

24 February 2014

Dear Councillor

LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE

An extraordinary meeting of the Licensing and Environmental Health Committee will be held in the Committee Room, Council Offices, London Road, Saffron Walden on Tuesday 4 March 2014 at 2.30pm.

Yours faithfully

JOHN MITCHELL

Chief Executive

**A G E N D A
PART I**

1	Apologies for absence and declarations of interest.	
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To: Councillors **D Perry** (Chairman), H Asker, **J Davey**, J Freeman, **E Hicks**, J Loughlin, M Lemon, D Morson, **V Ranger**, J Salmon and A Walters.

Only those councillors whose names are shown in bold are required to attend.

Lead Officer: Michael Perry (01799) 510416
Democratic Services Officer: Adam Rees (01799) 510548

MEETINGS AND THE PUBLIC

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website www.uttlesford.gov.uk.

Members of the public and representatives of parish and town councils are now permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting. An explanatory leaflet has been prepared which details the procedure and is available from the Council offices at Saffron Walden.

A different scheme is applicable to meetings of the Planning Committee and you should refer to the relevant information for further details.

Please note that meetings of working groups and task groups are not held in public and the access to information rules do not apply to these meetings.

The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

You are entitled to see any of the background papers that are listed at the end of each report.

If you want to inspect background papers or speak before a meeting please contact either Peter Snow on 01799 510430, Maggie Cox on 01799 510433 or Rebecca Dobson on 01799 510433, or by fax on 01799 510550.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

FACILITIES FOR PEOPLE WITH DISABILITIES

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate. If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact Peter Snow on 01799 510430 or email psnow@uttlesford.gov.uk as soon as possible prior to the meeting.

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- Do not stop to collect personal belongings.
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Committee: Licensing and Environmental Health

Agenda Item

Date: 4 March 2014

2

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

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

Item for decision:

Summary

This report has been submitted for members to consider revocation of a Private Hire/Hackney Carriage Drivers Licence in accordance with section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976 under the heading any other reasonable cause as he has been disqualified from driving.

Recommendations

The committee determine whether Mr Yardley should have his 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. Witness statement of Gordon Wallace dated 3 July 2013.
 - c. Transcript of Interview Under Caution dated 22 July 2013.

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 Implications	Under section 61 of the LG(MP)A district councils may suspend or revoke a drivers licence for:

	<p>(a) Having been convicted of one of a range of specified offences since the grant of the licence 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 Simon Yardley of 57 Birchwood, Birchanger, Bishops Stortford, Hertfordshire, CM23 5QL currently holds a Uttlesford District Council private hire/hackney carriage drivers licence and is currently employed by Elsenham Taxis. He first became a licensed driver with this Authority on 25 May 2012 and his current licence is due to expire on 30 June 2014.
2. On the renewal of Mr Yardley licence dated 7 June 2013 his DVLA counterpart licence shows that his counterpart driving licence was endorsed with nine penalty points on his licence. Three of the penalty points were for the use of a mobile phone whilst driving in June 2011. The other six penalty points were received for two separate occasions of speeding in March and May 2012.
3. On Monday 1 July 2013 Gordon Wallace, Enforcement Officer was at the junction of the High Street and George Street, Saffron Walden when he saw an Elsenham Taxis vehicle approach the junction and stop at the traffic lights which were red. Mr Wallace witnessed the driver using a mobile phone in his right hand. When the lights turned green the vehicle turned left into Abbey Lane and Mr Wallace noted the driver was still using the mobile phone. Mr Wallace noted the time as 13.28 hours by his watch. The vehicle that the driver was driving was hackney carriage 29.
4. Gordon Wallace contacted Andrew White the manager at Elsenham Taxis on 3 July 2013 who told him the driver of the vehicle at the time of the incident was Mr Yardley.
5. On 22 July 2013, Mr Yardley attended an Interview Under Caution (IUC) conducted by Matthew Chamberlain and Deborah Scales, Enforcement Officer. Mr White explained that Elsenham Taxis regularly pick up a customer from Benten and Co in Saffron Walden and conveys the passenger to Bishops Stortford four days a week at 13.20 hours. Mr Yardley does not normally carry out this journey but was covering the job on this day. Mr Yardley maintained at 13.28 hours he would have been in the Newport area as he picked the customer up at 13.20 hours and therefore did not admit the offence.

6. The Council decided to commence prosecution proceedings against Mr Yardley for the offence of using a hand held mobile telephone whilst driving a motor vehicle contrary to Regulation 110 Road Vehicles (Construction and Use) Regulations 1986/1078.
7. Mr Yardley appeared at Chelmsford Magistrates Court on Wednesday 12 February 2014 and although Mr Yardley pleaded not guilty the Magistrates found him guilty of the offence. Mr Yardley was disqualified from driving for 6 months under the totting up procedure and fined £125 for the offence and ordered to pay full costs of £900.11 and a victim surcharge of £20.
8. Mr Yardley does not meet our standards as he has been disqualified from driving. He will not meet our standards until 3 years after the disqualification expires or 12 months after the licence is re-issued whichever is later.
9. Paragraph 6.16 of the council's Licensing Policy Relating to the Hackney Carriage and Private Hire Trades provides that "where a matter has been dealt with through the criminal justice system it is the view of the council that a suspension of the licence would rarely be suitable. Any punishment which the offender deserved would have been imposed by the courts and a further punishment by way of suspension (which would cause loss of income) would be inappropriate. However, the Licensing & Environmental Health Committee should consider whether in the light of a conviction or a caution the driver or operator remains a fit and proper person to hold a licence. If the Committee is not satisfied that the driver or operator does remain a fit and proper person, then the licence should be revoked."
10. With regard to the offence Mr Yardley has been punished by the Magistrates Court. The issue for members to determine therefore is whether in the light of his conviction and his disqualification from driving, he remains a fit and proper person. If the committee are so satisfied then it should take no action with regard to the conviction. If the committee are not satisfied Mr Yardley is a fit and proper person the appropriate course of action is to revoke the licence in accordance with the policy.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unfit person is authorised to drive a private	1- Members have an awareness of	4- Permitting a person who does not meet	Members consider whether Mr Yardley remains a fit and

hire/hackney carriage vehicle in the district.	what constitutes a fit and proper person.	the licensing standards to drive a private hire/hackney carriage vehicle may put the public at risk.	proper person to retain his private hire/hackney carriage driver's licence now he has been disqualified from driving.
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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.
5. No criminal convictions which are not deemed to be spent within the meaning of the Rehabilitation of Offenders Act 1974.
6. No conditional discharges for any offence within the last 12 months.
7. No official cautions for any offences within the last 12 months.
8. No pending prosecutions for any criminal or motoring offence.
9. Not to have had a hackney carriage and/or private hire driver's licence revoked within the last 3 years.
10. To meet group 2 medical standards as published by the Department of Transport.

Signature.....

Date 3/7/13.....

This statement (consisting of one page 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.

I am employed by Uttlesford District Council (the Council) as an Enforcement Officer.

