

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB COMMITTEE

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
TOWN POLICE CLAUSES ACT 1847**

**REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLE DRIVERS LICENCE**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform the Sub-Committee of a review of a Hackney Carriage and Private Hire Vehicle Drivers licence.
- 1.2 To request that the Sub-Committee determines the appropriate action to be taken in relation to the Hackney Carriage/Private Hire Vehicle Drivers licence in regard to Mr Mohammed Abdul Hai.

2. BACKGROUND INFORMATION

- 2.1 Mr Abdul Hai has held a Hackney Carriage/Private Hire Vehicle Drivers licence since 12 February 2013. His current licence expires on 11 February 2019.
- 2.2 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council may suspend, revoke or refuse to renew a licence on the grounds that since the grant of the licence the person has:
 - (a) been convicted of an offence involving dishonesty, indecency or violence; or
 - (b) been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847; or
 - (c) any other reasonable cause.
- 2.3 The Licensing Authority received information from Humberside Police stating they were investigating an allegation of assault. The details of the vehicle were given as a Toyota YT07 OUN.
- 2.4 The Licensing Authorities records show the vehicle is insured and licensed to Mr Mohammed Abdul Hai. At the time of the alleged incident the vehicle was only insured and licensed to Mr Hai.

- 2.5 On 29 December 2017 Mr Hai was informally interviewed by Licensing Officers to ascertain if he was the only driver of the vehicle. The details of the interview will be produced in the supporting documents.
- 2.6 On 29 December 2017, due to the content of the allegation and the confirmation that Mr Hai was the only driver of the said vehicle, it was deemed necessary to suspend Mr Hai's Hackney Carriage and Private Hire Vehicle Drivers licence with immediate effect. A copy of the letter will be produced in the supporting documents.
- 2.7 Subsequently Humberside Police interviewed Mr Hai and later confirmed no further action will be taken at this time due to insufficient evidence but investigations may be reopened should further evidence come to light. A copy of the letter will be produced in the supporting documents.
- 2.8 Having regard to the allegation, it was deemed necessary to review the Hackney Carriage and Private Hire Vehicles Licence on the grounds of 2.1(c), any other reasonable cause.
- 2.9 Members are asked to consider Mr Hai's Hackney Carriage and Private Hire Vehicle Drivers licence, to ascertain if he is a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and having regard to all the facts and the summary of Guidance for Members - Appendix C of the Licensing Policy, Table 6.
- 2.10 Reports will be updated at the hearing if necessary to take account of any additional relevant information received after publication.
- 2.11 Members should not allow themselves to pre-determine the application or to be prejudiced in favour of or opposed to the application until they have had an opportunity to consider all the pertinent facts.
- 2.12 Members should be aware that as they are acting in a quasi-judicial role as regards this licensing matter, they should remain in the room so that they hear all the evidence on which the decision will be based.

3. OPTIONS FOR CONSIDERATION

- 3.1 The options available to the Licensing (Miscellaneous) Sub-Committee under the Local Government (Miscellaneous Provisions) Act 1976 when considering such information are as follows:

Option 1 – To take no action.

Option 2 – To warn the person regarding future conduct.

Option 3 – To add additional conditions to the licence or add conditions of obtaining a licence.

Option 4 – To revoke the licence.

4. ANALYSIS OF OPTIONS

4.1 The analysis of the 4 options at paragraph 3.1 are as follows:

Option 1 – Members may choose to take no action when they feel that there is no case to answer. This option is unlikely as prior to a review the matter may have been considered by an Assessment Board of three officers- who will only refer matters to the committee where there is sufficient evidence for the matter to be considered.

Option 2 – Where the case has been upheld, but the committee does not feel the need to take more punitive action, a warning can be issued as to the future conduct of the driver. Should there be a re-occurrence then the driver could be referred back to the sub-committee.

Option 3 – Conditions can be added to a Private Hire Vehicle Drivers Licence so long as they are reasonable. Conditions cannot be added to a Hackney Carriage Vehicle Drivers Licence. Additional requirements can be added to the conditions of obtaining the licence, for example a DBS check can be requested every year and a requirement can be added that licences are renewed annually.

