



THE LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE AGENDA

TUESDAY 25 JUNE 2013 AT 7.30 PM

COUNCIL CHAMBER, HEMEL HEMPSTEAD CIVIC CENTRE

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Cllr G Chapman	Cllr Lawson (Chairman)
Cllr Conway	Cllr Link
Cllr Fantham	Cllr G Sutton
Cllr Mrs Green (Vice-Chairman)	

Substitutes: Councillors Mrs Bassadone, Bhinder, R Hollinghurst, Rance, Ryan and R Sutton. (Please note Members may only be appointed as substitutes if they have been trained for Licensing Committee).

For further information, please contact Lucy Stone on Tel: 01442 228224, or Email: lucy.stone@dacorum.gov.uk Information about the Council can be found on our website: www.dacorum.gov.uk.

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1. INTRODUCTIONS

2. MINUTES

To confirm the minutes of the meetings held on 28 May 2013.

3. APOLOGIES FOR ABSENCE

To receive any apologies for absence

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

5. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements and ask questions in accordance with the rules on Public Participation

6. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the item in Part II of the Agenda for the meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to an individual which would be likely to reveal their identity (Item 7).

DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE

28 MAY 2013

Present-

MEMBERS:

Councillor Lawson (Chairman), Mrs G Chapman, Conway, Fantham, Mrs Green, Link and G Sutton

OFFICERS:

B Lisgarten	Solicitor
R Hill	Licensing Team Leader
R Mabbitt	Licensing Enforcement Officer
A Miles	Licensing Enforcement Officer
L Stone	Member Support Officer

Other Persons Present:

Item 7 – Mr B
Item 8 – Mr S
Item 8 – Mr K

The meeting began at 7.30 pm

1. INTRODUCTIONS

The Chairman welcomed everyone to the meeting and informed those present he would introduce the Sub-Committee and the Officers when it was appropriate.

2. MINUTES

The minutes of the meetings held on 26 March 2013 were confirmed by the members present and then signed by the Chairman.

3. APOLOGIES FOR ABSENCE

There were no apologies for absence.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. PUBLIC PARTICIPATION

None

Councillor Mrs Green referred to the guidelines on fitness of applicants for Hackney Carriage/Private Hire driver's licences and asked if there was any test for competence in

English language as well as a written knowledge test. R Hill said there was currently no language test but that officers were currently reviewing options for modifications to the testing arrangements, including language tests and a practical driving test, and that it was intended to present a report to Committee later this year.

Councillor Fantham agreed that this was necessary. The Chairman said that this policy should be looked at in the near future.

6. EXCLUSION OF THE PUBLIC

It was moved by Councillor G Sutton and seconded by Councillor Mrs Green to move to Part II of the meeting and to exclude the public.

Resolved:

That, under S.100A (4) of the Local government Act 1972 the public be excluded during the items in Part II of the Agenda for this meeting, because it was likely, in view of the nature of the business to be transacted, that if members of the public were present during those items there would be disclosure to them of exempt information relating to an individual which is likely to reveal their identity (Minutes 7 and 8).

7. APPLICATION FOR RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE FOLLOWING MOTORING OFFENCE

Full details are in the Part 2 minutes

8. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE FOLLOWING COMPLAINTS

Full details are in the Part 2 minutes

The meeting ended at 8.40 pm

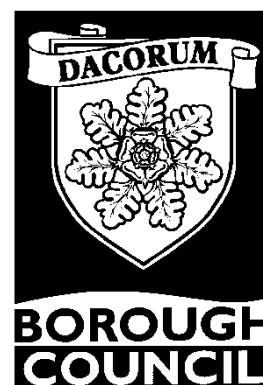
**PROCEDURE FOR THE LICENSING AND HEALTH AND SAFETY ENFORCEMENT
SUB-COMMITTEE (PRIVATE HIRE VEHICLE AND HACKNEY CARRIAGES)**

