

AGENDA

Regulatory Panel

Wednesday, 06 February 2013 AT 14:00
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

Minutes of previous meetings

To agree the minutes of the meeting held on 21 November 2012.
[Copy Minutes in Minute Book 39(4)]

PART A

To be considered when the Public and Press are present

A.1 HACKNEY CARRIAGE DRIVER - NEW CONVICTIONS 3 - 12

The Licensing Manager to report on a Hackney Carriage Driver who received new convictions.

(Copy Report GD.10/13 herewith)

A.2 HACKNEY CARRIAGE DRIVER - FAILURE TO INFORM OF CONVICTIONS 13 - 36

The Licensing Manager to report on a Hackney Carriage Driver who failed to inform the Licensing Office of convictions.

(Copy Report GD.11/13 herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

B.1 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER ALLEGED OFFENCE

- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

Enquiries, requests for reports, background papers, etc to Committee

Clerk: Rachel Rooney – 817039

CARLISLE CITY COUNCIL

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

Date of Meeting:- **6TH February 2013**

Agenda Item No:-

AI

Public

Operational

Delegated Yes

Accompanying Comments and Statements

Required

Included

Cumbria Fire Service

No

No

Cumbria Constabulary

No

No

Environmental Services

No

No

Title:-

RICHARD DAVID TROUGHTON- HACKNEY CARRIAGE DRIVER - NEW CONVICTIONS

Report of:-

DIRECTOR OF GOVERNANCE

GD 10 /13

Summary:-

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

He has informed the Council that on 12th November 2012 he was convicted of a speeding offence whilst driving his Hackney Carriage. He also informed the Council that on 21st December 2012 he received a further conviction for a speeding offence that occurred on 8th 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 6th 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 23rd February 2007. At that time his driving licence was endorsed with a fixed penalty for speeding dated 20th July 2004. SP30

On 4th 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 23rd 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 14th January 2013 Mr Troughton informed the Council that on 12th 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 14th January 2012 Mr Troughton informed us that he was convicted on 21st December 2012 for speeding in his own vehicle at 38mph in a 30 limit. This offence occurred on 12th 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

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

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

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**

Provisional Entitlement

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

Category	From	Until	Codes

Entitlement History (see Section 3 over)

Category	From	Codes

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 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
wake box
condition ch

Executive Agency of the
Department for

TRANSPORT

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 fine 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.

CARLISLE CITY COUNCIL

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

Date of Meeting:- **6TH February 2013**

Agenda Item No:-

A2

Public

Operational

Delegated Yes

Accompanying Comments and Statements

Required

Included

Cumbria Fire Service

No

No

Cumbria Constabulary

No

No

Environmental Services

No

No

Title:-

**SIMON GEORGE HAZARD– HACKNEY CARRIAGE &
PRIVATE HIRE DRIVER—SPEEDING CONVICTION
DIRECTOR GOVERNANCE**

Report of:-

GD 11 /13

Summary:-

Simon George Hazard is a licensed Hackney Carriage and Private Hire Driver with this Council. It has come to the Licensing Sections attention that Mr Hazard was convicted of a speeding offence on 7th September 2012, whilst driving his Hackney Carriage on 22nd March 2012. He failed to declare this matter when renewing his Hackney Carriage licence on 31.8.12 and has not responded to future requests to do so.

Recommendation:-

To reach a decision from the options available, after hearing the evidence and any response from Mr Hazard, 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 6th February 2013

NAME Simon George Hazard

ADDRESS Adelaide Street, Carlisle

AGE 37

LICENSING HISTORY

Mr Hazard has been licensed as either a Hackney Carriage or Private Hire Driver since October 2002 and currently holds both licences. He also holds a Private Hire Operators Licence.

On 18th October 2006 Mr Hazard appeared before the Regulatory Panel due to four motoring offences committed between September 2003 and May 2006.

The Panel resolved to REVOKE Mr Hazard's Hackney and Private Hire Licences.

