

# CARLISLE CITY COUNCIL

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

Date of Meeting:- 28<sup>th</sup> May 2008

Agenda Item No:-

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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:- **MARTIN JOHN RUSSELL – HACKNEY CARRIAGE  
DRIVER – FURTHER CONVICTIONS**

Report of:- **DIRECTOR OF LEGAL & DEMOCRATIC SERVICES**

Report reference:- **LDS 40/08**

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**Summary:-**

Martin Russell is a licensed Hackney Carriage driver with this Council. He has informed the Council he has recently been convicted of offences of common assault and damaging or destroying property.

**Recommendation:-**

To reach a decision from the options available, after hearing the evidence and any response from Mr Russell, in accordance with Section 61 (1) (a) (i) and 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 28<sup>th</sup> of May 2008

NAME Martin John Russell  
ADDRESS Holmacres Drive, Carlisle

LICENSING HISTORY

Mr Russell first applied for a Hackney Carriage driver's licence on the 19<sup>th</sup> of November 2003. His application was referred to the Regulatory Panel because of a number of offences involving violence, dishonesty and motoring convictions. The Panel refused his application and advised Mr Russell that although he could re-apply at any time, the Council has a policy that a period of at least 3 years should elapse after an offence of violence before a licence would generally be granted. Mr Russell's last offence was for common assault on the 15<sup>th</sup> of May 2001.

Mr Russell was finally granted a Hackney Carriage driver's licence on the 1<sup>st</sup> September 2004.

CONVICTIONS SINCE BEING LICENSED

25/06/07 Driving without due care & attention Fined £133 and 7 penalty points

Mr Russell was driving his taxi in Scotland and overtook a wagon with oncoming traffic. A police vehicle witnessed the incident. There were no fare paying passengers in the taxi at the time. He was written to warning him that if there were any further convictions he may have to appear before the Regulatory Panel. **APPENDIX1**

07/03/08 Battery Bound Over £100 for 1 Year

During a domestic argument on the 26<sup>th</sup> December 2007, Mr Russell threw a microwave oven at his partner and pushed her across the room.

31/03/08 Destroying or Damaging Property Community Order 2 years.  
Supervision Requirement.  
Community Domestic Violence Programme.  
£70 costs

During a domestic argument on the 26<sup>th</sup> December 2007, Mr Russell caused damage to a microwave oven by throwing it onto the floor.

31/03/08 Common Assault Community Order 2 years  
Supervision Requirement  
Programme Requirement as above

On the 26<sup>th</sup> December 2007 Mr Russell approached his **ex partner** in the street. He was verbally abusive to her, grabbed her by the face and pushed her against a garden fence.

## 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) (a) (i) gives the grounds of "having been convicted of an offence involving dishonesty, indecency or violence"

Section 61 (1) (b) gives the grounds of "any other reasonable cause" see **Appendix 2**

## OPTIONS

It is recommended that after hearing the evidence and any representations from Mr Russell, 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 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

# APPENDIX 1

## Environmental Protection Services

Head of Environmental Protection 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](http://www.carlisle.gov.uk)

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Martin John Russell  
Holmacres Drive  
Harraby  
Carlisle

Please ask for: Mr F Watson  
Direct Line: 01228 817523  
E-mail: [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)  
Your ref:  
Our ref: Licensing/FW

04 July 2007

Dear Sir

I refer to your disclosure to my Licensing officer on 2<sup>nd</sup> July 2007, that you received a conviction for Driving without due care and attention on 25 June 2007 at Dumfries Sherrifs Court. You were fined £133 and awarded 7 penalty points.

I am aware that you were not carrying passengers at the time and this appears to be an isolated offence, therefore I intend to deal with this matter by way of a written warning.

When your licence is returned endorsed by the court, you should forward a copy of it to the Licensing Office.

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 Licensing and Regulatory Panel where your licence could be suspended or revoked.

Yours faithfully

Licensing Manager

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**.

APPENDIX 2

5