At 1328 hours on Monday 1 July 2013 I was standing on the pavement at the traffic light controlled junction of the High Street and George Street in Saffron Walden waiting to cross the road when I saw an Elsenham Cabs motor vehicle approach the junction. I could see that the driver was alone in the vehicle and was using a mobile phone held in his right hand. The driver did not appear to be wearing a seat belt. The vehicle had to stop as the traffic lights were at red. I then saw the lights change to green and watched the vehicle turn left into Abbey Lane. I could see that the left indicator was operating to show that the vehicle was turning left. I could see that the driver was still holding the mobile phone. I then was able to read the plate on the rear of the vehicle and I made a mental note that it was UDC plate number 29 displayed on a silver estate car.

I then crossed the road and walked along Abbey Lane and up Gibson Way when the same vehicle then passed me. There was a passenger in the vehicle and the driver was wearing his seat belt.

I would describe the driver as a white male, 40 – 50 years, bald with his glasses perched on his head. I observed the driver's profile from a distance of about fifteen metres in good daylight. I have not seen the driver before. I would not recognise him again.

I returned to the Council Offices and discussed the case with my colleague Matthew Chamberlain who suggested I seek advice from the Assistant Chief Executive – Legal. I mailed him and he advised me to contact the police. I replied to him to say that I have contacted the police before regarding a different incident but my complaint was not investigated. I should add that I am a retired police officer so I am aware of the evidence required to prove this offence.

I was then asked to invite the driver in to be seen by the Assistant Chief Executive.

On 3 July 2013 I spoke to Andy White at Elsenham Cabs who called me back and told me the driver was Simon Yardley who lives at 57 Birchwood, Birchanger, Bishops Stortford, Herts, CM23 5QL; the driver was with him in the office. I did not speak to driver but told Andy White that the allegation was regarding the use of a mobile phone and that he would be contacted to make an appointment to speak to the Assistant Chief Executive who then arrived to ask me what was happening with the investigation. I updated him. He then decided that the driver should be invited in for an interview to be conducted by other team members.

Signature.......... Witnessed By.....

Person Interviewed: **Simon Yardley**

* Before I start do you have a mobile phone with you?

Place of Interview: Council Offices Saffron Walden

Date of Interview: 22 July 2013

Time Commenced: 14:06

Time Concluded: 14:16

Duration of Interview: 10 minutes

Interviewing Officer(s): Matthew Chamberlain

Other Officer Present: Simon Yardley

Person Speaking TEXT

MC The time by my watch is now six minutes past two in the afternoon it is Monday the 22nd of July 2013 and we are in the council offices Saffron Walden my name is Matthew Chamberlain I am an enforcement officer with Uttlesford District Council the other person present in the room is

DS Deborah Scales I am also an enforcement officer for Uttlesford District Council

MC Can you please state for the benefit of the tape your full name

SY Simon John Yardley

MC And your current home address

SY 57 Birchwood Birchanger near Bishop's Stortford C M 23 5 Q L

MC And your date of birth

SY 8th of the 11th 71

MC Ok and your place of birth

SY The Old Herts and Essex Hospital Bishop's Stortford

MC That's fine thanks very much you have been asked to attend this interview today regarding a suspicion of an offence and that is of using a mobile phone whilst driving

SY Yeah



MC A motor vehicle as this is a formal interview I must caution you before proceeding you do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court anything you do say may be given in evidence do you understand that caution

SY I understand yeah

MC Yeah it's just a normal caution given by different agencies police and us included we have to explain your legal rights and they are you are not under arrest and are free to leave at any time you do not have to answer any of our questions you may seek legal advice if you wish to tell me I will stop the interview immediately you also have the right to another adult to be present however they are for moral support only and may not answer on your behalf a copy of the code of practice which are these books there in front of you is available for you to consult and it contains the rules under which these interviews are governed

SY OK

MC And a copy of this taped interview will be available for you to take away at the end should you so wish

SY Ok

MC I notice you haven't got a solicitor present are you happy for the interview to carry on

SY Fine yeah

MC You've got another adult can you please state for the tape your name and the relationship to the person being interviewed

AW Yeah my name is Andrew White I am the manager of Elsenham Taxis where Simon is employed

MC Thanks very much and just to let you know this interview has been prepared in accordance with the police and criminal evidence act 1984 and conducted in accordance with the code of practice which sets down guidelines safeguards and protection for members of the public so we've got all the introduction done

SY Ok

MC So obviously I wrote to you regarding a suspicion of an offence

SY Yes

MC Now one of the a council enforcement officer saw a person driving plate number 29 is that a vehicle you often drive

SY Err what was the registration

AW Registration of the

MC It is E F 12 F L O Silver Skoda Octavia

SY Yeah

MC Yeah that's the one you normally drive

SY Not normally no that was one I was driving I've got a different one now

MC Ok on Monday the 1st on the 1st of July at twenty past one in the afternoon was that were you driving at that time do you know

SY Twenty past one

MC Twenty eight past one

SY Yeah Twenty eight past one yeah I was driving that then

MC Ok and do you remember where you were driving it

SY Yeah I would have been probably much near enough in Newport then

MC OK

SY I picked up a lady we pick up from an accountancy at the bottom of the hill

MC OK

SY I can't remember what's the name

AW Benton

AW Mrs Stimpson she's one of our regular clients we pick her up four days a week very respectable lady that works for Benton and Co

MC OK and where would you have dropped her off

SY No I was picking em up from work and taking her back home to Bishop's Stortford

MC Right ok so would you have been in High Street Saffron Walden

SY Nope

MC No ok we have a witness statement here from as I say from a colleague

AW Sorry can I just say something there at that point

MC Yeah

AW We pick Mrs Stimpson up at twenty past one

MC Yeah

AW Monday Tuesday Wednesday and Thursday

MC Yeah

AW Ok we have spoken to Mrs Stimpson reference this

MC Yeah

AW And she was picked up on time at twenty past one

MC Right

AW She's prepared to stand here in front of you or whoever

MC Ok

AW And at twenty eight minutes past one

MC Yeah

AW Simon would have been somewhere towards Newport

MC OK

AW On his way back to Bishop's Stortford

MC Ok alright thank you obviously I have to ask you these question

SY No that's fine yeah yeah

MC Obviously at the traffic lights do you know the traffic lights in Saffron Walden going down the High Street

SY At the bottom of the High Street

MC OK the witness statement says that at the traffic lights the person was waiting to cross when he saw an Elsenham Cabs motor vehicle approach the junction he saw the driver was alone in the vehicle and was using a mobile phone held in his right hand the driver did not appear to be wearing his seat belt driving the vehicle had to stop at the traffic lights were red I'll read it to you first then you can comment on it I then saw the lights change to green and watched the vehicle turn left into Abbey Lane I could see that the left indicator was operating to show the vehicle was turning left I could see the driver was still holding his mobile phone I then was able to read the plate on the vehicle which was when he made a note that it was plate 29 of a silver estate car

SY Yeah

MC Then crossed the road and walked along Abbey Lane and up Gibson Way when the same vehicle then passed me there was a passenger in the vehicle and the driver was wearing his seat belt I would describe the driver as white male 40-50 years old broad with his glasses perched on his head I observed the driver's profile from distance of about 15 metres in good daylight I have not seen the driver before and would not recognise him again have you got any comments on that

SY Well I was wearing my seat belt because I always wear my seat belt

MC Right ok yeah

SY And like I say the time is just I wouldn't even of been in Saffron Walden at the time they're saying

