

Person Interviewed: Pauline Excell

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

Place of Interview: Council offices London Road Saffron Walden

Date of Interview: 5 November 2013

Time Commenced: 12:10

Time Concluded: 12:30

Duration of Interview: 20 minutes

Interviewing Officer(s): Matthew Chamberlain

Other Officer Present: Deborah Scales

Person Speaking TEXT

MC The time by my watch is now twelve ten hours and it is Tuesday the 5th of November 2013 and we are in an interview room 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 My name is 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

PE Pauline Ann Excell

MC And your current home address

PW Three Church Houses Chelmsford Road Great Waltham Chelmsford C M 3 1 A P

MC And your date of birth

PE Thirteenth of the third Forty Three

MC And your place of birth

PE London

MC You've been asked to attend this interview today regarding suspicion of an offence and that is of failing to display a valid private hire vehicle plate when driving a private hire vehicle as this is a formal interview you 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

(d)

rely on in court anything you do say may be given in evidence do you understand that caution

PE Mmm

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 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 I know you've got someone with you I will ask them to identify themselves in a minute a copy of the code of practice is available for you to consult and that's on top of the machine there and it contains the rules under which these interview governed a copy of this taped interview will be available for you to take away at the end should you so wish do you understand those legal points

PE Mmm

MC I notice you haven't got any legal representation are you happy for the interview to carry on

PE Yeah

MC And for the tape could you please state your name and relationship to the person being interviewed

DE Dave Excell husband of Pauline Excell

MC Thank you 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 I'd just like to draw your attention to the fact this interview is being audioably recorded and this is shown by the machine with the red light on there can you just confirm that

PE Mmm

MC And could you also confirm prior to this interview you were shown sealed tapes which we opened in your presence

PE Mmm

MC OK thank you

DS Sorry could I just ask that when you reply that you actually say

PE Say yes yeah

DS Yes

PE OK

MC Right ok so on the 4th of well the council received the information on the 4th of October this year from Essex County Council they were carrying out a stop check it was Mildmay School

PE Mildmay

MC Mildmay School what can you remember about that bit just check

PE Well the chap comes round as he normally does

MC Yeah

PE And checks that you've got your ID with you and your number as long as you know your number

MC Mmm

PE And then he went and checked the plate at the back

MC Ok ok and were you so you were carrying out a school contract

PE Yes

MC And did you have any children on board at the time

PE No

MC OK you were on your way to pick up children

PE No I'd had I yeah I was on my way to pick up yeah

MC Ok

PE Yeah yeah

MC And it was private hire vehicle 818 so he obviously the plate on the vehicle is shown as expired on the 31st of August 2013 which is just over a month earlier how come

PE Yeah I didn't know that we were I didn't to be quite honest we've only had the licence on the back

MC Mmm

PE Last year and this year so I just assumed that the licence was there all the time I didn't even know there was a date on it to be quite honest

MC Right

PE I picked my car up on the 2nd of September now I assumed that everything was up to date when I picked my car up

MC OK

PE I checked I always check the the tax disc

MC Yeah

PE But I mean I never even knew that I was responsible for the

MC Ok

PE Licence plate to be quite honest

MC So this is so this is your vehicle isn't it

PE Oh yes yeah

MC And you would take this home

PE Yeah I always use the same one yeah

MC OK why do you think we have a plate on the vehicle

PE Well to say that we are a taxi

MC Yeah any other reason you can think of

PE To make it legal in some way obviously

MC Yeah easily identifiable with people wanting to say that obviously it was

PE That we are a taxi

MC Up to standards ok so you obviously say you checked the vehicle

PE Well I mean I just looked at it just make sure the tax wasn't out of date because I have had it where the tax is gone out and I have had to ring the office and say is my taxi disc there

MC Ok how so how long have you been driving for the company

PE About I think it was four years three years four years I'm not really sure actually

MC Ok

PE Three or four years anyway but it's only this last two years that we've had the taxi plate on the back or I have some of them have them on because they were I don't know why they have them on but I didn't until last year

MC And you have been driving the same vehicle have you all that time

PE Mmm yeah sorry

MC On school contracts or

PE Yes

MC Right ok so you've been driving it for five years

PE No not five years

MC Sorry

PE Three or four years I'm not really sure

MC Three or four years and only the last year or two you've had a plate on vehicle

PE Yeah

MC Right do you know if the vehicle was licensed before that

PE I assume so

MC Right ok do you have any questions at this point

DS If I can take you back to when you were stopped by the inspector

PE Mmm

DS You said he went and checked the plate

PE Well he checks me badge and the number and what have you and then he walked round the back and checked the plate yeah

