

REGULATORY PANEL

WEDNESDAY 6 FEBRUARY 2013 AT 2.00 PM

PRESENT: Councillor Bell (Chairman) Councillors Allison, Cape, Craig, Ms Franklin, Layden, Morton, Mrs Parsons, Scarborough, Mrs Stevenson and Whalen (as substitute for Councillor Mrs Warwick)

OFFICERS: Acting Legal Services Manager
Licensing Manager
Licensing Officer

RP.41/12 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Mrs Warwick.

RP.42/12 DECLARATIONS OF INTEREST

Councillor Mrs Stevenson declared a registrable interest in accordance with the Council's Code of Conduct for Agenda Item A.1 – Hackney Carriage Driver – New Convictions. The interest related to the fact that her husband was a driving instructor and carried out Driving Standard Agency Tests.

RP.43/12 MINUTES OF PREVIOUS MEETINGS

RESOLVED – That the minutes of the meeting held on 21 November 2012 be agreed as a correct record of the meeting and signed by the Chairman.

RP.44/12 HACKNEY CARRIAGE DRIVER – NEW CONVICTIONS

The Licensing Officer submitted report GD.10/13 regarding a licensed Hackney Carriage Driver who had received a speeding conviction whilst driving a Hackney Carriage.

Mr Troughton, the Hackney Carriage Driver was in attendance at the meeting.

The Acting Legal Services Manager outlined the procedure the Panel would follow. Mr Troughton confirmed that he had received and read the Licensing Officer's report. The Acting Legal Services Manager advised Mr Troughton that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer outlined Mr Troughton's Licensing History and highlighted previous incidents that had occurred.

The Licensing Officer reported that, on 14 January 2013 Mr Troughton had informed the Council that a speed camera had recorded his taxi travelling through Warwick Bridge at 39mph in a 30mph limit on 12 November 2012. He had not been carrying passengers at the time and had received a £60 fixed penalty and 3 points. In addition Mr Troughton had also informed the Council that he had been convicted on 21 December 2012 for speeding in his own vehicle at 38mph in a 30mph limit. The offence had occurred on 12 July 2012 and he had received £135 fine and 3 points.

In response to questions from the Panel the Licensing Officer gave brief details of Mr Troughton's conviction from May 2011. She added that the £135 fine which Mr Troughton had received for speeding on 12 July 2012 had been reduced to £60 by the Magistrate Court.

Mr Troughton then addressed the Panel. He informed the Panel that the Hackney Carriage work was his only form of income and he enjoyed the work. He admitted that he was guilty of speeding through lack of concentration. He had 9 points on his licence, 3 of which were spent and he had attended a speed awareness course in January 2011. He confirmed that he had not been carrying passengers when caught speeding and had no additional pressures when driving. He explained that it was the first time he had attended a Panel and he was sorry for the incidents and he stated that they would not happen again.

The Licensing Officer reminded the Panel of the relevant Legislation and outlined the options open to the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter.

RESOLVED – 1) That, having given detailed consideration to the matter and taking into account the Hackney Carriage Driver's statement and his licensing history, the Panel agreed that a severe letter of warning be issued to Mr Troughton and in addition he was required to sit and pass a Driving Standards Agency Taxi Driving Test within 13 weeks, if he did not pass the test within this time his licence would be revoked.

2) That it be noted that Mr Troughton was informed that he had a right of appeal and that right would be confirmed in writing.

RP.45/12 HACKNEY CARRIAGE DRIVER – FAILURE TO INFORM OF CONVICTIONS

The Licensing Officer submitted report GD.11/13 regarding a licensed Hackney Carriage and Private Hire Driver who failed to declare a speeding offence when renewing his Hackney Carriage licence.

Mr Hazard, the Hackney Carriage Driver was in attendance at the meeting.

The Acting Legal Services Manager outlined the procedure the Panel would follow. Mr Hazard confirmed that he had received and read the Licensing Officer's report. The Acting Legal Services Manager advised Mr Hazard that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer outlined Mr Hazard Licensing History and highlighted previous incidents that had occurred which included a revocation and a 12 month suspension.