MC Right ok

SY And plus the lady we do pick up she will not have anything she won't even let you pick your phone up cos she's just that's how she is that's how she is

AW She gets very annoyed if a driver answers the radio like when they're in the car

SY She's actually requested drivers not to be sent to her because they've played with the radio or answered their phone or whatever so

MC Ok so this Mrs Stimpson you're saying she's happy to give a witness statement

SY Yes she is more than happy yeah

MC Ok do you have her contact details at all

AW I've got her address but I've got her phone numbers in a book at work

MC Ok so you can supply it to us

AW Yes I can

MC After this interview

AW Yeah no problem whatsoever

MC Have you got any questions

DS Yeah you've just stated that the lady wouldn't allow you to pick up the telephone but the allegation states that you were alone in the vehicle at the time of being on the mobile phone

SY Yeah but the time it saying that I was still on the phone I was actually POB at the time

DS Right ok

SY So I wouldn't have been on my phone

DS Right

SY I wouldn't of been on it

DS OK can you sort of explain how come he's seen the vehicle twice he's explained what you look like and for the benefit of the tape you are actually wearing your glasses on your head at the moment as well

SY Yeah yeah

DS Is there any reason why he could have misconstrued who he saw

SY No no

DS Right

SY But it was me driving the vehicle yeah

DS Right

SY But what I'm saying is at the time he's saying I was I weren't even on my I wasn't even in Saffron Walden at the time he's stipulated that he's seen me or whoevers seen me

DS OK

SY It is physically impossible because she comes out bang on the dot or if twenty one minutes past and we're straight out of the yard and away

DS Mmm is using your mobile telephone something that you would do

SY I've got hands free yeah

DS So you wouldn't pick up the mobile telephone

SY No

DS And use the actual telephone

SY No or unless I was parked up yeah which is legally you're allowed to do

DS Right ok I don't have any more questions at the moment

MC No I don't think I have any more questions at the moment

AW Can I just on this point on this note

MC Yeah yeah

AW I'm a little bit concerned as to somebody has seen one of my drivers

MC Mmm

AW Allegedly on a phone my worrying point is that I yourself whoever could have it in for any driver in this county and go he was on the phone he was doing this he was doing that surely you need some form of evidence to say that one what my concern is that Simon could get suspended or whatever if it could go further and like everyone of my drivers ends up here at some point because of somebody's accusation I mean an example electronic cigarettes

MC Mmm

AW Totally legal and three of my drivers are actually trying to quit at the moment including myself got one in me pocket what happens if they've got one of these and seen this to be smoking how do we prove they weren't this is my worrying point

MC Right

DS I think we're digressing here

MC Yeah

AW I'm talking about people making accusations as to my drivers

MC This is an interview

AW Without proof

MC What I'm saying Mr White this is an interview under caution about Mr Yardley

AW Yeah I appreciate that

MC We can discuss this after the tape

AW Yes fine ok

MC What I'm going to say to you now is I haven't got any more questions have you got any more questions at this stage

DS No no

MC OK what I'm gonna do is I'll stop the interview at this stage

SY Yeah

MC I'm gonna obviously talk to you about Mrs Stimpson the time by my watch is now sixteen minutes past two in the afternoon and I am gonna stop.

INTERVIEW ENDS

Committee: Licensing and Environmental Health

Agenda Item

Date: 4 March 2014

3

Title: **Determination of a Private Hire Operators Licence**

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

Item for decision:

Summary

This report has been submitted for members to consider suspension or revocation of a Private Hire Operators Licence in accordance with section 62(1)(a) Local Government (Miscellaneous Provisions) Act 1976 under the heading “an offence under, or non-compliance with, the provisions of [Part II of the Act]” and/or under s.62(1)(b) “any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator’s licence” and/or under s.62(1)(d) “for any other reasonable cause”.

Recommendations

The committee determine whether the operator should have their private hire operator’s licence suspended or 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 Private Hire Operator Conditions.
 - b. Witness statement from Transport Monitoring Inspector.
 - c. Email between Murray Hardy and Car Service Travel Limited.
 - d. Transcript of IUC with Mr Alam dated 24 January 2014.
 - e. Transcript of IUC with Mr Lawson dated 29 January 2014.

Impact

Communication/Consultation	None.
Community Safety	The authority has a duty only to licence operators who are considered to be fit and proper.
Equalities	None.

Health and Safety	None.
Human Rights/Legal Implications	<p>Under section 62 of the LG(MP)A district councils may suspend or revoke an operators licence for</p> <p>(a) any offence under, or non-compliance with, the provisions of this Part of this Act;</p> <p>(b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;</p> <p>(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or</p> <p>(d) any other reasonable cause.</p> <p>In the event of a licence being suspended or revoked than an individual has the right of appeal to a Magistrates Court.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

1. Car Service Travel Limited is a private hire company which specialises in school contract work and their operating address is Unit 10 Heathview, Pond Lane, Hatfield Heath, Bishops Stortford, Hertfordshire, CM22 7AB. It was first granted a private hire operator licence by Uttlesford District Council on 15 December 2011 and its current licence is due to expire on 30 November 2014.
2. The Company has one current Director and James Lawson who is not a current Director has control of the day to day running of the business.
3. Car Service Travel Limited currently has 16 licensed vehicles and 15 licensed drivers with this Authority.
4. On 27 November 2013, a Transport Monitoring Inspector for Essex County Council carried out a stop check at Pinewood School in Ware to monitor an Essex County Council school contract. He stopped Uttlesford Private Hire vehicle 1063, a black Vauxhall Zafira registration number KN53 ZSE, which at the time was being driven by a driver who identified himself as Mohammed Alam. Mr Alam did not have a driver's badge with him but had an escort who identified herself and confirmed that she was employed by Car Service Travel Limited.

5. Subsequent checks of the licensing records show that Mr Alam was licensed with this Authority from 3 October 2008 until 5 October 2009 when it was cancelled as he did not renew it.
6. At 13.08 hours on 6 January 2014 two Enforcement Officers attended the operating address of the company in Hatfield Heath. There was no sign advertising Car Service Travel Limited at the address but just a sticker on the door which read 'no callers unless by appointment' and there were no licensed vehicles at the address. A lady came out of a neighbouring unit and explained that she has been there since the previous August but has never seen anyone visit the unit but understands it to be a taxi company.
7. On 7 January 2014 Murray Hardy the Licensing Officer received an application for a replacement vehicle from a company called RTA Chief Car Rentals on behalf of Car Service Travel for private hire vehicle 1063. Mr Hardy emailed Car Service Travel Limited that day to enquire whether the vehicle was involved in an accident and received a response the following day to confirm that the vehicle was involved in an accident. The email confirmed that the accident occurred on 5 December and the driver was Mr James Lawson and the vehicle was stationary at the time. Car Service Travel Limited have failed to submit an accident report form to the licensing department for the accident and only found out about this via a third party.
8. Members are reminded that it is the responsibility of a proprietor of a private hire vehicle to report "damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein." Failure to do this is an offence under section 50(3) Local Government (Miscellaneous Provisions) Act 1976. Car Service Travel Limited has clearly committed this offence.
9. Mr Alam attended the Council Offices on 24 January 2014 and for an Interview Under Caution (IUC) with an Enforcement Officer and the Enforcement Team Leader, and he explained to them that he is a licensed private hire driver with Harlow Council. He told the officers that he did drive the Uttlesford Licensed private hire vehicle on 27 November 2013 on behalf of Car Service Travel Limited. Mr Alam stated that the usual driver was unwell and Mr Ashman requested that he do the school run in both the morning and afternoon which he did and he claims he was paid £40 for the job.
10. On 29 January 2014 Mr Lawson attended an IUC conducted by an Enforcement Officer and the Enforcement Team Leader. The IUC started at 11.41 hours. Mr Lawson confirmed that Car Service Travel Limited had been running for 30 years first of all licensed with Epping Council before being licensed by Uttlesford District Council two years ago. He confirmed that he was a Director until last year and his daughter is the sole Director. He has managerial responsibility for the business and his daughter has given him permission to sign documents on behalf of the company. Mr Lawson confirmed that Car Service Travel Limited operate from Unit 10 Heathview, Pond Lane, Hatfield Heath and that the records of bookings are kept there. When asked why the Enforcement Officers were unable to gain access to the office he said it is not manned 24 hours a day seven days a week, but instead

