

CARLISLE CITY COUNCIL

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

Date of Meeting:- 12th September 2012

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:-

**CLIVE EDWARD GRIFFITHS – HACKNEY CARRIAGE AND
PRIVATE HIRE DRIVER-- FURTHER CONVICTION
DIRECTOR GOVERNANCE**

Report of:-

GD 41/12

Summary:-

Clive Edward Griffiths is a licensed Hackney Carriage and Private Hire Driver with this Council. He has informed the Council that he has recently acquired a speeding conviction whilst driving a Hackney Carriage.

Recommendation:-

To reach a decision from the options available, after hearing the evidence and any response from Mr Griffiths, 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:-

To the Chairman & Members of the Regulatory Panel on 12th September 2012

NAME Clive Edward Griffiths
ADDRESS Edgehill Road, Carlisle
AGE 48

LICENSING HISTORY

Mr Griffiths was first granted a Hackney Carriage Licence on the 22nd June 2011.
On the 16th of March 2012 he was also granted a Private Hire Drivers Licence

His CRB check revealed a number of criminal convictions between 1976 and 2001 which were discounted because of their age.

There was however a domestic related offence of Battery in 2008 and a speeding offence in 2010.

Because of these 2 matters his licence was issued with a warning letter (**see Appendix 1**)
This letter warned him that his conduct would be closely monitored and should there be any further offences it may be necessary for him to appear before The Regulatory Panel.

LATEST CONVICTION

Mr Griffiths has now informed the Council that on the 5th of July 2012, at 14.06 hours, a speed camera recorded the taxi he was driving at 76mph in a 60mph limit. Because he was carrying fare paying passengers the matter has automatically been referred to The Regulatory Panel for a decision. (**Notification see 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 or Private Hire Drivers Licence on a number of grounds.

Section 61 (1) (b) gives the grounds of "any other reasonable cause" (**see Appendix 3**)

OPTIONS

It is recommended that after hearing the evidence and any representations from Mr Griffiths, 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 and Private Hire Drivers licence for a period of time.
- 4 To revoke his Hackney Carriage and Private Hire 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 Barry Sharrock
Licensing Officer x7027

Assistant Director (Governance): M D Lambert LLB (Hons)

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Mr C E Griffiths
Edgehill Road
Carlisle
Cumbria

Enquiries to: Licensing Officer
Direct Dial:

22 June 2011

Dear Mr Griffiths

Application for Hackney Carriage Driving Licence.

I refer to your application for a Hackney Carriage Driving Licence with this Council. It has been noted that you have numerous convictions over a number of years. Your court appearances appeared to end in 2001; however you had one further offence in 2008. The Council takes a very serious view of such convictions, however on this occasion a decision has been made to grant your application.

Because of these convictions I must warn you that your conduct will be closely monitored and should there be any further offences, or indeed any other matters regarding the breach of the conditions or byelaws attached to your Hackney Carriage Drivers Licence, it may be necessary for you to appear before the Regulatory Panel where the options available to the members include the suspension or revocation of your licence.

Yours sincerely



Licensing Manager

RECEIVED
- 3 AUG 2012
CARLISLE CITY COUNCIL
LICENSING DISCLOSURE OF ADDITIONAL CONVICTION

Form I

I Clive Griffithsof Edgemoor Rd Carlisle

Date of Birth

being a licensed Hackney Carriage/Private Hire Driver with Carlisle City Council, have been convicted of an additional offence or offences that I have not previously declared to the Council. This/these offences are disclosed below. This List includes any penalty imposed upon me other than by a Court but as a result of any legal process.

I understand that under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, ALL convictions must be disclosed upon renewal.

Date of Offence	Date of Conviction	Offence	Court at which convicted	Sentence or Order of the Court or Fixed Penalty Notice
5-7-12		76 in 60mph Speed limit		to be decided

Circumstances I was Driving along the A95 with forepaying Passengers I was travelling at 76 mph in a 60mph Speed limit just coming over the hump at gretna with no cars in front of me not realising that I was doing 76 mph

I agree that this conviction and/or penalty and my history as a licensed driver may be disclosed at the public hearing of Carlisle City Council Regulatory Panel, or any subsequent hearing held in any Court or Tribunal

Signature of Licence Holder

2.8.2012
Date

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)

Appendix 4



Counterpart Driving Licence

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

I 1875050

D740

1099286102 / 1930

CLIVE EDWARD GRIFFITHS
EDGEHILL ROAD
HARRABY
CARLISLE

24000



713002



Document number

Driver number

Issue number

6

You can Renew, Update, Exchange, Replace
or Apply for your driving licence ONLINE
Go to www.direct.gov.uk/driverslicence

Provisional Entitlement

Category	From	Until	Codes
A	19 01 84	30 05 34	
GH	19 01 84	30 05 34	

Entitlement History (see Section 3 overleaf)

Category	From	Until	Codes

Category	From	Codes

NOTE < means "earlier than"

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

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

Official Use

Endorsements (as supplied by Convicting Court)

Convicting Court code	Date of conviction			Offence code	Date of offence			Fine £	Disqual. period	Other	Penalty points
	Day	Month	Year		Day	Month	Year				
1323 FIXED	---	---	---	SP30	13	09	10				03
PENALTY											

THIS IS TO CERTIFY
THAT THIS IS A TRUE
COPY OF THE ORIGINAL
DATE 23-8-11

DATE _____

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

23-8-11

Changes to your permanent address. please write clearly in the boxes using CAPITAL LETTERS IN BLACK INK. (See Section 5 overleaf)

New house No.

New Post Code

New address

This document must not be used for change of name. For change of name please fill in and send us a 'Application for a driving licence' (D1) form, which is available to order from www.direct.gov.uk/motoringforms and to pick up at Post Office* branches.

Send the filled in form with your photocard and counterpart licence to DVLA, Swansea, SA99 1BN

**Sign in the
white box to
confirm changes**

As executive agency of the
Department for
Transport

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