(see Appendix 1a&b)

Mr Hazard appealed against this decision and on 27/03/07 the Magistrates Court substituted the revocation with a 12 month suspension and requirement to take a Driving Standards Agency Test. No appeal was made to Crown Court and Mr Hazards suspension was enforced from **16/04/07 – 15/04/08**

(Appendix 2)

COMPLAINTS AND CONVICTIONS TO DATE

- 05/01/10 Complaint from a Police Officer regarding Mr Hazard using mobile phone whilst driving. Mr Hazard denied offence. No further action taken.
(Appendix 4 a,b,c,d)
- 22/01/10 Complaint received regarding Mr Hazard's Hackney Carriage being parked in a bus lane. Warning letter & Parking Ticket issued **(Appendix 5 a,b,c)**
- 06/02/12 **PC30** – Contravention of Pedestrian Crossing with stationary vehicle – Fixed penalty & 3 points – Warning letter issued **(Appendix 6 a,b & c)**

LATEST CONVICTION

Licensing Section received a phone call from Cumbria County Council Transport Contracts department to enquire if we knew that Mr Hazard had had his DVLA licence suspended. This was due to him failing to send away his licence to have it endorsed for a Speeding conviction committed on 22nd March 2012.

Mr Hazard was travelling in his Hackney Carriage @ 39mph in 30 limit in 22nd March 2012 07.28am on London Rd and caught by speed safety camera. He was not carrying any passengers at the time. Mr Hazard appealed against this speeding conviction so appeared in court on 7th September 2012 where the offence was upheld.

SP30 - 3 points and £200 fine given.

Mr Hazard was written to regarding this matter on 2nd November and 23rd November 2012.

He was interviewed on 27th November 2012 and also written to again on 5th December and 19th December 2012 (**Appendix 7 a,b,c,d,e,f**)

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 8**)

OPTIONS

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

APPENDIX 1 (a)

Legal and 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 please ring 0800 95 95 98
Council Website www.carlisle.gov.uk

Mr S Hazard
Moorside Drive
Carlisle
CA1 3TF

Please ask for:

Direct Line:

E-mail:

Your ref:

Our ref:

Mr Sharrock

01228 817523

licensing@carlisle.gov.uk

Licensing/BS

24 October 2006

Dear Sir

I write to confirm the decision of the Licensing Panel, which was held on the 18th of October 2006 in the Civic Centre, Carlisle.

The committee's decision was that your Hackney Carriage and Private Hire Driver's Licences be revoked. The actual decision of the committee was as follows:-

RESOLVED – 1) That the Panel had taken into account Mr Hazards statement and that he ran a business but had considered that concentration is the essence of good driving and as a result Mr Hazards Hackney Carriage and Private Hire Drivers licences be revoked.

2) That it be noted that Mr Hazard has a right of appeal against the decision.

You may if you wish appeal against this decision to Carlisle Magistrates Courts within 21 days of receiving this notification and upon proof of the court receipt to my Licensing Officer you may continue to drive until your case is heard.

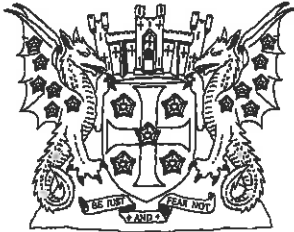
Should you not wish to appeal against this decision, your revocation will commence immediately and you should surrender your identification badges to my Licensing Officer as soon as possible.

Yours faithfully

Licensing Manager



INVESTOR IN PEOPLE



CITY OF CARLISLE

**Extract from the Minutes of the
proceedings of the REGULATORY PANEL
held on the 18TH OCTOBER 2006 AT 2.00 PM**

**RP.31/06 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER
CONVICTIONS – S HAZARD**

The Licensing Officer submitted report LDS.82/06 regarding convictions for Mr S Hazard, Hackney Carriage and Private Hire Driver.

Mr Hazard, the applicant, was in attendance at the meeting.