1. The Chairman will open the proceedings by stating the nature of the matter, which is to be considered, (first application/renewal/suspension/revocation), whether the proceedings concern a vehicle, driver or operator licence, and the name of the applicant or licence holder.
2. The Chairman will introduce himself/herself and the Members of the Committee, the Clerk to the Committee and any other officer present.
3. The Chairman will ask the officers to confirm whether or not the formal requirements in respect of the matter to be considered have been complied with. In the case of a proposed suspension or revocation of licence or a refusal to renew, the Chairman will ask the officers to confirm whether or not the requisite 14 days' prior notice has been served on the licence holder.
4. If satisfied as to the formal requirements the Committee will consider the merits of the application or proposed suspension/revocation and the report of the officers. The Committee may ask the officers for clarification of any points in issue.
5. The Chairman will then invite the applicant or licence holder to make any representations. The applicant or licence holder may make his/her representations personally or through a representative, who shall first identify him/herself.
6. The Chairman and other members of the Committee may ask the applicant or licence holder questions and points of clarification.
7. The applicant or licence holder, his/her representative (if any) and any officer present (with the exception of the Clerk to the Committee) shall withdraw.
8. The members of the Committee consider their decision. If any further clarification or information is required from the applicant or licence holder or any officer, all parties will be recalled
9. All parties will be recalled for the announcement by the Chairman of the Committee's decision.
10. The Committee's decision will be confirmed in writing by the Solicitor to the Council.
11. At any point in this procedure, the Committee may pass a resolution excluding the press and public from the meeting on the basis that, if they were to remain, there may be disclosure of exempt information (information relating to individuals which is likely to reveal their identities).

Guidelines on fitness of applicants for Hackney Carriage/Private Hire Driver's Licences

AGENDA ITEM: 7

SUMMARY



Report for:	Licensing Health & Safety Enforcement Sub-Committee
Date of meeting:	25 June 2013
PART:	II
If Part II, reason:	Disclosure of exempt information relating to an individual which would be likely to reveal his identity

Title of report:	Review of Hackney Carriage Driver's licence following conviction
Contact:	Andrew Miles – Licensing Enforcement Officer, Legal Governance
Purpose of report:	To detail a conviction received in respect of a licensed hackney carriage driver, and to outline options for consideration in respect of the suspension or revocation of the licence.
Recommendations	That the Sub-Committee consider the matters outlined and: a) Take no action; b) Issue a warning to the licence-holder; c) Suspend the hackney carriage drivers' licence for a specified period; or d) Revoke the hackney carriage drivers' licence.
Corporate objectives:	Safe and Clean Environment • Public safety is the key aim of the vehicle/driver licensing system, and the Council must be satisfied that applicants are fit and proper to hold licences.
Implications:	This application is to be determined under existing policies. No new policy implications arise.
Consultees:	None
Background papers:	Guidelines on fitness of applicants for hackney carriage / private hire driver's licences (March 2013)
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. The Council is responsible for the regulation of hackney carriage and private hire services within the Borough of Dacorum, and issues licences for hackney carriage vehicles and drivers, and private hire operators, vehicles and drivers, in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2. During the validity of a hackney carriage or private hire driver's licence, the Council may exercise a number of statutory powers which enable the suspension or revocation of a licence, should the holder have been found to have been acting improperly, or have been the subject of legal proceedings resulting in a conviction, caution or driving licence endorsement. In particular, section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides for the suspension, revocation or refusal of renewal of a drivers' licence, on one or more of the following grounds:
 - That, since the grant of the licence, the licence-holder has been:
 - Convicted of an offence involving dishonesty, indecency or violence;
 - Convicted of an offence under or has failed to comply with the provisions of the 1847 or 1976 Acts; or
 - Any other reasonable cause, which may include, but is not limited to, any element in respect of the fitness or propriety of the holder which would otherwise be considered at the time of application.
- 1.3. Guidelines on considering the fitness and propriety of holders of drivers' licences, including the relevance of criminal convictions and motoring endorsements, were adopted by the Council in March 2013, and a copy of this document is appended to the report.

2. DETAILS OF LICENCE

- 2.1. Mr Arshad Mahmood is licensed by the Council as a Hackney Carriage driver, with licence number HD237. He has been licensed in this capacity since May 2002, with the current licence due to expire on 31st December 2013. Prior to this he was licensed as a private hire driver from January 2002 up until May 2002. A copy of the current licence is appended at Annex A.
- 2.2. Mr Mahmood holds a licence for a Hackney Carriage vehicle, a grey Chrysler Grande Voyager, licence number HV087.

3. DETAILS OF CONVICTIONS

- 3.1. Mr Mahmood attended the Civic Centre on 20/11/2012 to notify the licensing department of a criminal conviction he had received on 14/11/2012 for an offence of common assault. The assault took place on 21/06/2012. Latterly, on 16/05/2013, Mr Mahmood provided a copy of his driving licence showing an offence of driving without insurance, for which he received 6 penalty points and a £440 fine. The following paragraphs summarise these 2 convictions followed by a resume of any relevant complaints received about Mr Mahmood.
- 3.2. A notification of conviction letter was received from Bedfordshire Police by the licensing department on 19/11/2012, outlining the conviction as per the Home

Office requirement where a conviction occurs against a person in a notifiable occupation. A copy of this letter is appended at Annex B.

