

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
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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