The Licensing Officer reported that, the Licensing Section received a phone call from the Cumbria County Council Transport Contract department to enquire if the City Council knew that Mr Hazard had had his DVLA suspended. The suspension was a result of Mr Hazard failing to send his licence away to have it endorsed for a speeding conviction committed on 22 March 2012.

Mr Hazard had been travelling in his Hackney Carriage at 39mph in a 30mph limit on 22 March 2012 on London Road and had been caught by speed safety camera. Mr Hazard had not been carrying any passengers at the time. Mr Hazard appealed against the speeding conviction and appeared in Court on 7 September 2012 where the offence was upheld and 3 points and a £200 fine had been given.

The Licensing Office wrote to Mr Hazard on 2 November and 23 November 2012 and interviewed him on 27 November 2012. A further two letters had been sent to Mr Hazard on 5 December and 19 December 2012.

In response to the Panel's questions the Licensing Officer confirmed that it was not unusual for Cumbria County Council to contact the City Council regarding matters such as this and the Licensing Officer had wrote to Mr Hazard the same day that the County Council had contacted the office. She informed the Panel that Mr Hazard's previous revocation by the Panel had been a result of four separate traffic convictions, two for speeding, one for driving without due care and attention and one for a traffic light offence.

Mr Hazard then addressed the Panel. He explained that the incident had happened early morning on an open road and he had been caught up with the traffic. He admitted that he was lax with his paperwork and was guilty of burying his head in the sand. He explained his current situation to the Panel outlining his financial difficulties following the illness of his mother. He lived with his mother and brother and the driving work was the only source of income in the house. He explained that he would suffer hardship if he lost his licence. He had a contract with Cumbria County Council transporting children with autism and the children did not deal with change very well, they required routine and familiar people.

Mr Hazard explained that he had not considered his licence suspension by the DVLA as a conviction and had not realised he should have informed the Licensing Office that it had happened, he admitted in hindsight he should have known to declare the matter. He confirmed that he had been driving contracts for Cumbria County Council for approximately 11 years and his current employer was Radio Taxis. He reminded the Panel that he had never received a conviction whilst carrying passengers.

The Licensing Officer reminded the Panel of the relevant Legislation and outlined the options open to the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter.

RESOLVED – 1) That, having given detailed consideration to the matter and taking into account the Hackney Carriage Driver's statement and his licensing history, the Panel agreed to suspend Mr Hazard's Hackney Carriage Licence for a period of one month and reminded Mr Hazard that the onus was on him to complete all relevant paperwork on time for his Hackney Carriage Licence.

2) That it be noted that Mr Hazard was informed that he had a right of appeal and that right would be confirmed in writing.

RP.46/12 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against each minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

RP.47/12 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER – ALLEGED OFFENCES
(Public and Press excluded by virtue of Paragraph 7)

The Licensing Manager submitted report GD.12/13 regarding a Hackney Carriage Driver who had allegedly carried out an offence.

The Licensing Manager reminded the Panel of the Driver's Licensing History and the background to the alleged offence. He updated the Panel on the current situation and advised the Panel how to proceed forward. He added that the Driver held a Hackney Carriage Licence only as his Private Hire licence had expired.

RESOLVED – That the Panel agreed to confirm the continued suspension of the Driver's hackney carriage driving licence until it expires on 31 August 2013. If the situation changed prior to 31 August 2013 the Licensing Manager would report back to the Panel to determine the final decision.

RP.48/12 VERBAL REPORT ON A HACKNEY CARRIAGE DRIVER
(Public and Press excluded by virtue of Paragraph 1)

At the request of the Chairman the Licensing Manager updated the Panel on actions which the Licensing Manager had taken under delegated powers with regard to a Hackney Carriage Driver. The Licensing Manager detailed the incident which had occurred and the actions that he had taken in consultation with the Chairman.

The Panel agreed that the actions of the Licensing Manager had been correct and, due to the nature of the incident, no further action should be taken.

(The meeting ended at 3.30pm)