

# CARLISLE CITY COUNCIL

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

Date of Meeting:- **6<sup>TH</sup> February 2013**

Agenda Item No:-

**AI**

**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:-**

**RICHARD DAVID TROUGHTON- HACKNEY CARRIAGE DRIVER - NEW CONVICTIONS**

**Report of:-**

**DIRECTOR OF GOVERNANCE**

**GD 10 /13**

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## **Summary:-**

Richard David Troughton is a licensed Hackney Carriage Driver with this Council.

He has informed the Council that on 12<sup>th</sup> November 2012 he was convicted of a speeding offence whilst driving his Hackney Carriage. He also informed the Council that on 21<sup>st</sup> December 2012 he received a further conviction for a speeding offence that occurred on 8<sup>th</sup> July 2012 whilst driving his own private vehicle.

## **Recommendation:-**

To reach a decision from the options available, after hearing the evidence and any response from Mr Troughton, 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 6<sup>th</sup> February 2013

<u>NAME</u>	Richard David Troughton
<u>ADDRESS</u>	Gleneagles Drive, Carlisle
<u>AGE</u>	42

### LICENSING HISTORY

Mr Troughton was first granted a Hackney Carriage Licence on the 23<sup>rd</sup> February 2007. At that time his driving licence was endorsed with a fixed penalty for speeding dated 20<sup>th</sup> July 2004. SP30

On 4<sup>th</sup> June 2009 he received a further fixed penalty for speeding in his Hackney Carriage, no passengers. SP30. This was dealt with by way of a warning letter. **(see Appendix 1)**

On 23<sup>rd</sup> May 2011 he received a further non- motoring related conviction for which he was fined £650 and given 40 hours community service.

### LATEST CONVICTIONS

On 14<sup>th</sup> January 2013 Mr Troughton informed the Council that on 12<sup>th</sup> November 2012 a speed camera recorded his taxi travelling through Warwick Bridge at 39mph in a 30mph limit. He was not carrying any passengers at the time and received a £60 fixed penalty and 3 points **(see Appendix 2 a & b)**

Also on 14<sup>th</sup> January 2012 Mr Troughton informed us that he was convicted on 21<sup>st</sup> December 2012 for speeding in his own vehicle at 38mph in a 30 limit. This offence occurred on 12<sup>th</sup> July 2012. He received a £135 fine and 3 points. **(see Appendix 3)**

### LEGISLATION

Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976, states that a District Council may suspend or revoke a Hackney Carriage Licence on a number of grounds.

Section 61 (1) (b) gives the grounds of "any other reasonable cause" **( see Appendix 4 )**

## OPTIONS

It is recommended that after hearing the evidence and any representations from Mr Troughton, 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 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 Sue Stashkiw  
Licensing Officer x7029

# APPENDIX 1

**CARLISLE  
CITY COUNCIL**



[www.carlisle.gov.uk](http://www.carlisle.gov.uk)

## Legal & 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 18001 01228 817000

Council Website [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

Mr R D Troughton  
Millholme Avenue  
Carlisle  
Cumbria  
CA2 4DP

**Please ask for:**

**Direct Line:**

**E-mail:**

**Your Ref:**

**Our Ref:**

**Licensing Officer**

**01228 817523**

**[licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)**

**Fred Watson**

**7 July 2009**

Dear Mr Troughton

### Speeding Conviction

I understand that you have reported to my Licensing Officer that you were recently convicted of speeding on the 4th June 2009 and received a fixed penalty and 3 points on your licence.

I note that although you were in your taxi there were no fare paying passengers in the vehicle at the time. I intend therefore to deal with this by way of an official warning.

I must warn you therefore that should there be any further convictions, or indeed any breaches of the conditions of your Licence, you may have 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 sincerely,

Licensing Manager



INVESTOR IN PEOPLE

## Form I

## CARLISLE CITY COUNCIL

DISCLOSURE OF ADDITIONAL CONVICTIONI RICHARD DAVID TROUGHTON

of .....

Date of Birth 24/01/1971

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
04/06/09	04/06/09	EXCESS SPEED	—	F.P.

Circumstances

In Taxi - Stanwix Bank - 45 in a 30  
No Passengers - 23-20

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

06/07/09  
Date

# APPENDIX 2 (a)

## Form I

### CARLISLE CITY COUNCIL

### DISCLOSURE OF ADDITIONAL CONVICTION

I RICHARD TROUGHTON

of GLENEAGLES DRIVE

Date of Birth 24/01/1971

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
12.11.12	12.11.12	SP30-	F/P.	£60 . 3points

#### Circumstances

Taxi No Passengers. AT 15.50pm. 39mph. WARWICK BRIDGE CAMERA.

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

14/01/13

Date

APPENDIX 2 (b)

**RICHARD DAVID TROUGHTON  
GLENEAGLES DRIVE  
JARVISLE  
CA3 9PX**

11700

Driver number

1646 Number

**You can Renew, Update, Exchange, Replace  
or Apply for your driving licence ONLINE.  
Go to: [www.direct.gov.uk/driverslicence](http://www.direct.gov.uk/driverslicence)**

## Provisional Entitlement

Category	From	Until	Codes
A	24 01 88	23 01 41	
GH	24 01 88	23 01 41	

## Entitlement History (see Section 3 over)

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.

**NOTE:** < means "earlier than"

**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 1323	---	---	---	SP30	04	07	09				03
	PENALTY			SP30	12	11	12	AP			03

**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](http://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  
condition ch

Order

Executive Agency of the  
Department of

TRANSPORTATION

... ..

# APPENDIX 3

Form I

CARLISLE CITY COUNCIL

## DISCLOSURE OF ADDITIONAL CONVICTION

I RICHARD TROUGHTON

of GLENEAGLES DRIVE

Date of Birth 24/01/1971

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
08/07/12	21/12/12	SP 30	CARLISLE	3 point <del>fine</del> fine £135.

### Circumstances

ETTERBY ST. 38mph - In a 30mph. Driving My own Car.

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

14/01/13  
Date



## PART II, 1976 ACT.

### SECTION 61.

#### SUSPENSION AND REVOCATION OF DRIVERS' LICENCES.

- (1) Notwithstanding anything in the Act of 1847 or in any part of this Act, a District Council may suspend or revoke or (on application therefore 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.
- (3) Any driver aggrieved by a decision of a District Council under this Section may Appeal to a Magistrates Court.

### NOTE.

The above section is as amended by the Criminal Justice Act 1982.

S61.