The Principal Solicitor outlined the procedure the Panel would follow. Mr Hazard confirmed that he had received and read the Licensing Officer's report. The Principal Solicitor 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 reported that Mr Hazard had been licensed as either a Hackney Carriage or Private Hire driver since October 2002 and currently holds both licences. He stated that Mr Hazard was the proprietor of Shankland Taxis. During the period Mr Hazard had been licensed he had received a total of 14 points on his licence for various convictions including Speeding, a Traffic Light Offence, Failing To Produce Documents and Driving Without Due Care and Attention. Mr Hazard failed to declare two of the offences in writing to the Licensing Office within the required 7 days and failed to declare one offence on his Statutory Declaration. The Licensing Officer reported that Penrith Magistrates allowed Mr Hazard to keep his licence because of hardship even though he had 14 points on his licence.

In response to a question from the Principal Solicitor the Licensing Officer stated that the letter inviting Mr Hazard to attend the Panel mentioned both his Hackney Carriage and Private Hire drivers licences.

The Principal Solicitor informed the Panel that any decision taken would affect both the Hackney Carriage licence and Private Hire licence held by Mr Hazard.

Mr Hazard then addressed the Panel. He stated that the last twelve months had been very difficult for him as his father had passed away a year ago. Since then he had been paying his mothers mortgage and had been trying to build up the business to support his mother and brother who both work there. He stated that his driving had been affected by stress as this was the first time he had had to deal with finance. He stated that he had received counselling and he had turned a corner and was dealing with things better. He stated that the driving incidents had been due to a lack of concentration.

In response to Members questions Mr Hazard stated that he did know he had to report convictions within 7 days to the Licensing Office. He stated that his business employs a total of 18 drivers. He stated that he is married with a two year old child which he paid £600 per month child care costs for.

He stated that he had taken the Driving Standards Agency Taxi Driving Test. He also stated that the fine for failing to produce his documents was because his driving licence was at Swansea.

Mr Hazard gave the Panel a letter from his Doctor.

The respective parties then withdrew from the meeting room whilst the Panel considered this matter.

RESOLVED – 1) That the Panel had taken into account Mr Hazards statement and that he ran a business but had considered that concentration is the essence of good driving and as a result Mr Hazards Hackney Carriage and Private Hire Drivers licences be revoked.

2) That it be noted that Mr Hazard has a right of appeal against the decision.

TRULY EXTRACTED THIS 22nd DAY OF January 2007

John M. Egan

Director of Legal &
Democratic Services

APPENDIX 2

**CARLISLE
CITY COUNCIL**



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

Mr S G Hazard
Moorside Drive
Carlisle
Cumbria
CA1 3TF

Please ask for:

Direct Line:

E-mail:

Your Ref:

Our Ref:

Licensing Officer

01228 817523

licensing@carlisle.gov.uk

2 April 2007

Dear Mr Hazard

Re: Hackney Carriage Licence

I acknowledge receipt of your letter dated 27th March 2007, in which you refer to your appeal before Carlisle Magistrates Court on 23rd March 2007. On this date the Magistrates substituted the revocation of your licence with a 12 month suspension, together with a requirement to take the Driving Standards Agency Taxi test.

I note from your letter that you are thinking about an appeal against this decision. If you do appeal this must be lodged with the courts within 21 days of the Magistrates decision, that is Friday 13th April 2007.

In the meantime you may retain your Hackney Carriage and Private Hire driving licences pending your appeal. Should you decide not to appeal, you must surrender your badges and licences to the Licensing Office by 13th April.

Should you have any queries please contact the Licensing Office.

Yours sincerely,

Licensing Manager



INVESTOR IN PEOPLE

APPENDIX 4 (a)

Complaint No. 03/10

CARLISLE CITY COUNCIL

COMPLAINT FORM

Licensing Section

Full Name of Complainant PC ~~XXXXXXXXXX~~ (WISHES TO REMAIN ANON)

Member of Public/~~Hackney~~/Private Hire Operator/Driver

Address NOT GIVEN

Driver/Operator/Other Complained of: KXS6 NTC - 40714
SHANKLANDS - P850 591222 Simon Hazard File 1966

Nature of Complaint:

DENTON STREET 5/1/10 between 3.30 - 3.45 PM.