for about one and a half hours three times a week. Mr Lawson confirmed that he knew Mr Alam and he had driven on one occasion for Car Service Travel Limited in an Uttlesford licensed private hire vehicle in November 2013. Mr Lawson told the officers that he was aware Mr Alam was not licensed by Uttlesford District Council and was only licensed by Harlow Council. Mr Lawson explained that the driver who usually drives this vehicle was not available so Mr Lawson asked could he do the job and when he confirmed that he was available Mr Lawson dropped the private hire vehicle off to him. Mr Lawson confirmed that Mr Alam did the school contract on both the morning and afternoon of 27 November 2013. It was queried with Mr Lawson whether the Director of the company was told Mr Alam would be doing the school run and he explained that he notified her between 1.30pm-2pm that day before the afternoon school run. Mr Lawson was also questioned regarding the failure to report the accident involving private hire vehicle 1063 on 5 December 2013. He said that the licensed vehicle was parked at the side of the road by the office compound after he had driven it there. A car then hit the licensed vehicle from the rear and according to Mr Lawson caused damage to the bumper and tow bar. He told the officers that it was his fault that the accident had not been reported but this was due to his heavy workload. He claimed that he did not know where to get an accident report form from. The IUC finished at 12.00 hours.

11. In the opinion of the Assistant Chief Executive Legal it is in the public interest to prosecute Car Service Travel Limited two offences under the Local Government (Miscellaneous Provisions) Act 1976. One is for the offence of operating a Private Hire Vehicle with an unlicensed driver which carries a maximum penalty of £1000 upon prosecution and the other of failing to notify the Council of an accident which also carries a maximum penalty of £1000. As the company has pending prosecutions against them then they fall below the Council's licensing standards for private hire operators.
12. The Council's Licensing Policy Relating to the Hackney Carriage and Private Hire Trades provides at paragraph 6.12 "With regard to operators the Council recognises that the suspension of an operator's licence, even for a short period of time, is likely to be disproportionate. It is also likely to impact upon innocent parties as the effect of a suspension of the operator's licence is to deprive the drivers working for that operator of an income for the period of the suspension. The Council's policy is therefore that where an operator has committed an offence a suspension should not be imposed and a prosecution should be brought even for a first offence." The prosecution authorised by the Assistant Chief Executive – Legal is consistent with this policy. It does however leave the question for members to determine as to whether the company remains fit and proper to hold an operator's licence.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unfit person is authorised to operate a private hire company in	1- Members have an awareness of what	4- Permitting unfit persons to operate a private hire	Members consider whether Car Service Travel Limited remains fit and proper

the district.	constitutes a fit and proper private hire operator.	company with unlicensed drivers may put the public at risk.	to retain their private hire operator's licence in the light of their pending prosecution.
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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 H

CONDITIONS OF LICENCE – PRIVATE HIRE OPERATORS

- 1 The operator shall keep a register of all private hire vehicles which the operator operates containing the following information:
 - a. The make and type of vehicle.
 - b. The vehicle registration number.
 - c. The name and address of the owner of the vehicle.
 - d. The private hire licence number.

- 2 The operator shall keep a record of every booking of a private hire vehicle invited or accepted on behalf of the operator including:
 - a. The time and date of the hiring.
 - b. The name of the hirer.
 - c. The name of the driver.
 - d. The start and end points of the journey.
 - e. The fare paid.
 - f. The private hire licence number of the vehicle.

- 3 The register and records referred to in paragraphs 1 and 2 above shall be kept in either paper format or electronically in a format which permits immediate inspection in response to a request made under section 56(3) Local Government (Miscellaneous Provisions) Act 1976 and in the case of records kept in an electronic format, must be capable of printed onto paper forthwith.

- 4 Records required by these conditions must be retained for at least one year.

- 5 Forthwith upon being requested to do so by any authorised officer of the council to provide a printed copy of any electronic records kept by the operator in accordance with these conditions.
- 6 The operator must notify the Assistant Chief Executive – Legal of the council in writing within 7 days of:
 - a. Any conviction, fixed penalty notice (save for in respect of civil parking fixed penalty notices which cannot result in the endorsement of points upon the driver's licence) or Police caution.
 - b. Any change of his or her residential address.
 - c. Any change of his or her business address.
 - d. Any additional addresses within or outside of the district from which the operator intends to carry on the business as a licensed private hire vehicle operator during the continuation of the licence.
- 7 The operator shall provide a prompt and efficient service to members of the public and in particular:
 - a. Ensure that unless delayed or prevented by some cause outside the control of the operator, vehicles attend appointments punctually.
 - b. Any premises to which the public has access for the purposes of booking or waiting are clean, adequately heated, adequately ventilated and well lit.
 - c. Ensure that any waiting area has adequate seating facilities.
- 8 The operator shall notify the Assistant Chief Executive – Legal of Uttlesford District Council of any complaints made against the operator or any driver used by the operator within two working days of receipt of the complaint.

Statement of Witness (S.9)

(Criminal Procedures Rules 2005, r27.1 (1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

Statement of:

Graham

Johnson

Age if under 18: Over 18

Occupation:

Transport

Monitoring

Inspector Essex

County Council

This statement (consisting of ... pages 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

My job role is Transport Monitoring Inspector for Essex County Council I have carried out this work for over five years.

My duties include inspecting and monitoring of Essex County Council Contracts at Local Schools.

On the 27th of November at 8:20 a.m. I checked our contract SS2331. This was at Pinewood School Hoe lane Ware SG12 9PB..

This was a Black Vauxhall Zafira with Uttlesford PH plates 1063 Expiry 31/07/14. It was driven by a driver who called himself Mohammed Alam and gave his date of birth as the 25/06/74 but he had no actual Uttlesford I.D.

The Passenger Assistant in the back seat of the Zafira did have Id and was Patricia Cook Essex ID 16771 Expiry 31/05/2015 employed in the name of Car Service Travel.

Date the

Day of

9th

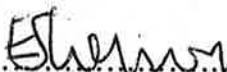
December

2013

Signature.....



Signature.....



Witnessed By.....