- 3.3. The offence of common assault occurred on 21/06/2012 and involved a 'road rage' type of incident whilst Mr Mahmood was collecting a fare from Luton. Mr Mahmood alleged that he was the innocent party and suffered at the hands of another motorist (referred to in this report as the third party or TP driver) who cut him up on his exit from the M1 towards Luton Airport on the main A-road.
- 3.4. Mr Mahmood explained that the TP driver continually braked in front of him and at a set of traffic lights, the 2 vehicles were side by side when the TP driver shouted angrily at him and stuck their middle finger up towards him and then drove off. This course of action continued against Mr Mahmood for some time, until the TP car stopped at the entry to a roundabout and failed to proceed, thereby blocking the path of Mr Mahmood. At this point the TP driver got out of his car and approached Mr Mahmood. Mr Mahmood describes getting out of his car to speak with the TP driver, who then swore at him and a verbal exchange ensued, culminating in Mr Mahmood pushing the TP driver in the face with his open hand whereby injury was sustained by the TP driver.
- 3.5. The police were notified of this assault by the TP driver. Mr Mahmood was subsequently arrested and charged with Common Assault, appearing at Luton and South Bedfordshire Magistrates Court on 14/11/2012, whereby he pleaded guilty to the offence and received a conditional discharge and costs ordered at £85.
- 3.6. Mr Mahmood was interviewed regarding this matter at the Civic Centre by Ross Hill, licensing team leader, on 20/11/2012, and he was warned verbally about his conduct as a licensed driver. During the interview, Mr Mahmood provided a copy of the hand-written prepared statement which was given to the court as part of the guilty plea, and a copy of this document is appended at Annex C.
- 3.7. On 16/05/2013 a copy of the paper section of Mr Mahmood's UK driving licence was received in the licensing office showing a conviction dated 25/03/2013 for an offence coded as IN10 (using an uninsured vehicle) committed on 04/09/2012. The licence was endorsed with 6 penalty points and a fine imposed of £440. A copy of the licence is appended at Annex D.
- 3.8. Enquiries were made with Colchester Magistrates' Court who had dealt with the matter, and it was ascertained that Mr Mahmood had been stopped in a police 'road block' approaching Stansted Airport on 04/09/12 at 15.50 hours. Documents from the court were requested to provide full details of the police evidence, and in the meantime, Mr Mahmood was interviewed on tape and under caution by Andrew Miles and Richard Mabbitt, licensing enforcement officers, on 20/05/13.
- 3.9. During his interview he stated that he was stopped by the police in a road block whilst approaching Stansted airport. He had with him a friend, who was also a regular fare of his, and that he was driving his wife's car. He stated that he took him as a 'favour' as opposed to being a paying customer, thereby not acting in his capacity as a hackney driver. He stated that the passenger was sat next to him in the front passenger seat.
- 3.10. Although the car he was driving at the time was his wife's, it was noted that it was a car he had used previously in 2009 as his licensed hackney carriage. He stated that his actual cab was being repaired and, as such, he was using his wife's car to transport his friend to the airport. He denied acting in his capacity as a licensed hackney driver.

- 3.11. It was pointed out to him that even by taking his friend as a favour he was thereby acting in his capacity as a hackney driver and that, as such, he was not driving with the required insurance for hire or reward and that he was using an unlicensed vehicle.
- 3.12. Having interviewed him and informing him that further enquiries would be made as to the final disposal of the matter, documents were received from the court, which contained statements from the police officer, who reported him for no insurance by way of an endorsable fixed penalty notice, and from the passenger. The two statements provided the following evidence, and a copy of each statement is appended at Annex E and F respectively.
- 3.13. He was questioned by police and it was noted that there was a rear seat passenger in the vehicle, a silver Toyota Avensis, registration number W349 TMJ. Mr Mahmood was questioned regarding the carriage of the passenger and he stated that he was conveying the person on board as a friend and that he was not acting in his capacity as a licensed hackney driver.
- 3.14. Questioning of the passenger, identified as Mr Swami Prasad Panchagnula, suggested otherwise and it was ascertained that the passenger was a fare, had agreed a price of £50 for his journey from his home address in Hemel Hempstead to Stansted airport the day before and was a regular fare for Mr Mahmood. Mr Mahmood was duly reported for the offence of having no insurance to carry the passenger as a fare whilst driving as a hackney driver by the police officer, Pc David STANLEY.
- 3.15. Given this further evidence, Mr Mahmood was contacted by Andrew Miles and invited in for further interview so the newly acquired statements from the police and the passenger could be put to him.
- 3.16. He was further interviewed on tape under caution by the same licensing officers on 21/05/13 and the statements put to him. It was pointed out that he had blatantly lied about the entire matter and had attempted to cover up his uninsured actions by stating that the fare was not pre-booked, no payment had been arranged or requested and that he had stated that the passenger was seated in the front so as not to make it look as if the passenger was a fare.
- 3.17. Mr Mahmood was apologetic and admitted to his wrong doing and admitted that he had acted inappropriately.
- 3.18. Transcripts of both interviews are appended at Annexes G and H.