MALE DRIVER - SILVER MINI BUS. KXS6 NTC. FORD
TRANSIT -

COMPLAINANT FOLLOWED THIS VEHICLE FROM NELSON ST
STREET UNTIL IT TURNED OFF AT NORFOLK ROAD. ALL
THE TIME THE DRIVER WAS USING A MOBILE PHONE INCLUDING
TURNING THE CORNER FROM DENTON ST INTO NORFOLK ROAD.

* COMPLAINANT IS A POLICE OFFICER WHO WAS OFF DUTY
AT THE TIME. HE WANTS THE DRIVER SPOKEN TO. HE
DOES NOT WISH TO DEAL WITH THROUGH POLICE AS HE
SHOULD HAVE STOPPED VEHICLE WHIST THE INCIDENT WAS
TAKING PLACE.

Signed  Dated 6/1/10.

FOR OFFICE USE ONLY

Officer Receiving Complaint DG

Action taken 14-1-10 BS put complaint to him in CC
He denied using the phone. That was the afternoon
when he sees his daughter and she was in the taxi.
He wouldn't use a mobile normally but definitely
when his daughter was with him. The officer must
have been mistaken. Told if he was convicted.



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

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

Shankland Contracts Ltd
1 Gardenia Street
Carlisle
Cumbria
CA2 4AW

Enquiries to: Licensing Officer
Direct Dial: 01228 817523

Date: 6 January 2010

Dear Sirs

Complaint

We are in receipt of a complaint regarding the driver of KX56 NTC, a silver Ford, at approximately 15.40 on Tuesday 5th of January 2010.

Would you please arrange for the driver to attend The Civic Centre as soon as possible so the details of the complaint can be put to them.

Several unsuccessful attempts were made to contact your office on the 6th January.

Yours faithfully

Licensing Manager



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

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

Mr S G Hazard
Gardenia Street
Carlisle
Cumbria
CA2 4AW

Enquiries to: Licensing Officer
Direct Dial: 01228 817523

Date: 12 January 2010

Dear Mr Hazard

Complaint

On the 6th of January 2010 I wrote to you regarding a complaint the council has received regarding the driver of KX56 NTC. We are still waiting to interview the driver so that we can reply to the complainant.

If the matter is not resolved by midday on Friday it will be referred to the council's Regulatory Panel to deal with.

Yours sincerely

Licensing Manager

APPENDIX 4 (a)

Legal & Democratic Services

Director of Legal & Democratic Services: John Egan LLB
Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023
Document Exchange Quote DX 63037 Carlisle Type talk please ring 18001 01228 817000
Council Website www.carlisle.gov.uk

Pc
Private & Confidential
C/o Carlisle Police Station
Durranshill
Carlisle

Please ask for: Licensing Officer
Direct Line: 01228 817523
E-mail: licensing@carlisle.gov.uk
Your ref:
Our ref: Licensing/JAM

14 January 2010

Dear Sir

I refer to your recent complaint made against a taxi driver licensed with this Council.

The complaint related to an allegation that he was using a mobile phone whilst driving. The driver has been interviewed and the complaint put to him.

He denies the allegation, stating that he had his daughter in the car with him at the time and he wouldn't put her at risk by using his phone. He said he didn't think the complainant was telling lies, just genuinely mistaken.

Thank you for taking the trouble to inform us of this incident and I can assure you that all complaints are treated seriously and investigated. This incident will be recorded on the driver's file in the event that a similar complaint is reported.