Matthew Chamberlain

From: Murray Hardy
Sent: 08 January 2014 09:40
To: Matthew Chamberlain
Subject: FW: RTA Chief Car Rentals

Matthew Still no accident report received. Breach of conditions eg 3day reporting regards Murray

From: Megan Ockenden [mailto:cst07@btconnect.com]
Sent: 08 January 2014 09:32
To: Murray Hardy
Subject: Re: RTA Chief Car Rentals

Morning

Date of accident 5th December, driver Mr J Lawson vehicle was stationary, vehicle black Zafira KN53ZSE

Kind Regards
Megan Ockenden
Car Service Travel Ltd
01279 731049
07803120136
cst07@btconnect.com

From: Murray Hardy
Sent: Tuesday, January 07, 2014 4:29 PM
To: Megan Ockenden
Subject: RTA Chief Car Rentals

Hi Megan I have been informed that the above are making an application on your behalf for a replacement vehicle the reason being that one of your vehicles has been involved in an RTA. I have no report from Car Service Travel that this is the case. Can you confirm if one of your vehicles was involved in an accident and who was the driver and what was the date of the accident regards Murray Hardy Licensing Officer



Person Interviewed: **Mohammed Soiful Alam**

* Before I start do you have a mobile phone with you?

Place of Interview: Council Offices Saffron Walden

Date of Interview: 24 January 2014

Time Commenced: 11:10

Time Concluded: 10:27

Duration of Interview: 17 minutes

Interviewing Officer(s): Matthew Chamberlain

Other Officer Present: Sonia Williams

Person Speaking	TEXT
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MC The time by my watch is now 11:10 hours it is Friday the 24th of January 2014 and we are in an interview room at the council offices Saffron Walden my name is Matthew Chamberlain I am the enforcement officer with Uttlesford district council the other person present in the room is

SW Sonia Williams I am the enforcement team leader for Uttlesford district council

MC Can you please state for the benefit of the tape your full name

MA Mr Mohammed Soiful Alam

MC Ok and just to spell can you spell the middle name please

MA Sorry

MC Spell the middle name

MA Soiful S O I F U L

SW Thank you

MC Thank you and your current home address

MA 18 Carters Mead

MC Yeah

MA It's in Harlow Essex

MC Thank you and your date of birth

MA 25th of June 1974

MC Thank you and your place of birth

MA It's in Bangladesh it's in Bangladesh

MC OK you have been asked to attend this interview today regarding a suspicion of an offence and that is of driving a private hire vehicle without a private hire drivers licence under the local government miscellaneous provisions act 1976 as this is a formal interview I must caution you before proceeding you do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court anything you do say may be given in evidence do you understand that caution

MA Yeah

MC We have to explain your legal rights and they are you are not under arrest and are free to leave at any time you do not have to answer any of our questions you may seek legal advice if you wish to tell me and I will stop the interview immediately you also have the right for another adult to be present however they are for morale support only and may not answer on your behalf a copy of the code of practice which are the books on the machine there is available for you to consult and it contains the rules under these interviews are governed and a copy of this taped interview will be available for you to take away at the end should you so wish I notice you haven't got any legal representation with you today are you happy for the interview to carry on

MA Yeah

MC And this interview has been prepared in accordance with the police and criminal evidence act 1984 and conducted in accordance with the code of practice which sets down guidelines safeguards and protection for members of the public and just like to say before we go any further this I'll draw your attention to the fact this interview is being audibly recorded with this equipment on the table here and you will see that by the red light

MA Yeah

MC Yeah can you please confirm also that prior to the interview starting you were shown sealed tapes by my colleague and these were opened in your presence

MA Yes

MC Ok thank you I've got a few questions for you have you ever been a licensed driver with Uttlesford district council

MA Uttlesford

MC Yeah

MA Yeah I was yeah

MC OK and when did you stop

MA It was I think back in 2007 that's my guess

MC Ok what reason did you stop driving with Uttlesford

MA I I didn't drive for Uttlesford at all I obtained a licence that was a different reason might have been work I couldn't get suitable work

MC Right

MA So the licence expired

MC OK

MA I didn't renew it

MC Ok so you didn't have any work

MA No yeah

MC For a licence ok what's your current job

MA I'm a cabbie at Harlow

MC And so your licensed by Harlow Council

MA Yeah

MC Ok and are you self employed are you employed by anyone

MA Self employed yeah

MC Ok and how long have you been licensed at Harlow

MA It's been since 2006 or 7 that's my guess again

MC Ok ok do you know a company called Car Service Travel

MA Yeah

MC OK how do you know them

MA Various way my cousin introduced him yeah

MC OK whose him

MA Jim yeah

MC Right ok and so so you got introduced to them

MA Yeah that's how I know him

MC OK

MA Yeah just take that off

MC Yeah no that's fine so you met him that way so what context do you know him is it just you met him or anything else

MA Well I was I was doing some school jobs as well from my office

MC Yeah

MA So I mean taking some schools to in Hoddesdon as well

MC Ok

MA He was there so obviously you see someone every day

MC OK

MA So you remember their faces and stuff and yeah

MC Ok do you hold a private hire licence

MA I do yeah

MC Or a hackney carriage licence

MA No private hire

MC Ok is it a joint licence so do you have a dual licence

MA What do you mean

MC I mean have you got your badge with you today

MA Yeah yeah

MC Can I have a look at it all

MA Yeah yeah

MC OK just for the tape Mr Alam is showing me his badge and that's private driver 123 ok that's fine thank you so you've got have you got your own private hire vehicle with Harlow

MA Yeah

MC Ok ok so have you ever done any work for Car Service Travel

MA Only once or twice

MC OK

MA Yeah that's with my car

MC Ok

MA But

MC In your car

MA Yeah

MC Ok do you know where their head office is

MA No

MC Car Service Travel so when you met I mean so who's the man you met

MA Jim

MC Jim do you know his surname

MA No

MC Ok where did you meet him

MA As I said my cousin introduced him

MC Yeah

MA You know so

MC Was that by phone or did you meet

MA Phone yeah phone yeah it was over the phone

MC Oh right ok do know Patricia Cook at all

MA No

MC Ok have you ever driven Uttlesford private hire vehicle 1063 or 10 63 which is a black Vauxhall Zafira registration

MA Yeah

MC number

MA Yeah I did

MC How many times have you driven that

MA Just the one day when my car was broken

MC Ok you say it was broken in what way was it broken and when was that

MA Just on that particular day you know

MC On that particular day

MA Yeah

MC So what were you you were doing that I mean were you driving who was there anybody else in the vehicle

MA Yeah there was a lady from Harlow

MC OK

MA You know I needed to pick up

MC Yeah

MA And go to Stevenage

MC Ok

MA Just doing one job that he asked for to do that and I didn't have my car so yeah I'm free I'll do that

MC Was she an adult or was she

MA She was an adult yeah

MC Ok so you remember being do you remember being stopped on the 27th of November 2013

MA I can't I don't know the date but I knew that I was inspected by an officer and I couldn't show my badge because my badge was in my other car

MC Ok ok so you said you'd been stopped and we've got a witness statement from a transport monitoring inspector at Essex County Council and what they do is they carry out inspections of school contract work

MA Yeah

MC Ok so people doing school contracts and they go onto say my duties include inspecting and monitoring of Essex County Council contracts at local schools