4. COMPLAINTS

- 4.1. Mr Mahmood has been the subject of one complaint made by another driver on 03/06/12 involving an allegation of assault.
- 4.2. At 3.15pm on the above date, police were called to the cab rank at Hemel Hempstead railway station where a dispute over a fare had led to a fight taking place between two licensed drivers. Mr Saqib MALIK alleged that Mr Mahmood had assaulted him by punching him over a disagreement over the taking of a fare at the location.
- 4.3. However, neither Mr Malik nor the witnesses identified at the scene wished to substantiate the allegation or provide witness statements or attend court, so the

police involvement ended and the matter was referred to the licensing enforcement office.

- 4.4. Both drivers were invited in for interview and were duly interviewed by Richard Mabbitt, enforcement officer, and they were both warned as to their future conduct.

5. GUIDELINES

- 5.1. Section 6 of the Guidelines covers criminal convictions. That section states:

“6.8. Each case will be decided on its own merits. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

...

6.23. An application will normally be refused where the applicant has a conviction, less than 3 years prior to the date of application, for an offence of:-

- *Common assault*

...”

- 5.2. Section 7 of the Guidelines covers motoring offences. Paragraph 7.9 identifies the insurance offence as a ‘major’ endorsement due to the number of penalty points received, and 7.10 states that *“such endorsements will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.”*
- 5.3. Paragraphs 1.8 and 1.9 of the Guidelines confirm that references within the document to refusal of applications will apply equally to the suspension or revocation of a licence during the licence validity period.

6. OPTIONS AVAILABLE TO THE SUB-COMMITTEE

- 6.1. In respect of the current hackney carriage drivers' licence, in accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976, and having considered the matters outlined in this report and any representations made by the applicant, the Sub-Committee may:
- a) Take no action;
 - b) Issue the licence-holder with a formal warning;
 - c) Suspend the licence for a specified period, if satisfied that there is reasonable cause to do so; or
 - d) Revoke the licence, if satisfied that there is reasonable cause to do so.
- 6.2. The Sub-Committee must give full reasons for their decision.
- 6.3. A decision to suspend or revoke the licence will take effect at the end of the period of 21 days from when written notice of the decision is given to the driver. However, if it appears to the Sub-Committee that the interests of public safety require the suspension or revocation of the licence to have effect immediately upon the giving of notice of the decision, the Sub-Committee may alternatively resolve that this should be the case. Any such resolution must include an explanation as to why such action is considered necessary.
- 6.4. If the licence is suspended or revoked, the holder will have a right of appeal against the decision to a magistrates' court.



HD 237

TAXI DRIVER LICENCE

Licence holder:

**Mr Arshad Mahmood 25 Colonsay Hemel Hempstead Herts
HP3 8TZ**

Licence valid from:

1 January 2011

To:

31 December 2013

Signature of licence holder:



Date issued:

24 December 2010

Signed

**On behalf of Steven Baker
Assistant Director
(Legal, Democratic and Regulatory)**

NOTES

This licence is issued subject to the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and Transport Act 1985.

This licence must be produced on request by any authorised Officer of the Council or Police Officer.

The holder must immediately notify any change of address or convictions to the Council's Licensing Officer

On expiry, revocation or suspension, this licence and the Council's badges must be returned within 7 days to the Council's Licensing Officer.

POSSESSION OF THIS DOCUMENT DOES NOT GUARANTEE THAT THE LICENCE IS IN FORCE. ITS VALIDITY MAY BE ESTABLISHED BY REFERENCE TO THE COUNCIL'S LICENSING OFFICER.