Yours faithfully

Licensing Manager

APPENDIX 5 (a)

FIAT TW200 PLATE H449 REG SF59EHR

BETWEEN 1205HRS - 1215HRS WEDNESDAY 20 JAN 10 I SAW THE ABOVE VEHICLE PARKED IN THE BUS BAY, LAUTHOR STREET, IMMEDIATELY OUTSIDE CLUB 35. THERE WAS NO DRIVER OR PASSENGERS IN THE VEHICLE NOR IN FACT ANYONE STANDING BESIDE IT.

CONSIDERING CARLISLE CITY COUNCIL HAVE BEEN ENFORCING PROCEEDINGS AGAINST MEMBERS OF THE PUBLIC WHO HAVE BEEN PARKING IN THIS BUS LANE FOLLOWING COMPLAINTS FROM THE TAXI TRADE THE DRIVER OF THIS VEHICLE DOES NOTHING TO ENHANCE THEIR COMPLAINTS.

of warden 20/1/10.

**CARLISLE
CITY COUNCIL**



www.carlisle.gov.uk

Governance Directorate

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

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

Mr S G Hazard
Gardenia Street
Carlisle
Cumbria
CA2 4AW

Enquiries to: Licensing Officer
Direct Dial: 01228 817523

Date: 20 January 2010

Dear Mr Hazard

Complaint

Fiat TW 200 PLate H449

My Licensing Officer needs to speak to the driver who was in charge of the above vehicle at about 12 noon Wednesday 20th January 2010.

Would you please inform him to attend the Civic Centre within the next two working days so that my Licensing Officer can discuss the content of the complaint with him.

The office is normally open to the public between 9am and 5pm Monday to Thursday and 9am until 4pm on a Friday, although you may wish to telephone first to check if a Licensing Officer will be available.

Yours sincerely

Licensing Manager

CARLISLE
CITY COUNCIL



www.carlisle.gov.uk

APPENDIX 5 (c)
Governance Directorate

1966

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

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023

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Council Website www.carlisle.gov.uk

Mr S G Hazard
Gardenia Street
Carlisle
Cumbria
CA2 4AW

Enquiries to: Licensing Officer
Direct Dial: 01228 817523

Date: 22 January 2010

Dear Mr Hazard

Fiat TW200 Reg No: SF59 EHR

On the 20th January 2010 my Licensing Officer noted your Hackney Carriage, H449 parked and unattended obstructing the bus lane in Lowther Street, Carlisle. This is clearly a breach of the terms and conditions attached to your licence as well as an offence under The Road Traffic Act for which you could be issued with a fixed penalty ticket.

A record of this incident will be placed on your file. Should there be any further occurrences, it may be necessary for you to appear before the Regulatory Panel where this matter may be mentioned.

Yours sincerely

Licensing Manager

STATUTORY DECLARATIONI SIMON GEORGE HAZARD of 103 ADELPHI STDate of Birth 1970-01-01

DO SOLEMNLY DECLARE as follows:

1. For at least twelve months prior to the date hereof I have held a licence (not being a provisional licence) under Part III of the Road Traffic Act 1972 authorising me to drive a motor car.
2. I have never been convicted of any offence
OR
3. I have been convicted of an offence or offences and I list below every offence which I have been convicted of including the date of the offence, the date of conviction, the court at which convicted and the sentence imposed by the court. This list includes any penalty imposed upon me other than by a Court but as a result of any legal process.

Date of offence	Date of conviction	Offence	Court at which convicted	Sentence or Order of the Court or Fixed Penalty Notice
No CRIMES from LAST 4 YEARS DECLARATION.				

I have not been convicted of any other offence except as set out above and I make this solemn declaration conscientiously believing the same along with the answers given in the attached application form to be true and by virtue of the provisions of the Statutory Declarations Act, 1835, and Section 5 of the Perjury Act, 1911.

