

CARLISLE CITY COUNCIL

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

Date of Meeting:- 25th February 2009

Agenda Item No:-

Public

Operational

Delegated Yes

Accompanying Comments and Statements

Cumbria Fire Service
Cumbria Constabulary
Environmental Services

Required

Included

No No
No No
No No

Title:-

**KENNETH WHITE - HACKNEY CARRIAGE DRIVER –
ADDITIONAL SPEEDING CONVICTIONS**

Report of:-

DIRECTOR OF LEGAL & DEMOCRATIC SERVICES

Report reference:-

LDS 24/09

Summary:-

Mr White is a licensed Hackney Carriage Driver with this Council. He has recently informed the Council of further speeding convictions.

Recommendation:-

To reach a decision from the options available, after hearing the evidence and any response from Mr White, 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 25th February 2009

NAME Kenneth White
ADDRESS Wilson Street, Carlisle
AGE 52

LICENSING HISTORY

According to Council records, Mr White was first granted a private hire drivers licence in 1985 and has at various times held either private hire or hackney carriage drivers licences.

CONVICTIONS AND WARNINGS

25/06/04 Speeding Fined £150 and 3 penalty points
24/04/08 (committed 22/09/07) Speeding in taxi, 38mph in a 30mph limit. Fined £120 and 3 penalty points.
08/11/07 Letter of warning issued re the above speeding offence informing him that should he commit any further offences he may have to appear before the Regulatory Panel. **Appendix 1**
01/08/08 Failure to declare the driver of a speeding vehicle (committed 07/12/07) Fined £240 and 6 penalty points.

RENEWAL APPLICATION

Mr White declared his most recent speeding conviction when he applied to renew his hackney carriage drivers licence on the 4th of September 2008. He could not produce his DVLA driving licence, claiming it was at Swansea getting his points endorsed on it. He later claimed that they had lost his documents and it has taken until now to get a replacement and for us to confirm his current points status.

His licence currently has 9 points endorsed on it. **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 White, 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 & Democratic Services

Head of Legal & Democratic Services :
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

Mr K White
Wilson Street
Carlisle
CA2 7PD

Please ask for: Mr B Sharrock
Direct Line: 01228 817523
E-mail:
Your ref:
Our ref: Licensing/BS

08 November 2007

Dear Sir

I refer to your recent notification of a speeding conviction, committed on the 12th October 2007.

Although you were driving your taxi I note that there were no fare paying passengers in the vehicle at the time. Because of this, therefore I intend to deal with this matter by way of a written warning.

I must warn you that should there be any further convictions, or indeed any breaches of the conditions attached to your Hackney Carriage drivers licence, it may be necessary for you to appear before the Council's Regulatory Panel where the options available to the members include the suspension or revocation of your licence.

Once your driving licence has been endorsed with the offence, please produce it to my Licensing Officer in order that a copy can be retained on file.

Yours faithfully

Licensing Manager

Keep this safe

Counterpart Driving Licence

Important Document - The photocard and paper counterpart should be kept together. Both must be produced when required.



D740

1071545102 / 1310

KENNETH WHITE
WILSON STREET
CARLISLE
CA2 7PD

113000



Driver number

Issue number

56A



41500

Provisional Entitlement (see booklet INS57P for category details)

Category	From	Until	Codes
A GH			

Entitlement History (see Section 3 overleaf)

Category	From	Until	Codes

Endorsements (as supplied by Convicting Court) See booklet INS57P for offence codes

Convicting Court Code	Date of conviction			Offence code	Date of offence			Fine £	Disqual. period	Other	Penalty Points
	Day	Month	Year		Day	Month	Year				
2346	24	04	08	SP30	22	09	07	120.00			
2005	01	08	08	HS90	07	12	07	240.00			

THIS IS TO CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL

DATE 05 FEB 2009

SIGNED [Signature]

CUSTOMER

NOTE: < means "earlier than"

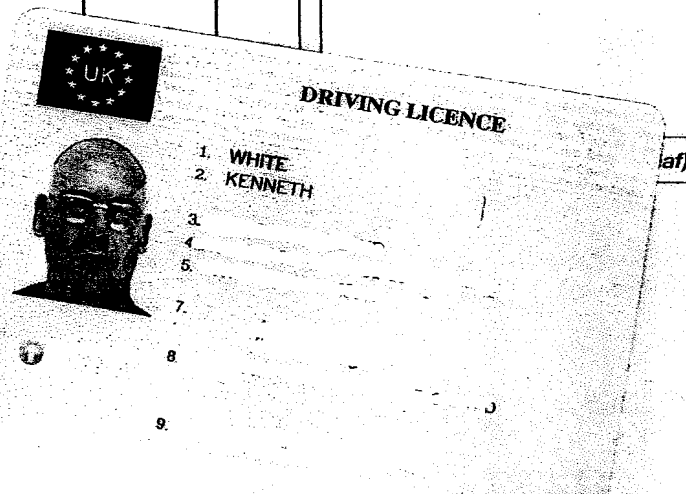
You may only drive the above if you hold current entitlement for a higher category.

Official Use

Changes to your permanent address, please write clearly in the box

New house No. _____ New Post Code _____

New address _____



This document must not be used for change of name. For change of name please refer to the D1, which can be obtained from Post Office® branches.

Send the completed form with your photocard licence to DVLA, Swansea, SA99 1BN

Sign in the white box to confirm changes

[White box for signature]

Date _____

5

4/07

An executive agency of the Department for Transport

Transport

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

A

(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)