Annex B – Notification of conviction letter from Beds Police.

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Bedfordshire Police
Woburn Road
Kempston
Bedfordshire
MK43 9AX

Tel: 01234 846883

Richard Mabbitt
Dacorum Council
Licensing Division Civic Centre
Hemel Hempsted
Hertfordshire
HP1 1HH

Fax: 01234 842032

E mail; Richard.mabbitt@dacorum.gcsx.gov.uk

Our Ref: Not Occs DAF 322/12

Date 19th November 2012

Dear Sir

It is a Home Office requirement (HOC 6/2006) that any prospective employer is informed when a person with a "notifiable occupation" is convicted or cautioned, reprimanded or warned.

Name	DOB	Address
Arshad MAHMOOD	02/08/1966	25 Colonsay, Hemel Hempstead, Herts, HP3 8TZ
Occupation Stated	Taxi Driver	

The following information has now been received that may be relevant.

Date at Court	Court	Date of Offence	Offence	Conviction (Caution/Warning/Reprimand)
14/11/12	Luton & South Beds Magistrates	12/07/12	Common Assault	Conditional Discharge. Costs £85.00

The circumstances of the incident are as follows:

The location of the offence is a main road in Luton. Between stated times on material date the injured party (male aged 38) had driven from the motorway onto a dual carriageway near the airport. The injured party was behind the suspect who was in the fast lane going slowly so the injured party drove around and made a why suggestion with shoulders, suspect has then got mad and started beeping and shouting. This has continued along the road until the traffic lights. The suspect went a different way from the injured party but when the injured party got onto Percival Way, Luton the suspect was behind him again beeping. The injured party "gave him the bird" which made the

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suspect angrier so the injured party pulled over. The suspect pulled up behind him and they had a conversation where the suspect asked the injured party why he swore at him and the injured party explained why, to this the suspect made a fist a punched the injured party to the face causing the injured party to get a split lip.

Unless otherwise stated above, our records show that this offence did not involve children or vulnerable adults.

I must advise that in the absence of fingerprints, the identity of the subject cannot be confirmed.

I would like to remind you that should a safeguarding issue be identified in respect of working with children and vulnerable adults that an appropriate referral should be made to the Independent Safeguarding Authority.

This information is provided on the understanding that it is managed with due regard to the sensitive nature of the information, it is understood that the person arrested may be shown this information. I am satisfied that the information provided is in accordance with the procedures agreed in the Guidance for the Management of Police Information and agreed Codes of Practise and I have authorised the notification of this information as being relevant for the purpose outlined in the guidance. I should remind those agencies that are notified under this scheme of the need to destroy information after 6 years in line with the Management of Police Information Codes of Practise.

Should further information be required, then this request should be made in accordance with the procedure agreed under the guidance and either addressed to:

Office Manager, PNC/Disclosure Unit, Bedfordshire Police, Woburn Road, Kempston,
Bedford, Bedfordshire MK43 9AX or by e-mail to
david.williams@bedfordshire.pnn.police.uk.

Please always quote our reference number as well as the name and date of birth of the person concerned.

Yours faithfully

Dave Williams
Office Manager
PNC/Disclosure Unit

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BASIS OF PLEA

I Anstons Mthwos will plead guilty to one offence of assault by beating on the following basis:

On 21st June I was working as a taxi driver and on my way to collect a fare in huter. I came off the motorway and turned right. As I drove down that road a BMW undertook me and then pulled in front of me causing me to brake. He then touched his brakes causing me to brake hard and then he sped off.

I continued my journey but saw the BMW again at the traffic lights. He turned around in his seat and was shouting angrily at me and then stuck his middle finger up at me. He then drove off.

As I drove behind him he again touched his brakes causing me to have to brake hard. He then sped off.

At the next roundabout he stuck two fingers up at me.

At the next roundabout he stopped his car and remained there. There was no

traffic coming but he didn't move. I beeped him a couple of times but he still didn't move. He then got out of his car.

I got out of my car and spoke to him to ask him why he was blocking my way. He started swearing at me and we argued. I pushed him away pushing his face with my open hand. It wasn't a slap or a punch but I did connect with his mouth and accept I may have caused injury.