Declared at Rosehill, CarlisleThis 30th day of August 2012 Signature of applicantIn the County of CumbriaBefore me [Signature] Solicitor/Commissioner for OathsOffice Address Carlisle Shepherd, Montgomery Way, Carlisle CA1 2RW

APPLICANTS ARE REMINDED THAT AS FAILURE TO COMPLETE THIS DECLARATION CORRECTLY COULD GIVE RISE TO CRIMINAL PROCEEDINGS, IT IS IMPORTANT THAT THE SOLICITOR INVOLVED IS GIVEN ALL THE RELEVANT FACTS.

THE DECLARATION ABOVE RELATES TO ALL OFFENCES INCLUDING ANY MOTORING OFFENCES AND MUST INCLUDE ALL CONVICTIONS EVEN THOUGH THEY MAY HAVE BEEN DISCLOSED ON PREVIOUS APPLICATIONS. BY VIRTUE OF THE REHABILITATION OF OFFENDERS ACT 1974 EXCEPTIONS ORDER 1975 AS AMENDED, ALL SPENT CONVICTS SHALL BE DISCLOSED.



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D740

APPENDIX 6 (b)

1085028104 / 1314

SIMON GEORGE HAZARD
ADELAIDE STREET
CARLISLE
CA1 2DR

24000

113000



Document number

111371502917

Driver number 412

Issue number

25A



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	03 08 01	21 04 45	
BE	03 08 01	21 04 45	
GH	15 11 92	21 04 45	

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

Official Use

NOTE: < means "earlier than"

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

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				PC30	06	02	12	AP			03.

Official Use

using CAPITAL LETTERS IN BLOCK INK. See Section 5 overleaf.



This document must not be used for name and to 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 photocards and counter-licence to DVLA, Swansea, SA99 1BN

Sign in the white box to

confirm chart
1324036

An executive agency of the
Department of

Transport

**CARLISLE
CITY-COUNCIL**



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APPENDIX 6 (c)

Governance Directorate

Director of Governance: M D Lambert LLB (Hons)

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023

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Council Website www.carlisle.gov.uk

Mr S G Hazard
Adelaide Street
Carlisle
Cumbria
CA1 2DR

Enquiries to:
Direct Dial:

Barry Sharrock
01228 817523

31 August 2012

Dear Mr Hazard

Motoring Conviction

I note from your recent HC driver's renewal that you have been convicted of a motoring offence in February 2012. I can find no notification of this offence having been sent to the Council. As you are aware it is a condition of your code of practice that you notify the Council, in writing, of any offence within seven days.

I note that you have also failed to declare this offence on your statutory declaration and this is a criminal offence.

As it is 6 years since your last motoring offence I intend to deal with this matter by way of an official warning.

I must warn you therefore that should there be any further convictions, or failure to declare them to the Council or on your statutory declaration, you may be required 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



Governance Directorate

Director of Governance: M D Lambert LLB (Hons)

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Council Website www.carlisle.gov.uk

Mr S G Hazard
Adelaide Street
Carlisle
Cumbria
CA1 2DR

Enquiries to:
Direct Dial:

2 November, 2012

Dear Mr Hazard

Motoring Offence

Further to your recent motoring offence please find the enclosed disclosure form. In the details section would you please indicate which vehicle you were in, if there were fare paying passengers, what speed you were doing and in what speed limit, the time and location of the offence and any other relevant details.

Please also provide your DVLA driving licence showing the endorsement.

Yours sincerely

Licensing Manager

CARLISLE
CITY COUNCIL



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Governance Directorate

Director of Governance: M D Lambert LLB (Hons)

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Council Website www.carlisle.gov.uk

Mr S G Hazard
7 Adelaide Street
Carlisle
Cumbria
CA1 2DR

Enquiries to:
Direct Dial:

23 November, 2012

Dear Mr Hazard

Motoring Offence

Further to my letter to you dated 2nd November 2012 asking you to supply information about your most recent motoring offence, to date I have received no response from you.

Due to this, I can no longer be satisfied that you fulfil the 'fit and proper' person criteria which is essential to all Hackney and Private Hire drivers.

