



Uttlesford District Council

Chief Executive: Dawn French

Licensing and Environmental Health

Date: Tuesday, 29 August 2017
Time: 10:00
Venue: Committee Room
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: Councillors R Chambers (Chairman), A Anjum, G Barker, J Davey, A Gerard, T Goddard, J Gordon, E Hicks, S Morris, G Sell

Substitutes: H Asker, J Freeman, R Freeman, D Jones, J Loughlin

AGENDA PART 1

Open to Public and Press

- 1 Apologies for absence and declarations of interest
- 2 Determination of a Private Hire-Hackney Carriage Drivers Licence - Item 2 5 - 14
- 3 Consideration of an item containing exempt information within the meaning of para 1 of schedule 12A of the Local Government Act 1972

PART 2 Exclusion of the Public and Press

- 4 Determination of a Private Hire-Hackney Carriage Drivers Licence - Item 4
- 5 Determination of a Private Hire-Hackney Carriage Drivers Licence - Item 5

- 6 Determination of a Private Hire-Hackney Carriage Drivers Licence -
Item 6
- 7 Determination of a Private Hire-Hackney Carriage Drivers Licence -
Item 7
- 8 Determination of a Private Hire-Hackney Carriage Drivers Licence -
Item 8
- 9 Determination of a Private Hire-Hackney Carriage Drivers Licence -
Item 9

For information about this meeting please contact Democratic Services

Telephone: 01799 510433, 510369 or 510548

Email: Committee@uttlesford.gov.uk

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Committee: Licensing and Environmental Health

Agenda Item

Date: 29 August 2017

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Title: **Determination of a Private Hire/Hackney Carriage Drivers Licence**

Author: Matthew Chamberlain, Enforcement Officer,
(01799 510326)

Item for decision:
yes

Summary

This report has been submitted for members to consider suspension or revocation of a joint private hire/hackney carriage driver's licence. The suspension or revocation of the drivers licence is in accordance with section 61(1)(a)(i) Local Government (Miscellaneous Provisions) Act 1976 under the heading "been convicted of an offence involving dishonesty, indecency or violence."

Recommendations

The committee to determine whether the individual should have their private hire/hackney carriage driver's licence revoked.

Financial Implications

None arising from this report

Background Papers

1. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - a. Uttlesford District Council licensing standards for drivers.
 - b. Email between 24x7 Limited and the Enforcement Officer dated 5-6 July 2017.
 - c. News article from Essex Live dated 28 June 2017.

Impact

Communication/Consultation	None.
Community Safety	The authority has a duty only to licence drivers who are considered to be fit and proper.
Equalities	None.
Health and Safety	None.
Human Rights/Legal	Under section 61 of the LG(MP)A district

Implications	<p>councils may suspend or revoke a drivers licence for:</p> <p>(a) That since the grant of the licence he has-</p> <p>(i) been convicted of an offence involving dishonesty, indecency or violence; or</p> <p>(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 the Act; or</p> <p>(b) any other reasonable cause.</p> <p>In the event of a licence being suspended or revoked a driver has the right of appeal to a Magistrates Court.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

1. Mr Jeffrey Bakewell of 94 Cedar Avenue, Wickford, Essex, SS12 9DX currently holds a joint private hire/hackney carriage driver's licence (PH/HC0441) which is due to expire on 31 December 2018. He received his current licence with this Authority on 01 January 2016. He has been licensed with this Authority since 07 January 2015.
2. Up until recently Mr Bakewell was driving for 24x7 Limited carrying out school contract work.
3. On 05 July 2017, the Enforcement Officer for the Council received an email from Mr Mahoney, Director of 24x7 Limited who notified the Officer that he had just found out that Mr Bakewell had been sentenced to five years imprisonment.
4. Mr Mahoney supplied a link to a report on the Essex Live website which explained the reasons for Mr Bakewell's imprisonment. It appears that Mr Bakewell had set himself up as a tax advisor and instructed a number of clients how to fraudulently claim £1.5 million in tax repayments. HMRC led the investigation and uncovered that Mr Bakewell managed to keep around £300,000 from his clients fake claims. Mr Bakewell did not register with HMRC as a legal tax agent nor did he complete due diligence checks on his clients or keep records as required by the money Laundering Regulations. Mr Bakewell was jailed for five years at Chelmsford Crown Court on 26 June after admitting tax fraud.

