environmental Services

No

No

Title:- **PAUL CORRIE – HACKNEY CARRIAGE DRIVER – THEFT CONVICTION.**

Report of:- **ASSISTANT DIRECTOR-GOVERNANCE**

Report reference:- **GD48 /10**

Summary:-

Paul Corrie is a licensed Hackney Carriage Driver with this Council. The Licensing Office has been made aware that he has recently appeared before Carlisle Magistrates Court where he was convicted of theft.

Recommendation:-

To reach a decision from the options available, after hearing the evidence and any response from Mr Corrie, in accordance with Section 61 (1) (a) 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:- Police report,

To the Chairman & Members of the Regulatory Panel on 13th October 2010

NAME Paul Corrie
ADDRESS Baird Road, Carlisle
AGE 40yrs

LICENSING HISTORY

Mr Corrie has held a Hackney Carriage drivers licence since 1997.
He has the following relevant convictions.

27/10/87	Theft x 2	Fined £40 and costs
21/09/93	Theft	Fined £120 and costs
11/06/96	Assault on police officer	150hrs Comm. Service £125 costs.
08/09/06	Threatening/disorderly behaviour	Caution.

LATEST CONVICTION

On 24th August 2010 Paul Corrie was convicted of theft at Carlisle Magistrates Court. He pleaded guilty to the offence and was sentenced to a Conditional Order of Discharge for 12 months and ordered to pay £349.95p compensation and £50 costs.

The circumstances of the offence which led to the conviction are that on 25th July 2010 Mr Corrie was working as a Hackney Carriage driver when he collected a female passenger from the Court Square rank and conveyed her to Blencowe Street Carlisle. After leaving the taxi, the female realised that she had left her mobile phone inside the vehicle. At a later date Corrie was arrested by police and as a result of an investigation was charged with the theft of the mobile phone. Further details of the offence are contained within the Police Report attached (**Appendix 1**).

His Hackney Carriage Drivers Licence renewal application was received at the Licensing Office on 26th August 2010 and it is noted that the Statutory Declaration had been completed in the presence of a solicitor by Mr Corrie on 23rd August 2010, the day before he was due in court. Obviously the latest conviction could not have been declared on the Statutory Declaration at that time (**Appendix 2**).

Mr Corrie has stated the reason why he had not reported the conviction to the licensing Office was because he was deeply embarrassed.. He states that he did plead guilty to theft but there were mitigating circumstances as to how he had been charged with that offence which he will explain to the Panel.

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) (a) gives the grounds of “ been convicted of an offence involving dishonesty” **(Appendix 3)**

OPTIONS

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

- 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

Prepared by
F Watson
Licensing Officer

CUMBRIA CONSTABULARY

ASU Facsimile: 01228 558289
Telephone: 0845 33 00 247

Area Commander
North Cumbria Area
Chief Superintendent Don Spiller

Please ask for: PS 321 Richard Higgin
Station

My Reference:
Your Reference:

Durranhill
Carlisle
Cumbria CA3 8SQ



22nd September 2010

Dear Sir,

Re Paul Corrie

I wish to inform you of the circumstances which led to the conviction of Paul Corrie. On 25th July 2010 Paul Corrie was working as a taxi driver in Carlisle City Centre when he collected a fare from Court Square and took her to Blencowe Street. The female fare noticed after she had got out of the taxi that she had forgotten her mobile phone and had left it in the taxi. The next day when she contacted her network provider she discovered her phone had been used several times after she had left it in the taxi. She then reported her phone as stolen to Carlisle Police. The Police then made enquiries and received information to state that the taxi driver on the night concerned was Paul Corrie and that he was still in possession of the phone. The Police then attended Mr Corrie's home address and arrested him on suspicion of the theft of the phone from the taxi. He admitted the offence at once. During the subsequent interview Mr Corrie fully admitted to using the phone on several occasions after finding it on the back seat of his taxi. He then stated he had smashed the phone up after receiving abusive phone calls on the mobile. He was later charged and bailed to Carlisle Magistrates Court where he pleaded guilty to the charge of theft.

Yours Sincerely,

Sgt Richard Higgin



Give respect Get respect

PLEASE NOTE ANY CORRESPONDENCE SHOULD BE ADDRESSED TO THE CRIMINAL JUSTICE UNIT CARE OF THE ABOVE ADDRESS

STATUTORY DECLARATION

I Paul Come of Bann Rumo

Date of Birth

DO SOLEMNLY DECLARE as follows:

- 1. For at least twelve months prior to the date hereof I have held a licence (not being a provisional licence) under Part III of the Road Traffic Act 1972 authorising me to drive a motor car.
2. I have never been convicted of any offence OR
3. I have been convicted of an offence or offences and I list below 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.

Table with 5 columns: Date of offence, Date of conviction, Offence, Court at which convicted, Sentence or Order of the Court or Fixed Penalty Notice. Row 1: July 96, Jan 97, Police Assault, Magistrates Carlisle, 150 hours community service, £150.00 fine.

I have not been convicted of any other offence except as set out above and I make this solemn declaration conscientiously believing the same along with the answers given in the attached application form to be true and by virtue of the provisions of the Statutory Declarations Act, 1835, and Section 5 of the Perjury Act, 1911.

Declared at 49 Spencer St, Carlisle

This 23rd day Aug 2010

Signature of applicant

In the County of Cumbria

Before me Solicitor/Commissioner for Oaths

Office Address 49 Spencer St, Carlisle, CA1 1BB

APPLICANTS ARE REMINDED THAT AS FAILURE TO COMPLETE THIS DECLARATION CORRECTLY COULD GIVE RISE TO CRIMINAL PROCEEDINGS, IT IS IMPORTANT THAT THE SOLICITOR INVOLVED IS GIVEN ALL THE RELEVANT FACTS.

THE DECLARATION ABOVE RELATES TO ALL OFFENCES INCLUDING ANY MOTORING OFFENCES AND MUST INCLUDE ALL CONVICTIONS EVEN THOUGH THEY MAY HAVE BEEN DISCLOSED ON PREVIOUS APPLICATIONS. BY VIRTUE OF THE REHABILITATION OF OFFENDERS ACT 1974 (EXCEPTIONS) (AMENDMENT) ORDER 2002, ALL SPENT CONVICTIONS SHALL BE DISCLOSED.

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)