M

14.11.12

M

14/11/12



KEEP THIS SAFE
Counterpart Driving Licence

I 7266308

D740

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

1003307110 / 0596

ARSHAD MAHMOOD
25 COLONSAY
HEMEL HEMPSTEAD
HP3 8TZ

57000

113000



Document number

120031541802

Driver number

MAHMO 608026 A99MP

Issue number

06A

M. Mahmood

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	15 12 93	01 08 36	
GH	15 12 93	01 08 36	

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

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				
1910	25	03	13	11110	04	09	12	440.00			06

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
I 7266308

Date _____ 10/10

An executive agency of the Department for **Transport**

60017 / 1003307110 / 0596

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

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Statement of: David STANLEY	
Age if under 18:over 18(if over 18 insert 'over 18')	Occupation: Police Constable
This statement (consisting of one page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.	
Signature:	Date: 30/11/2012
Tick if witness evidence is visually recorded <input type="checkbox"/> (supply witness details on rear)	
<p>On the 4th September 2012 at 1550 hours I was on duty in full uniform conducting an armed road check at THREMHALL AVENUE, STANSTED AIRPORT.</p> <p>At this time I instructed a male driver driving a silver TOYOTA AVENSIS with the registration W349 TMJ, I could a further male sitting in the rear of the vehicle.</p> <p>I spoke to the driver of the vehicle who I now know to be Arshad MAHMOOD (02/08/66) who informed me that he is a taxi driver but the vehicle he uses for this purpose was currently under going servicing work.</p> <p>MAHMOOD gave his home address of 25 COLONSAY, HEMEL HEMPSTEAD, HP3 8TZ.</p> <p>MAHMOOD explained that the passenger in the rear of the vehicle was an old client who had contacted him directly for carriage to Stansted Airport.</p> <p>I confirmed that the Toyota Avensis MAHMOOD was using did not have insurance cover for the carriage of passengers, MAHMOOD stated he was not going to get paid for this.</p> <p>I then decided to speak to the passenger who I now know to be Swami PANCAGULA (30/05/66) who informed me that he was getting charged fifty pounds for this journey.</p> <p>With this information I explained to MAHMOOD that this is an offence due to the cover of the insurance policy.</p> <p>I cautioned MAHMOOD and completed a fixed penalty ticket for driving without insurance.</p> <p>I reported MAHOMMOD at the road side for driving a motor vehicle without insurance.</p> <p>This statement has been completed with the aid of my original notes made on the day on the rear of the fixed penalty ticket.</p> <p style="text-align: right;"> P 3640</p>	

Signature:..... Signature witnessed by:

2006/07 (1)

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [] [] [] []

Statement of: Swami Prasad Panchagnula

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: assistant vice president, Tech Mahindra Ltd

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: P. Swami Prasad (witness) Date: 16-Jan-2013

I am current employed by Tech Mahindra Ltd, which is a company that provides services towards IT and Telecom Solutions. This role involves me travelling to various location world wide. I am giving this statement in relation to an incident that I was a passenger in a vehicle that is suspected to have been driven without vehicle insurance. I had no knowledge of this insurance at the time.

I shall be referring to the driver of the Taxi that I used on the 4th September 2012 to take me to STANSTED AIRPORT. This male is a driver I use on a regular basis and his name is Arshad MAHMOOD. I have no other relationship with this person only a driver of the Taxi. I shall call him my driver in this statement.

I shall be referring to two locations in my statement the first being my home which [REDACTED], this where my driver picked me up to start my journey on the 4th September 2012. The second location will be STANSTED AIRPORT, ESSEX, this is where my journey ended.

On 4th September 2012 about 3pm that afternoon, I was picked up by my driver Arshad, the car he used to pick me up on this occasion was not the car he normally used or has used in the past to take me to my destinations which is generally the airports. This time the vehicle was a TOYOTA colour silver to grey, this vehicle never had any taxi signs displayed on it. Whilst on

Signature: P. Swami Prasad Signature witnessed by: [Signature]

this journey he did say to me 'MY OTHER VEHICLE HAS GONE FOR A REPAIR AND SERVICE' he then informed that was why he brought a different vehicle for this pick up. At MANSTED AIRPORT we were stopped by the Police who conducted checks on my identification and my reasons for my journey. They also spoke with my driver. The Police then informed me that the driver did not have the proper insurance to drive the vehicle. The Police drove me the rest of the way to the Airport Terminal. On this occasion I never paid the driver Arshad the agreed fare of £50 (fifty pounds). I did however pay him for this journey on later occasion when I used him again to travel again to the airport.

I would describe Arshad an Asian male, heavy build, about 5'7"-5'8" tall, short hair this is all can remember about Arshad but I would easily recognise him again.