MA Yeah

MC OK and on the 27th of November at 8.20 am I checked on contract SS2331 this was at Pinewood School Hay Lane Ware SG12 9PB this was a black Vauxhall Zafira with Uttlesford private hire plates 1063 expiry 31st of the 7th 2014 it was driven by a driver who called himself Mohammed Alam and gave his date of birth as the 25th of the 6th 1974 but he had no actual Uttlesford ID the passenger assistant in the back seat of the Zafira did have ID and was Patricia Cook Essex ID 16771 expiry 31st of the 5th 2015 employed in the name of Car Service Travel you don't remember this incident

MA I do yeah

MC You do

MA Yeah that's the one I was talking about yeah

MC Right but you just said you were transporting an adult this is a school contract

MA Yeah but I mean sorry I don't the lady was as you can say a a minder

MC Right

MA For a child

MC OK you were carrying children as well then

MA Yeah well we dropped it off

MC OK so where were you going to and from again sorry

MA From Stevenage to the Hay Lane School

MC OK so the school what's the name of the school again

MA ??? Hall

MC Right

MA No sorry no no no that's not Hale ?? Hall what's the school sorry it's just the other side of the roundabout just just it's going around in my

MC OK and what town was that in again

MA In the morning-ish about between quarter past eight and eight thirty

MC OK and what town

MA Sorry what town it comes under it's not Hoddesdon Ware definitely

MC Right ok this is priorwoods school in Ware you were stopped there so you remember being stopped and you remember obviously driving a an escort if you like

MA Yeah

MC So you were doing obviously a school contract here who asked you to do that school contract

MA Jim

MC Jim from Car Service Travel is that

MA Yeah yeah

MC Ok and this was the morning did he ask you to do it the afternoon return trip as well

MA Yeah I done the same

MC So you did two

MA In the same day yeah

MC So what I don't understand though is why he's asked you to do that job on this one day

MA It was because one of his drivers was sick

MC Right but you just told me you were driving this vehicle because your car was broken down

MA Yeah I was my ??????????? was off work so he just phoned around obviously and found me off work and wasn't doing anything so he just asked me if I can do the job for the day

MC OK are you aware of the legislation surrounding private hire vehicle driving

MA Not a lot probably

MC OK what vehicle are you driving now obviously you said your one is broken

MA Yeah

MC Is it repaired now or

MA Yeah well I've hired another one

MC You've hired another one

MA Yeah

MC OK and what's the registration number of that do you know

MA I don't know

MC Do you know what make and model it is

MA It's a Ford Ford Focus

MC Ford Focus ok and is that Harlow licensed or is it

MA Harlow licensed yeah

MC Harlow licenced ok what I am getting at though is to do a job like this you need all three licences in the same thing you're not licensed to drive an Uttlesford licence vehicle are you

MA Are you asking me if you are badged you can drive

MC Right

MA So yeah

MC But he's asked you that

MA Yeah

MC But obviously you're not licensed to drive this vehicle you're only licensed to drive Harlow licensed vehicles aren't you are you aware of that

MA Yeah

MC You are aware of that or you're saying now you're aware of it

MA I know with my badge I can drive Harlow

MC Ok

MA Definitely but I wasn't sure whether I cannot drive Uttlesford

MC Ok did you check with that before

MA I did ask

MC Who did you ask

MA Jim

MC Jim

MA Yeah

MC Ok did you check with Uttlesford district council

MA I did not no

MC OK how come you've never applied for a licence with Uttlesford district council since to carry on this job on this particular day or at other times

MA As I said I mean when I ask at you know if I'm badged within Essex County Council I can drive so but that's why I did otherwise obviously no and I

MC Were Essex County Council aware you were doing school contract work

MA Sorry say it again

MC Were Essex County Council aware you were doing school contract work

MA I think so I mean that's why as long as you are within your badge from the Essex County Council you can do this job so

MC Ok so you said there was a problem with your other vehicle what was the problem with it at all

MA I can't remember but it was for a couple of days it was in the garage so

MC Was it involved in an accident or was it broken down or

MA It's just normal procedure takes a few hours to repair it I can ??? but it was with the garage with the man who repair it

MC And what garage well was this reported to Harlow Council licensing's department

MA No you don't have to

MC No ok I'm not sure on your licence over there

MA No

MC Obviously there's a problem with the vehicle

MA No I was I mean I wasn't on that day I was off work I mean I know I can't use this car for my Harlow work I know that

MC OK

MA But I was in I did ask him then you know if my badge ??? work with this car he said yes and that's why I only work one afternoon

MC OK

MA I mean I've been driving for seven years I never you know had any ?? but I wasn't aware of this particular thing

MC OK so you so this took place on the 27th of November

MA Yeah

MC When did he ask you to do this

MA The night before just

MC The night before

MA Yeah just text me and said can you do it

MC He text you ok do you have any questions at this point Mrs Williams

SW I only have one this person you keep referring to as Jim do you know what his surname name is

MA I wish I know because I didn't know that you know I didn't know I needed to know that's why I never asked I've met him I know him you know his name Jim that's it so

SW Ok do you know what his position is within the company

MA He said he's a school contractor so

SW So you don't know if he's a manager or just another driver

MA He drives but

SW Right

MA But

SW Ok alright thanks

MC OK could you describe what this Jim looks like at all

MA Yeah big bloke

MC Yeah dark hair light hair glasses no glasses

MA He's got glasses yeah

MC Ok light skin dark skinned or a general description

MA White

MC Ok ok did and when you did this job were you paid first at all by this Jim

MA Yeah did pay yeah

MC Ok was that by cash by cheque by bank transfer

MA Yeah cash

MC Cash ok ok how much would he have paid you for that

MA I think about forty pound or something yeah

MC OK that's fine ok so just to recap you did your vehicle you had problems with it you weren't working that day this Jim text you asked you to do this job and you did it

MA Yeah

MC And in the morning and in the afternoon

MA That's right yeah

MC Ok I don't have any further questions for you do you have anything further you wish to ask or say or

MA No just say why what been through that's it

MC Ok

MA Straightforward

MC Ok obviously I've got to report back to my manager for this because it is I've got to report you for the offence

MA Sorry just a question

MC Yeah sure

MA Yeah it seems

MC Watch the microphone sorry

MA Are you saying that you know I mean I'm not allowed to drive Uttlesford ??? car at all

MC What an Uttlesford vehicle

MA Yeah that one I'd driven

MC Yeah

MA I can't

MC No

MA Right

MC You haven't got a licence to drive one

MA Right ok

SW Can I just just before you finish can I just ask you when you picked up the Zafira where did you collect it from

MA He dropped it off

SW He dropped the car off at your house

MA Yeah yeah

SW Right ok have you ever been round to the offices of

MA I don't know if he's running from home or I know you know I know his home address

SW Right ok and you don't know where that is

MA I don't know where his office you know probably I presume he rung from home probably but I heard he's got a garage or something which is ??? because he's just

SW Right do you know how many cars he runs

MA No I don't have any clue

SW No ok alright thanks that's thank you

MC So obviously I will report back to my manager for this and I'll tell you what will happen we can either take no further action we can offer you a council caution for the offence or there's a potential for a prosecution for the offence ok now how would you like to be notified next by phone by email by letter

MA You can email me yeah

MC Yeah what's your email address

MA Didn't write it down

MC It's m s Alam all in one 1 8 7

SW 1 8 7

MA Yeah

SW Yeah

MA At gmail dot com

SW Thank you ok thanks

MC Lovely if you've got nothing further to add I'm gonna stop the interview now and the time by my watch is 10:27 hours.