DS So what happened then

PE He said ooh another one he said and yours is six weeks out of date and I said what and he said well you're out of date with your licence he said he over there he said he was out of date and I don't know whether he said there was somebody else out of date as well it certainly wasn't Jill because Jill came afterwards no that's all I can't remember really I mean I never took a lot of notice of the conversation obviously I went straight into the office and got the licence changed

DS So when you

PE Because I said I said I said to him oh I didn't know well I said oh well that's not my responsibility is it and he said well yes it is and I said oh well I never knew I said I've never been told that I mean I don't know whether it's written in your conditions is it in everyone's conditions or anything

MC Sorry are you gonna answer that

DS Well yeah I mean at the end of the day you're are ultimately responsible for any vehicle that you drive

PE Mmm

DS It's the same as if you had your own personal vehicle you are responsible to check that vehicle before it goes on the road you are the user of that vehicle

PE Mmm

DS He is the permitter of you being able to use the vehicle so when you say that you feel you are not responsible who would you say is responsible

PE The company

DS Right by the company you mean

PE Fargo Fargolink

DS Right ok so if they were to give you

PE I realise now that I am responsible but I didn't know then that's what I'm saying now I don't realise I am responsible because obviously I am but I didn't realise then that I was responsible for the the licence on the back or to check the licence on the back

DS Right ok so when you were made aware of the fact

PE Mmm

DS That this was six weeks out of date

PE Mmm

DS What were your next steps what did you do at that point

PE I rang the office and told them and they said oh it is here so I went straight in and got it changed that night

DS Right when you went in to get it changed were there any questions raised

PE Not as far as I know

DS So you didn't even ask them why you were permitted to drive this vehicle for x amount of weeks with a plate that was clearly out of date

PE No I just said to him I didn't realise that it was our responsibility I just said to Paul in the office I said I didn't know it was our responsibility to check it

DS Right and you were told at that point

PE I think I can't really remember what he said but I think he probably said yeah it is your responsibility but I can't really remember to be quite honest

DS Ok thank you

MC And who do who did you speak to at Fargolink

PE Paul

MC Paul

PE I can't remember what his other name is I think its Smith but I'm not sure see I get confused because there's Darren and Donna Smith I'm not sure if Paul is I've seen it somewhere but I know it's Paul

MC Mmm and what role does he do at the company

PE I think he's the transport manager

MC Right ok

PE He's only joined in the last year 18 months

MC OK how much day to day contact do you have with Fargolink or the company you work for

PE I mean I speak to them quite regularly we have to go on every week to hand your timesheet in and to get your car checked over and I speak to during periods of the week you know if I've got a problem or if there's some something about the children that I must tell them or

MC Ok

PE So I suppose I speak to them quite a lot

MC Ok but apart from going in at all you don't do you speak to them during the week at all or

PE Yeah well I mean I speak to them on the mobile you know

MC Yeah

PE They ask me if I can do a particular job or something like that just

MC Ok but the rest of that time the vehicle is in your possession they wouldn't see it apart from that once a week

PE Possibly not no unless I go in which I do sometimes to have a clean

MC Ok so

DS Sorry you say you take the vehicle in there on a weekly check

PE Mmm

DS What do they check on this vehicle

PE The tyres the weekly one they do the tyres all the engine bits that they have to do the oil water and all that sort of thing and then once every six weeks we have to go in to have a service proper service

DS Right are you generally present at these checks

PE Yeah yeah

DS Yeah so whilst they are walking around the vehicle

PE Yeah

DS You are actually with them

PE Yeah

DS And yet you've never noticed the fact you have

PE I don't walk around with them I just stand to one side when they are doing it

DS Right ok

PE But also on the same vein why didn't they notice it

DS Well it isn't them we're questioning at this time with all due respect we're actually asking you the question

PE Right ok yeah

DS Do you ever check the lights and things on your vehicle

PE Oh yeah I have to we have a daily check that we have to do

DS Right so do you check the front and rear lights

PE Yeah yeah I know where you're going but

DS Yeah so you have cause to go to the back of the vehicle

PE Yeah

DS Yet you still ignore the plates

PE No no I didn't I mean the plate is there but I've never really noticed the date or anything on it you know what I mean it's just one of those things that's there I've never really scrutinised it

MC So is there a vehicle check list

PE Yeah

MC Is the plate not included in any detail on the plate

PE No

MC Ok and you say you take it into the office and where is that office

PE Rayne near Braintree

MC Ok and so when you obviously got your plate back did they say where it was or why you hadn't got it

