

# CARLISLE CITY COUNCIL

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

Date of Meeting:- 2<sup>nd</sup> June 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:-**

**JOSEPH ALAN POWLEY - HACKNEY CARRIAGE DRIVER – ADDITIONAL SPEEDING CONVICTION**

**Report of:-**

**ASSISTANT DIRECTOR-GOVERNANCE**

**Report reference:-**

**GD 27/10**

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## Summary:-

Mr Powley 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 Powley, 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:- Section 61 LG(MP) Act 1976

## To the Chairman & Members of the Regulatory Panel on 2<sup>nd</sup> June 2010

NAME Joseph Alan Powley  
ADDRESS Eden Crescent, Carlisle  
AGE 65

### LICENSING HISTORY

Mr Powley has been licensed as either a Private Hire or Hackney Carriage driver since 1999. During this period he has been convicted of the following motoring offences.

03/06/05	Speeding	Fixed Penalty & 3pts	Not in his taxi.
16/03/06	Speeding	Fixed Penalty & 3pts	Not in his taxi
20/07/06	Speeding	Fixed Penalty & 3pts	Not in his taxi.

As the July speeding offence was his third in just over a year he was issued with a letter warning him that if there were any further offences it would be necessary for him to appear before the Regulatory Panel. **Appendix 1**

### RECENT CONVICTION

Mr Powley has now informed the Council that on the 1<sup>st</sup> of May 2010 he received a fixed penalty and 3 pts for speeding. .The offence took place at 03.05 in London Road, Carlisle. He was in his taxi with a passenger and his speed was 45mph in a 30mph limit. It is Council procedure to refer all speeding offences to the Regulatory Panel if there is a fare paying passenger in the taxi at the time.

### 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 2**

### OPTIONS

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

## 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 please ring 0800 95 95 98  
Council Website [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

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Mr J Powley  
Laikin View  
Calthwaite  
Penrith

Please ask for:  
Direct Line:  
E-mail:  
Your ref:  
Our ref:

Mr Sharrock  
01228 817523  
[licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)  
Licensing/BS

15 August 2007

Dear Sir

I note from your recent application that you have a further conviction for speeding, committed on the 20<sup>th</sup> of July 2006.

No trace of this offence being notified to the Council can be found although you claim you did or declared it.

As this offence was not committed in your taxi I am prepared to deal with it by issuing you with an official caution.

As this is the 3<sup>rd</sup> speeding offence you have committed in 2 years I must warn you that should there be any further convictions, or indeed any breaches of the conditions of your Licence, it will be necessary for you 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 faithfully

Licensing Manager



INVESTOR IN PEOPLE

Usual Licensing Office Hours 9.30am until 4.30pm

## 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)