Arshad was in my view the entire journey, lighting was good as it was day time, my view of Arshad was never obstructed and I would recognise him again. I wear glasses generally and did so on this occasion, there is no issues of my identification of Arshad.

I am willing to attend court should I be required.

Signature: P Swami Py Signature witnessed by: [Signature] 2778

2010/11

RESTRICTED (when complete)

Annex G – Transcript of interview from 20/05/2013

To follow under separate cover

Annex H – Transcript of interview from 21/05/2013

To follow under separate cover

NOT FOR PUBLICATION

PART II MINUTES

LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE

28 MAY 2013

6. EXCLUSION OF THE PUBLIC

Resolved:

That, under Section 100A (4) of the Local Government Act 1972 the public be excluded during the items in Part II of the Agenda for this meeting, because it was likely, in view of the nature of the business to be transacted, that if members of the public were present during these items there would be disclosure to them of exempt information relating to an individual which is likely to reveal their identity (Minutes 7 and 8).

7. APPLICATION FOR RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE FOLLOWING MOTORING OFFENCE

The Chairman introduced himself, the Sub-Committee and the officers present. He then asked the applicant to introduce himself.

The Chairman asked if all legal requirements had been met, and was informed by R Hill that they had.

Mr Bennitt said that the Committee had already made their mind up. The Chairman said this was not the case and invited Mr Bennitt to address the Committee.

Mr Bennitt said that he had been a taxi driver for 20 years and had never received a complaint by a member of the public. He added that he was a 50 year old man with no other skills. He said that the offence happened a long time ago and that action should have been taken at the time rather than now.

The Chairman asked the Licensing Team Leader if there was anything he wished to add to the report.

R Hill said that the licensing team were notified of the conviction in October 2012.

Mr Bennitt did not agree with that, he said he had spoken to a licensing officer on two occasions who was now no longer working for the Council.

R Hill said that he could only go by the records available which were that the offence was declared in October 2012. Mr Bennitt was then invited for an interview in November 2012. R Hill then decided to wait until the renewal of the licence which would include other checks. The renewal was due in April 2013.

The Chairman said the Committee would move on to consider the issue rather than the procedure. He added that the details behind the matter were of no concern to the Committee, they accepted that the applicant had been convicted. The Chairman said that Mr Bennitt had said that his record had been good and that he had no other skills.

Mr Bennitt questioned why R Hill had said he could submit other documents if the Committee would not consider them.

The Chairman said that they would only consider what was before them and that did not mean necessarily that Mr Bennitt would lose his licence. The Chairman added that Mr Bennitt's behaviour in the meeting was not helping. Mr Bennitt apologised for that.

B Lisgarten said that Mr Bennitt's conviction stood but that the Committee could listen to Mr Bennitt's mitigation in order to form an opinion on him as a person and his licence.

Councillor Fantham asked if the Police had taken the car away to examine it. Mr Bennitt said that he had offered it, but the Police had not taken it as it had been seven weeks after the incident. He added that the biggest mistake he had made was not going to the Police the day after he had been accused.

The Chairman asked what Mr Bennitt's other driving convictions had been for. Mr Bennitt said they had both been for speeding. He also confirmed that he never had dealings with the licensing officers other than renewing his licence as he had never had a problem.

The officers and Mr Bennitt withdrew whilst the Sub-Committee considered the matter.

Resolved:

That the Licensing and Health and Safety Enforcement Sub-Committee, having considered the oral and written evidence from the officer and the applicant, resolved that the application for renewal of the licence be granted. The Sub-Committee considered that Mr Bennitt had realised that he had made mistakes and admitted that he should have reported the incident after it happened and that he was a fit and proper person and not a danger to the public

8. CONSIDERATION OF A HACKNEY CARRIAGE DRIVERS LICENCE FOLLOWING COMPLAINTS

The Chairman introduced himself, the Sub-Committee and the officers present. He then asked the applicant and his representative to introduce themselves.

The Chairman asked if all legal requirements had been met, and was informed by R Hill that they had.

The Chairman asked the Licensing Enforcement Officer if there was anything he wished to add to the report.

R Mabbitt said that in section 3.2 on page 37 of the report, there was an error. It should state that the complaint was received on 22 September 2009 rather than June. He said that Mr Shah had asked for two letters to be submitted to the Sub-Committee. The phone bill referred to in the letter from Mr Shah was not relevant as it had been for the wrong month.