PE No not really I mean he said it's well he just said to me when I rung up it is in the office so I went in the office and got it

MC So you got the plate six weeks after you were meant to have it on the vehicle

PE Mmm

MC You just turned up and you put it on you didn't questioned and he didn't questioned and say why have you been driving around for six weeks

PE No

MC Ok so no big deal was made of that situation

PE No not really

MC Ok have you got any more questions at this point

DS Do you think that questions should have been raised over the fact

PE On reflection yes I mean at the time didn't really occur to me oh I think I said to Paul yeah I did say to Paul something about oh crumbs I said well I hope I'm not in trouble or something and he said you know no I don't think you will be or something like that he said at the time sorry what was your question again

DS Basically I asked you do you think that questions should have been raised over the fact

PE Well yeah as I said on reflection obviously yes they should have been and I should have been made well I should have been aware prior to that that I am responsible for that plate being in date anyway

DS Right ok and you said that this Paul the chap that's told you no that you wouldn't be any trouble is actually a transport manager

PE When he said I don't think you will yeah yeah I think so

DS Right and he is the transport manager

PE Yeah I think that's what he is I don't really know what his title is to be quite honest

DS Ok thank you

MC Before you worked for your current company did you have any other driving jobs at all

PE No not driving jobs no

MC Ok but you've been you've obviously driven before

PE I've always worked with transport but not driving

MC Right ok you obviously being had your licence for a long time

PE Mmm a long long time

MC So you obviously know what you should be doing when driving a vehicle the checks you should be carrying out obviously an offence was committed here

DS Just before we go into that

MC Yeah

DS Could I just ask you to elaborate a little bit further please you just said that you've always worked with transport

PE Oh I used to work in crane hire but I was in the office

DS Right ok so it wasn't to do with licensed vehicles

PE Oh no no no well they are licensed obviously but

DS Yeah but it's a totally different way

PE Not in the same way yeah no no I never knew anything about anything about taxis and that obviously

DS Ok thank you

MC Any more questions

DS No that's fine thank you

MC Obviously an offence was committed here

PE Yeah but when you say an offence I mean I think a criminal offence is surely something that you've done deliberate like you've assault somebody or you've robbed somebody but this wasn't deliberate I mean I truly truly didn't know I know that isn't an excuse to me a criminal offence is something that you've done deliberate but I didn't do this deliberate

MC Well I'm not here to be judge and jury so obviously I can't comment on whether an offence is deliberate or not deliberate all I can tell you is you were driving around on a vehicle that didn't have a current plate that is an offence

PE Mmm

MC Under the Local Government Miscellaneous Provisions Act 1976 do you accept that offence

PE I have to don't I

MC That wasn't my question is that a yes or a no or

PE I think no comment cos I've got to say that I have to accept it I don't accept it in the way that I think it's a criminal offence but I have to accept it because yes I was driving around with this and I didn't know

MC Ok I don't have any further questions for you now but I will explain what will happen next first of all do you want a tape to take with you

PE Yeah

MC Of the interview ok now we refer this to our manager who will make a decision and they will make a decision in accordance with the council's licensing policy

PE Mmm

MC Now earlier this year we consulted on that policy of all drivers I don't know if you received a copy of that consultation

PE What was it

MC In relation to our licensing policy surrounding private hire and hackney carriage trade

PE I really can't say I'm gonna say no comment to that because I really don't remember so

MC Well yeah ok

PE I may have received it but I don't remember

MC Ok that's fine basically when an offence is committed under the act the 76 act the council looks to impose a sanction ok

PE Mmm

MC Whether that be a council caution where the offence is put on your record if you accept it and details of the offence or a prosecution for the offence where the maximum penalty is a thousand pounds ok now if you were to accept a council caution then you fall below the council also has in its policy it has licensing standards if you accept any form of caution within you fall below the council's licensing standards if you've accept that in the last 12 months also if you've got a pending prosecution and you have recently been convicted of an offence then you also fall below that standards now if you fall below the standards then you would need to appear before what's call the licensing and environmental health committee

PE Mmm

MC And that's a panel of councillors who determine whether you are a fit and proper person to remain a license holder ok all decisions they take have to be proportionate to the offence

PE Mmm

MC Is there anything you wish to say at this time before I stop the tape

PE No I mean I apologise obviously I apologise and obviously it won't happen again

MC OK

PE But that's all I can say

MC Ok

PE I do apologise and

MC OK the time by my watch is now then twelve thirty hours I am gonna stop the tape.

INTERVIEW ENDS