

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

Required

Included

Cumbria Fire Service

No

No

Cumbria Constabulary

No

No

Environmental Services

No

No

**RAYMOND EARL - HACKNEY CARRIAGE DRIVER –
ADDITIONAL SPEEDING CONVICTION**

Title:-

Report of:-

DIRECTOR OF LEGAL & DEMOCRATIC SERVICES

Report reference:-

LDS 23/09

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 25th February 2009

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 31st 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

LATEST CONVICTION

19/12/08 Mr Earl has now notified the Council that on the 19th of December 2008 he received a Fixed Penalty Notice and 3 pts for speeding. He was travelling at 38mph in a 30mph limit in a taxi whilst conveying a 15 year old child on a contract.
He has 6 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 1**

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 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

National Categories
 Categories of vehicles for which approval is sought
 from
 Cat. from
 FKL 24 01 92 24 02 2-
 NP 24 01 92 24 02 2

RAYMOND EARL
 THOMSON STREET
 CARLISLE 25611

APPENDIX 1

WHICH THE LICENCE IS VALID	Category	from	until	Information codes
A1	Category 1			
A	Category 2			
B	Category 3	24 01 92	24 02 26	
C	Category 4	24 01 92	24 02 26	
D	Category 5	24 01 92	24 02 26	
E	Category 6	24 01 92	24 02 26	

1. Surname: EARL
 2. Other names: RAYMOND
 3. Date of birth: [REDACTED]
 4. Issued by DVLA: SWANSEA
 5. No. [REDACTED]
 6. Place of birth: [REDACTED]
 7. Signature: [REDACTED]
 8. Permanent Address: THOMSON STREET, CARLISLE, 25611

PROVISIONAL ENTITLEMENT D2198614

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

Category	from	until	Codes
A	24 10 89	[REDACTED]	[REDACTED]
GH	24 10 89	[REDACTED]	[REDACTED]

NB: Provisional Cat. A not valid without CBT. See INS57. Issue No. 08 66618009 972681327044

COUNTERPART LICENCE

ENDORSEMENTS as supplied by Convicting Court - see leaflet INS57 for Offence Codes

Convicting Court Code	Date of conviction Day	Date of conviction Month	Date of conviction Year	Offence code	Fine £	Disqual. period	Pen. pts.
1382		04	01	SP30	FIXED PENALTY		03
2012		15	07	SP50	FP		3
2001		07	07	SP60	FIXED PENALTY		03
2012		22	09	SP30	FP		03
1323		02	04	CU80	FP		03

f

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]¹ this section may appeal to a magistrates' court.

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