INTERVIEW ENDS

Person Interviewed: **James Lawson**

* Before I start do you have a mobile phone with you?

Place of Interview: Council Offices Saffron Walden

Date of Interview: 29 January 2014

Time Commenced: 11:41

Time Concluded: 12:00

Duration of Interview: 19 minutes

Interviewing Officer(s): Matthew Chamberlain

Other Officer Present: Sonia Williams

Person TEXT
Speaking

MC The time by my watch is now 11:41 hours it is Wednesday the 29th of January 2014 and we are in an interview room in the council offices in Saffron Walden my name is Matthew Chamberlain I am an enforcement officer with Uttlesford district council the other person present in the room is

SW Sonia Williams and I am the enforcement team leader for Uttlesford district council

MC Can you please state for the benefit of the tape your full name

JL James Lawson

MC And your current home address

JL 116 Sheering Lower Road Sawbridgeworth Herts Charlie Mike 21 9 Lima Hotel

MC Thank you very much and your date of birth

JL 9 11 60

MC And your place of birth

JL Harlow



MC Thank you you've been asked to attend this interview today regarding a suspicion of two offences that is of using an unlicensed driver to drive a private hire vehicle and failing to notify the council within 72 hours of an accident taking place as this is a formal interview I must caution you before proceeding you do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court anything you do say may be given in evidence we have to explain your legal rights and they are you are not under arrest and are free to leave at any time you do not have to answer any of questions you may seek legal advice if you wish to tell me and I will stop the interview immediately you also have the right for another adult to be present however they are morale support only and may not answer on your behalf a copy of the code of practice which are the books on the machine there is available for you to consult and it contains the rules under which these interviews are governed and a copy of this taped interview will be available for you to take away at the end should you so wish I notice you haven't got any legal representation with you today are you happy for the interview to carry on

JL Yes

MC And this interview has been prepared in accordance with the police and criminal evidence act 1984 and conducted in accordance with the code of practice which sets down guidelines safeguards and protection for members of the public I'd like to draw your attention to the fact this interview is being audibly recorded with equipment on the tape and you can see this is done by the red light showing on the machine could you just confirm this

JL Yes

MC And can you also confirm that prior to the commencement of the interview you were shown sealed tapes which were opened in your presence

JL Yes

MC Thank you right I've got some questions for you today regarding these issues first of all are you known as Jim

JL Yes

MC Ok how long has Car Service Travel Limited been a private hire operator

JL Thirty years now

MC Thirty years and with this authority it's been

JL Two years

MC Two years and before that

JL Epping

MC Epping and why did you go from Epping to here

JL What to their office

MC Yeah

JL To get everything out the house the office is only two miles up the road from my home so it was the ideal place

MC Ok and what is your role at the company

JL Manager

MC Ok to your knowledge whose the director of the company

JL Sorry

MC To your knowledge who is the director of the company

JL My daughter Claire

MC Ok is there any other directors

JL No

MC Why did you resign your directorship

JL Personal reasons

MC Ok why did you if you resigned that obviously we've got the renewal licence for the operators

JL Yes

MC On December dated December the 12th

JL Yes

MC 13 sorry how come you signed that then the operator's licence

JL Well I just signed the paperwork because I'm the manager

MC So you've been given permission and and authority by

JL Yes yes

MC And your daughter

JL Yes yes

MC To do that and her name is is that Claire Lawson is that right

JL Yes

MC Ok ok and are Car Service Travel Limited familiar with their private hire conditions of licence

JL Yes

MC Ok where are you running the business from

JL 10 Heath View Pond Lane Hatfield Heath Bishop's Stortford Charlie Mike 22 7 Alfa Roma

MC And that's your operating address

JL Yes

MC OK what's your understanding of an operator's address

JL What do you mean understanding

MC Well

JL That's the office that's where the office is run from

MC OK

JL Where all the records are kept

MC OK so you where the bookings occur I visited the offices on the 6th of January 2014

JL Yes

MC I'm in the morning

JL Yeah

MC I'll tell you what time it was it was 13:08 hours how come the offices were shut I wasn't able to gain access

JL Well it's my office space we open 24 hours a day seven days a week

MC Well you've confirmed that you are aware of your conditions of licence and it says the register and records referred to in paragraph one and two above shall be kept in either paper format or electronically which permits immediate inspection in response to requests made under Section 56 3 local government act 76 and all records kept in an electronic format must be capable of being printed onto paper forthwith

JL Yes

MC So yes if I'm an authorised officer under that act and if I want to gain access it should be available for me to inspect so I'll ask again why they weren't open

JL Because we weren't there

MC Right where were you is there no office presence during the day I understand you may not be aware of another time

JL Yeah the office there is three days a week we're there for about an hour an hour and a half a day

MC Right

JL It could be in the morning it could be in the afternoon it could be in the evening

MC Right ok do you did your company well does Car Service Travel operate private hire vehicle 1063

JL Yes

MC OK do you know a Mr Mohammed

JL Yes

MC Soiful Alam

JL Yes

MC How do you know him

JL I know his cousin just know the family for quite a few years him I've known about a couple of months

MC OK and how did you meet him

JL Just from around playing football stuff like that

MC Ok

JL Met him through his cousin Jamal

MC Ok and does he work for you at all

JL No

MC Ok has he ever driven for you

JL Yes once

MC Ok when was that

JL November November time

MC Ok and did he drive a UDC licenced vehicle

JL Yes

MC Why did he drive that

JL Driver that normally drives that vehicle had a TIA that night so I was a driver down so I just asked Mohammed could he just drive this vehicle and get the children to school

MC Ok

JL Job done

MC So did you take the vehicle to him did he pick up from you

JL I took the vehicle to him

MC So how come you couldn't do the job

JL Because I had another one to do

MC You had a school run as well

JL Yes

MC Ok are you aware if he is the licensed driver

JL Yes he licensed to Harlow

MC Ok has he got an Uttlesford licence

JL No

MC So if you're aware that he didn't have an Uttlesford licence why were you letting him drive an Uttlesford licensed

JL Because I was stuck to get the children into school and as long as the vehicle is licensed and the driver is licensed for Essex County Council and they got trackable records I know it's against your rules but I had to get that contract covered

MC Well it's not against our rules it's an offence under the legislation

JL Right

MC Ok it's an offence under section 46 so ok and that was on the 27th of November so you used him in the morning and afternoon

JL Yes

MC Ok did you make any contact to find a UDC licensed vehicle driver through any other company

JL Yeah I phoned twenty four seven cos they normally have an abundance of people but they didn't come back to me

MC Do you remember who you spoke to at Twenty Four Seven

JL No

MC Ok

JL I just phoned up the number and asked to speak to someone if they've got any spare drivers that I could use for the day but

MC Ok

JL No one came back to me and I was stuck then I was at the limit that I had to get this run done

MC Ok ok do you have any questions at this point Mrs Williams

SW No I don't thank you

MC Ok on the issue of the accident do you drive so you've obviously said you drive some of the vehicles