Your case will be referred to the next Regulatory Panel where the options available to the members vary from revocation of your licence to a warning letter.

I would suggest you make contact with the Licensing Department at your earliest convenience.

Yours sincerely

Licensing Manager

APPENDIX 7(c)

Interview with Simon Hazard 27.11.12

When was the Offence?

It happened on 22.3.12 travelling up London Rd. I was doing 34mph in a 30 zone. I had no passengers with me.

Why did you not report the penalty to the Licensing Department within 7 days of received it?

I wasn't aware I had to, I contested the offence and thought I only had to report it if it went to court.

I went to court on 7.9.12 & fined £200

We were contacted by Cumbria County Council on 2.11.12 to inform us your DVLA licence had been suspended, Why?

I did not have my licence on me in court. I was told to send it into them, which I did. The court sent it back to me and not the DVLA to endorse. As the DVLA did not receive my licence, it was suspended. It was the court at fault and I have some paperwork from them to prove it.

I will let you have this paperwork along with the motoring conviction declaration once I can find them at home. I will ask my mother to drop them in.

What did you do regarding your contract work during this time?

Scott Kennedy undertook my driving duties during my suspension, which was about 10 days.

When was your Driving Licence re-instated?

My licence was suspended for approximately 10 days – I cannot recall the dates but will look for the documentation and supply it. I received my licence in the post on Saturday 24th November 2012.

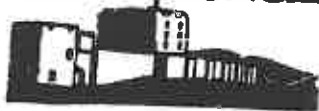
Licence was produced and copied

I also spoke to Barry Sharrock in August 2012 when I received my Hackney Drivers Badge regarding my PC30 conviction; I had not disclosed this on my statutory declaration. This was a mistake on my part.

At this stage I didn't disclose my speeding conviction as it was going to court.

Sue Stashkiw
Licensing Officer

**CARLISLE
CITY COUNCIL**



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**APPENDIX 7 (d)
Governance Directorate**

Director of Governance: M D Lambert LLB (Hons)
Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023
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Council Website www.carlisle.gov.uk

**Mr S G Hazard
Adelaide Street
Carlisle
Cumbria
CA1 2DR**

**Enquiries to:
Direct Dial:**

5 December 20

Dear Mr Hazard

Speeding conviction 22.3.12 (court appearance 7.9.12)

Further to my meeting with you on 28th November 2012, I am still awaiting the relevant information with regard to your speeding conviction on 22nd March 2012.

Please complete the enclosed form and return immediately to my department.

I note you explained the circumstances as to why the DVLA suspended your driving licence and that you have letters from the court regarding this. Please feel free to also enclose copies of these to support your circumstances.

Yours sincerely

Licensing Manager

**CARLISLE
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APPENDIX 7 (e)

Governance Directorate

Director of Governance: M D Lambert LLB (Hons)
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Council Website www.carlisle.gov.uk

Mr S G Hazard
Adelaide Street
Carlisle
Cumbria
CA1 2DR

Enquiries to:
Direct Dial:

19 December 201

Dear Mr Hazard

REGULATORY PANEL - 6th FEBRUARY 2013

You are the holder of a Hackney and Private hire driving licence issued by this Council. As a result of a recent conviction, the matter will now be referred to the Regulatory Panel.

The sitting of the Panel is in the Civic Centre, Carlisle at 2pm on the above date and you are requested to attend this meeting, along with a representative if you so wish. You will be given an opportunity to address the members of the Panel. If you do not attend the meeting, the matter may be considered in your absence.

I have had no option but to take this course of action, as my Licensing Officer has tried on several occasions to contact you, but you have not returned the calls. You have been written to on 3 occasions (2nd & 23rd November and 5 December) asking you to complete the necessary motoring conviction declaration, but still to date, I have not received this paperwork.

Further information of the report to committee will be made available to you nearer the time.

In the meantime, I would advise you, one last time, to complete the enclosed declaration and return it to my office along with any supporting information.

Yours sincerely

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.

S61.