5. Mr Bakewell no longer meets the licensing standards for drivers (point 5), that reads 'No criminal convictions for an offence of dishonesty, indecency, or violence in respect of which a custodial sentence (including a suspended custodial sentence) was imposed.'
6. Therefore, as Mr Bakewell has been convicted on an offence of dishonesty and is currently serving a five year prison term then he no longer meets licensing standards for drivers and members may wish to consider revocation of his licence.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unsuitable person may be licensed to drive licensed vehicles.	1- Members have an awareness of what constitutes a fit and proper person.	4- Permitting unfit persons to drive a private hire/hackney carriage vehicle may put the public at risk.	Members consider whether the driver remains a fit and proper person as he has been convicted of an offence of dishonesty and is currently serving a prison sentence.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

APPENDIX A

LICENSING STANDARDS - DRIVERS

1. No more than 9 points endorsed on a driver's licence within the last 3 years.
2. No convictions or fixed penalty notices endorsed on a driver's licence within the last 3 years where 6 or more points have been endorsed in respect of a single offence.
3. Where a driver has been disqualified from driving for any reason a licence will not normally be granted for 3 years after the disqualification has expired or 12 months after the date the driver's licence is re-issued whichever is the later.
4. For the purposes of paragraph 3 above where a driver has accumulated 12 or more points in a 3 year period but has not been disqualified at the discretion of the court he or she will be deemed to have been disqualified at the date of the hearing when the magistrates exercised their discretion not to disqualify and the deemed disqualification shall be taken as having expired on that date.

And (save for limited licences as referred to in paragraph 2.5 of the policy):-

5. No criminal convictions for an offence of dishonesty, indecency or violence in respect of which a custodial sentence (including a suspended custodial sentence) was imposed.
6. No criminal convictions within the last 5 years for an offence of dishonesty, indecency or violence in respect of which a non-custodial sentence was imposed.
7. No other criminal convictions which are not deemed to be spent within the meaning of the Rehabilitation of Offenders Act 1974.
8. No conditional discharges for any offence within the last 12 months.
9. No official cautions (save for cautions administered by Uttlesford District Council) for any offences within the last 12 months.
10. No pending prosecutions for any criminal or motoring offence.
11. Not to have had a hackney carriage and/or private hire driver's licence revoked within the last 3 years.

12. To meet group 2 medical standards as published by the Department of Transport.
13. To have a reasonable command of the English language sufficient to enable the driver to perform the functions of a hackney carriage/private hire driver.

APPENDIX B

LICENSING STANDARDS - OPERATORS

1. No criminal convictions for an offence of dishonesty in respect of which a custodial sentence (including a suspended custodial sentence) was imposed.
2. No criminal convictions for an offence of dishonesty in respect of which a non-custodial sentence was imposed or convictions under Part II Local Government (Miscellaneous Provisions) Act 1976 within the last 5 years.
3. No other criminal convictions which are not deemed to be spent within the meaning of the Rehabilitation of Offenders Act 1974.
4. No pending prosecution for an offence of dishonesty (other than motoring offences not referred to in paragraph 5 below).
5. Not to have been convicted of or to have accepted a fixed penalty notice in respect of an offence of driving or using a motor vehicle without insurance in the last 3 years.
6. Not to have had a hackney carriage proprietor's licence or private hire operator's licence revoked within the last 3 years.

APPENDIX C

LICENSING STANDARDS - HACKNEY CARRIAGES

- 1 To be less than 12 years old.
- 2 To be safe comfortable and suitable in type size and design for use as a hackney carriage.

Matt New Chamberlain

From: [redacted]
Sent: 06 July 2017 10:53
To: Matthew Chamberlain
Subject: Re: RE:

Morning

No he still has it

Ashley Mahoney
24x7 group
07810 264455

On 6 Jul 2017, at 11:44, Matthew Chamberlain <mchamberlain@uttlesford.gov.uk> wrote:

Hi Ash

No we were not aware of this so thanks for bringing it to my attention.

We will need to take some action here! Do you have his licence then?

Kind regards

Matthew

Matthew Chamberlain
Enforcement Officer
Uttlesford District Council
Tel: 01799 510326
Email: mchamberlain@uttlesford.gov.uk

From: Ash [redacted]
Sent: 05 July 2017 13:49
To: Matthew Chamberlain
Subject:

Afternoon Matthew

The attached driver was yesterday sentenced to 5 years in prison not sure if you have been informed he had told us he was going to new Zealand!!!!

<http://www.essexlive.news/wickford-man-sentenced-to-five-years-behind-bars-for-tax-agent-scam-worth-over-1-5-million/story-30413640-detail/story.html>

Many Thanks,

Ash Mahoney
Operations Director

<image001.png><image002.gif><image003.gif><image004.jpg> <image005.jpg> <image006.jpg> <image007.jpg><image008.jpg>

www.centrealgarve.org | [YouTube](#) | **Charity Number 1136050**



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- Nostalgia (/nostalgia)
- E-Edition (<http://www.essexlive.news/e-edition.html>)

Wickford man sentenced to five years behind bars for tax agent scam worth over £1.5 million

By Tommy_Wathen (http://www.essexlive.news/people/Tommy_Wathen/profile.html) | Posted: June 28, 2017

COMMENTS 2 SHARES



He was sentenced to five years in jail at Chelmsford Crown Court

Comments (0)

An Essex tax adviser who instructed a number of clients how to fraudulently claim £1.5 million in tax repayments, has been sentenced to five years in prison.