JL Yes

MC Whose Megan Ockenden and what's her role at the company

JL Megan Ockenden is my partner and she's also the manager she does all the paperwork invoicing any emails going backwards or forwards to licensing

MC Ok so your company is aware of the process for reporting vehicles that have been involved in an accident

JL Yes

MC Ok so I understand that particular vehicle private hire vehicle 1063 which is a Zafira was involved in an incident on the 5th of December 2013

JL Yes

MC Can you confirm who was driving the vehicle

JL It wasn't being driven it was parked up at the side of the road by the office in the compound

MC So it wasn't you driving

JL Well I drove the vehicle to the office

MC Yeah

JL But the vehicle wasn't being driven

MC OK and so what exactly happened

JL: A vehicle went into the back of it

MC Ok was did that person stop or

JL Yeah they stopped and swapped details and everything

MC Ok what was the damage to the vehicle how severe was it

JL Rear bumper that was it

MC Rear bumper ok broken lights anything like that

JL No

MC No ok

JL Tow bar took the impact of it so it just the way he hit it at an angle just greased the bumper

MC Ok

JL Hit the tow bar but no broken lights no windows gone nothing

MC And who are RTA Car Rentals

JL Who

MC RTA Car Rentals

JL RTA unless that's the hire company that ?? the vehicle in while another one went in for repair

MC Right ok we received information our licensing team did on the 7th of January licensing team emailed Miss Ockenden to make that RTA Chief Car Rentals had made an application on your behalf for a replacement vehicle

JL that's rightyes

MC For the reason being it had been involved in an RTA

JL Yes

MC They've had no report incident from yourselves

JL No it was probably my fault because trying to get it all sorted out still running the contracts just completely forgot all about it just slipped my mind I was more interested trying to get the vehicle sorted out

MC Ok so

JL It's not deliberate it was you know it just slipped my mind we're all human I mean we all make mistakes

MC Ok

JL You know

MC Ok but this was happened on the 5th of December

JL Yes

MC Now licensing chased you up on the 7th of January now Megan Ockenden did get back to them on the 8th of January

JL Only because I told because I told her to email

MC OK and it said the date was the accident there's an email here to confirm it was the 5th of December

JL That's right

MC The driver was Mr Lawson the vehicle was stationery and it's the black Zafira

JL Yes

MC From my understanding talking to licensing today we still haven't received an accident report form why not

JL Well where do we get the accident report form from we sent an email over saying what had happened

MC Right but the legislation says must be within 72 hours

JL Right well as I said

MC Ok

JL Trying to sort all that out

MC this is

JL Get the vehicle repaired and the insurance details sorted out

MC This is over two months on coming up three months on and a we had to chase you and we were only notified through a third party

JL Yes

MC and b we've still had no accident report form now you can get one off licensing you've told me that you are having the business for 30 years I would expect a company with this experience to know this

JL Yeah we don't have many accidents very rarely do we have accidents this was the first accident this was the first one in bloody hell god knows quite a few years

MC Right ok but are you aware that you should be reporting these accidents

JL Yeah we're aware yeah I'm to blame and I apologise for it so it's my stupidity

MC Ok and do you have questions at this point

SW Just one or two getting back to the the issue with using Mr Alam as a driver at the time was Miss Lawson aware that as a director that you were struggling to find someone to

JL No not at the time no she wasn't I made her aware once I I saw her in the afternoon she wasn't happy but she was more glad that the contract did run and the children got to school

SW Right ok what level of involvement does she have in the company as a director does she actually work for the company on a daily basis

JL She does she works about three hours a day for the business

SW Right

JL And she does her other job in the afternoons

SW Ok and going onto the accident that had happened was she aware of the accident at the time or

JL Yes

SW And did she say anything about having to get the accident details reported through to the council

JL No she didn't

SW No ok and why was that was that because you think maybe she was unaware or did she leave it to you as a manager to deal with the day to day running

JL Leave leave it to me as a manager for the day to day running

SW Right

JL Yeah yeah that's all I can answer is

SW Ok I understand thank you that's all that I've got to ask Matthew thank you

MC What I'll do is I'll just read for your benefit is the witness statement from the school inspector that stopped the vehicle and it says his job role is transport monitoring inspector for Essex county council and he's carried out this job for over five years his duties include inspecting and monitoring of Essex county council contracts for local schools on the 27th of November at 8.20 am I checked our school contract SS2331 this was at Pinewood School Hoe Lane Ware there was a black Vauxhall Zafira with Uttlesford PH plates 1063 it was driven by a driver who called himself Mohammed Alam and gave his birth date of birth as 25th of June 1974 but had no actual ID the passenger assistant in the back seat of the Zafira did have ID and was Patricia Cook and she was employed in the name of Car Service Travel now you said obviously you tried to you tried to you were fulfilling your contract had you notified

Essex county council that you had been doing this using an unlicensed driver

JL No

MC Ok and you said you notified Miss Lawson in the afternoon when in the afternoon did you notify her

JL About half past one quarter to two two o'clockish timeish

MC So she would have been aware that the contract that Mr Alam was gonna do the job in the afternoon

JL Yes

MC And she obviously committed that as well

JL She wasn't happy but ?????? contract covered and get the children home

MC OK and was Mr Alam paid for this work at all

JL No

MC He wasn't

JL No

MC Ok is there any reason why he would tell us he was paid

JL He was paid

MC Yeah

JL No I haven't paid him

MC Has the company paid him to your knowledge

JL No

MC Ok ok do you have any more questions at this point

SW I don't thank you

MC Ok I don't have any more questions at this point what I'll do Mr Lawson is explain what will happen next obviously there's there's two possible issues here and I've got to speak to our legal officer to deal with it now it could be we've got a licensing policy that you were consulted on last year as being implemented regarding the private hire and hackney carriage trade and it says when an offence is carried out normally a

sanction is imposed and that will be either issuing a council issued caution or a prosecution for the offence obviously I can notify you how would be the best way to contact you to notify you

JL By email or by phone

MC I don't have your phone number is it possible I can just take your phone number

JL Yeah it's 0 7 8 0 3

MC Yeah

JL 1 2 0

MC Yeah

JL 1 3 5

MC And your email address is

JL It's all lower case it's c s t

MC Yeah

JL 07

MC Yeah

JL At bt connect dot com

MC Ok ok so obviously yeah as I say caution or prosecution obviously that it would mean that if you receive one of those it's more than likely an appearance in front of the committee

JL Yes

MC Licensing Committee would happen for them to determine whether your licence should be retained or not ok have you got anything further you want to add or say at this point

JL No what do you mean licence operator's licence or driver's licence

MC Driver's operator's licence definitely

JL What to take away

MC Well to review

JL Yeah

MC Whether to suspend or revoke possibly you're your driver's licence if you commit the offence of a breach of condition regarding the accident because I'm not sure if you've committed previous breaches before

JL Yeah I have done December

MC Ok

JL I had points put on my licence for speeding

MC Ok ok so yeah it could be a review of that licence as well so have you got any other questions or comments you wanted to

JL No not really no

MC Did you want to take a copy of the tape with you at the end

JL Yes please yes

MC Yeah ok the time by my watch is now 12:00 hours I'm going to stop the tape.

INTERVIEW ENDS