The Chairman said they would go through each complaint listed and acknowledged that Mr Shah had given a written response to each point.

Starting on page 37 and section 3.2, Mr Shah said he had not sent a text whilst driving and never did. He said he had sent only 38 text messages in the whole month.

With regard to section 3.3, Mr S said he had paid £6 to the lady but there had been a slight delay as he had to attend a Friday prayer. The Chairman said the report stated Mr Shah had confronted the customer. Mr Shah said that the operator had said that he had to go to

the customer immediately but that Mr Shah had said that he could not go then due to prayer.

In section 3.4, Mr Shah said he was taking a customer from Lincoln House Surgery. He went into the surgery to check if the customer was ready. When he came out, there was a ticket on his car. The customer got in with her kids and they got into the back seat.

Councillor Fantham said it was up to Mr Shah as a driver to make sure the seat belts were on. Mr Shah said that if the children were on laps he did not. He said that he was also concentrating on the ticket. Mr Khan added that if a child was under 14 and unaccompanied, it would be the driver's responsibility to ensure the seat belt was on. If the child was with an adult customer, it was their responsibility rather than the driver's.

Mr Shah said he could not recall the incident reported in section 3.5.

In relation to section 3.6, Mr Shah said there had been an issue with London Midland regarding the station permit. He said that the Taxi Drivers Association had come together to talk to London Midland, but some taxi drivers not in the association had come in front and behind Mr Shah's car calling him a coward. Mr Shah said he had sent an email to Kathryn Ashton which was included in the report.

In section 3.7, Mr Shah said Mr Mabbitt had interviewed him. He said he had made a driving mistake and had put his hand up to apologise which the other driver must have taken incorrectly.

With regard to section 3.8, R Mabbitt said that emails had been received the previous week from the school's head teacher and Mr Lee, who Mr Shah was working for. Mr Shah said that the other lady said that he was obstructing her and was racially abusive towards him. Mr Shah said that she took his car keys, so he had taken her car key away. Mr Shah said he had submitted a letter from a witness who had seen the incident.

Mr Shah said he could not remember speeding as stated in section 3.9.

In section 3.10, Mr Shah said that he had overtaken, but that the other driver had been doing a maximum of 25mph. He said that he did not overtake dangerously. The Chairman said that extra care and respect should be given to learner drivers.

The Chairman said that quite a series of complaints had built up against Mr Shah. He added that not many drivers were seen by the Sub-Committee, but this was the second time that Mr Shah had been called to the Sub-Committee and had received a lot of complaints.

Mr Shah said he was interviewed in 2012 for the incident at the school. He said there had been no complaints for the previous three years. With regard to the incident at the station, Mr Shah said he was in the right, but that the other driver had been abusive to him so he had replied to him, the other drivers then complained.

Councillor Mrs Green stated that in a number of the incidents listed in the evidence, Mr Shah said that the other driver had been in the wrong place. She said that Mr Shah, as a taxi driver, with customers in his care, should take a step back and, even if it is his right of way, should slow down and let the other driver go to avoid an accident.

Mr Shah said he agreed and said that he came across two or three incidents every day and let them go. He said he worked seven days a week and had four children.

B Lisgarten asked Mr Shah to confirm whether the overtaking incidents had been in residential areas and on single lane roads. Mr Shah said it had not been residential, on Station Road, and that each side of the road was one lane.

Councillor G Sutton said that Mr Shah had last been seen by the Sub-Committee in June 2009, he had been suspended for eight weeks and given a verbal warning. It seemed that Mr Shah had continued to receive complaints as soon as he had left that meeting. He said he found it difficult that someone who relied on their licence would not take notice of the warning given.

Councillor Fantham said that in almost all of the incidents, Mr Shah had confirmed the aggression of his driving which was unacceptable.

The officers, Mr Shah and Mr Khan withdrew whilst the Sub-Committee considered the matter.

Resolved:

The Licensing and Health and Safety Enforcement Sub-Committee, had considered the oral and written evidence from the officers and the licence-holder, Mr Shah. The Sub-Committee reached the conclusion, unanimously, that Mr Shah poses a risk to the public and therefore is not a fit and proper person to hold a Hackney Drivers Licence.

The Committee feels the only option is to revoke Mr Shah's Hackney Carriage drivers' licence. The record of complaints presented to the Committee are of great concern particularly following the serious warning Mr Shah received from this Committee on 30th June, 2009. He does not appear to have learned from that experience but continues to be danger to the people of the Borough

The meeting finished at 8.40 pm