Jeffrey Bakewell, 69 and from Cedar Avenue, Wickford (<http://essexlive.news/wickford>), set himself up as a self-appointed tax adviser and an investigation by Her Majesty's Revenue and Customs (HMRC) revealed how he managed to keep around £300,000 from his client's fake claims.

READ MORE: Basildon council chief warns Wickford site could become 'new Dale Farm' (<http://www.essexlive.news/basildon-council-chief-warns-of-new-dale-farm/story-30406229-detail/story.html>)

The majority of Bakewell's clients were mainly crane drivers, but also included builders and other construction workers, who made false claims for travel and subsistence payments that HMRC found had already been covered by the employer.

A total figure of £1,507,965 was paid to Bakewell between 2009 and 2015. He kept £301,987 and used it to fund his gambling habit whilst the rest went to his clients.

Bakewell did not register with HMRC as a legal tax agent, nor did he complete due diligence checks on



his clients or keep records required by the money Laundering Regulations.

Paul Barton, Assistant Director, Fraud Investigation Service (<http://essexlive.news/crime>), HMRC, said:
"Bakewell had no financial qualifications and set himself up solely to advise people on fraud.

"He charged for advice on how to steal money from our vital public services but his appalling conduct has now put him behind bars.

"We will not allow criminals to attack the tax system and cheat the honest majority.

"Anyone helping tax fraudsters can expect to end up in court.

"We ask anyone with information about suspected tax fraud to contact our Fraud Hotline on 0800 788 887."

READ MORE: Wickford police station to be put up for sale (<http://www.essexlive.news/wickford-police-station-to-be-put-up-for-sale/story-30393676-detail/story.html>)

Bakewell was jailed for five years at Chelmsford Crown Court on Monday (June 26) after admitting tax fraud.

Confiscation proceedings to help recover the money that Bakewell stole have now begun.

Money is being recovered from Bakewell's clients for the false repayments by civil means.

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FROM THE WEB

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Incredibly Brilliant Way To Check If You Had PPI

Money Tips Online

(http://digitalscallop.co.uk/?c=3802&a=929&s5=41b25c&s4=i__tg12345Jayne2__i.jpg&s1=TB_PPI_GENERIC_DESKTOP%202&s2=northcliffe-esssexchronicle&s3=Incredibly+Brilliant+Ways+To+Check+If+You+Had+PPI&s4=https%3A%2F%2Fconsole.brax-cdn.com%2Fcreatives%2Fba8a210e-6f13-4ff8-b459-cc60cd7ae469%2Fi__tg-12345-Jayne2__i_51d4a6865244952aec79db1b93ff9590.1200x800.png)

(http://insurance.expertsinmoney.com/brilliant-way-to-pay-off-your-funeral?cid=56449bc4ce49d&utm_source=taboola&utm_medium=northcliffe-esssexchronicle&utm_term=UK+Funeral+Directors+Are+Fuming+Because+People+Found+This+Out&utm_content=https%3A%2F%2Fconsole.brax-cdn.com%2Fcreatives%2F44dd7285-cd6a-4a0f-9085-8137587509a3%2FGrieving_old_lady_037ca0c9897aa744d1d6e950dccc11a4.600x500.png&utm_campaign=Funerals_UK_June2_TB_D)

cid=56449bc4ce49d&utm_source=taboola&utm_medium=northcliffe-

esssexchronicle&utm_term=UK+Funeral+Directors+Are+Fuming+Because+People+Found+This+Out&utm_content=https%3A%2F%2Fconsole.brax-cdn.com%2Fcreatives%2F44dd7285-cd6a-4a0f-9085-8137587509a3%

2FGrieving_old_lady_037ca0c9897aa744d1d6e950dccc11a4.600x500.png&utm_campaign=Funerals_UK_June2_TB_D)

UK Funeral Directors Are Fuming Because People Found This Out

Experts in Money

(http://insurance.expertsinmoney.com/brilliant-way-to-pay-off-your-funeral?cid=56449bc4ce49d&utm_source=taboola&utm_medium=northcliffe-esssexchronicle&utm_term=UK+Funeral+Directors+Are+Fuming+Because+People+Found+This+Out&utm_content=https%3A%2F%2Fconsole.brax-cdn.com%2Fcreatives%2F44dd7285-cd6a-4a0f-9085-8137587509a3%2FGrieving_old_lady_037ca0c9897aa744d1d6e950dccc11a4.600x500.png&utm_campaign=Funerals_UK_June2_TB_D)

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2FGrieving_old_lady_037ca0c9897aa744d1d6e950dccc11a4.600x500.png&utm_campaign=Funerals_UK_June2_TB_D)

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