Option 4 – The revocation of a licence is the ultimate action available to the sub-committee. Should the sub-committee feel that it is appropriate to remove the licence having considered all the evidence, the revocation can take immediate effect if it is deemed appropriate to protect the public. Revocation should be considered where it is deemed necessary to protect the public.

4.2 Should the Licensing (Miscellaneous) Sub-Committee revoke the licence or impose additional terms, conditions or restrictions then the applicant may appeal to a Magistrates Court within 21 days from the date on which he was notified of the decision. Should the Magistrates uphold the decision of the council, the applicant has further recourse to the Crown Court.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are no resource implications.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Local Government (Miscellaneous Provisions) Act 1976.

6.2 Town Police Clauses Act 1847.

7. OUTCOMES OF CONSULTATION

7.1 Not applicable.

8. RECOMMENDATIONS

- 8.1 That the application be determined in accordance with the options outlined at paragraph 3 above, taking into account the information provided in the additional papers; any statements made at the hearing and the summary of guidance for members.

DIRECTOR: OPERATIONS

Civic Centre
Scunthorpe
North Lincolnshire
DN16 1AB

Author: Nicola Ellis
Date: 1 February 2018

Background Papers used in the preparation of this report: -

Application file- except information protected by the Data Protection Act.

NORTH LINCOLNSHIRE COUNCIL

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed Mohammed Abdul Hai		Interviewing Officer Nicola Ellis
Defendant		Identifying Mark
Place and Date of Interview CHURCH SQUARE HOUSE, SCUNTHORPE 29 DECEMBER 2017		Exhibit Ref Mark
Time Commenced 14.00	Concluded	Other Person(s) Present Julie Dean
Tape Reference Number 000190		

DECLARATION: This record consisting of 6 pages is the exhibit/identifying mark, reference.....referred to in the Statement made and signed by me.

Signature: Interviewing Officer.....

Rank.....

Signature of Officer preparing record.....
(if different from above)


Officers Name: Jane Drinkall

Rank **ADMINISTRATION OFFICER**

Tape Times	Initials of the speaker where direct speech is used	Record
.30	NE	Ok. This is an interview and it's being recorded. It's 29 th of December 2017 and the time is 14.00 hours on the clock in the room. The place is S10 top floor at Church Square House in Scunthorpe. I'm Nicola Ellis, Licensing and Mediation Officer, for North Lincolnshire Council. And for the benefit of the tape could you please give your full name, address and date of birth?
	MAH	Mohammed Abdul Hai, 7 George Street, full or just?
	NE	That, is that Scunthorpe?
	MAH	Scunthorpe, North Lincolnshire, DN15 6BG
	NE	Thank you and your date of birth
	MAH	10 9 67
	NE	Thank you. Also present in the room is
1.00	JD	Julie Dean, Fair Trading Officer for North Lincolnshire Council

NORTH LINCOLNSHIRE COUNCIL


RECORD OF TAPE RECORDED INTERVIEW (continued)

Person Interviewed: Mohammed Abdul Hai	Signature of Officer preparing record: 	Page: 2
---	---	------------

Tape Times	Initials of the speaker where direct speech is used	Record
	NE	Thank you. Ok, so you don't have to say anything. It may harm your defence if you do not mention when questioned something which you later rely on in, erm, later rely on if any further action will be taken. Anything you do say may be given in evidence. So you're not under arrest, erm and erm it's just so we can clarify some information with you. Ok.
	MAH	What did you say
	NE	Do you understand?
	MAH	I don't have to say anything?
	NE	If you don't say anything
	MAH	Right
1.30	NE	You don't have to say anything but I want to put these questions to you and if you later if you don't say anything and you don't answer my questions if you then answer them at a later date, it may come into question as to why you didn't give me the answers now, ok
	MAH	Right so I can give you answer now?
	NE	Yes please, yes, yes
	MAH	Alright, ok
2.00	NE	Yeah, yeah. So at the conclusion of the interview you'll be given a copy of the notice and that explains what happens to the recordings so if you want to, if it goes any further you can apply to us to get a copy of the disc and you'll tell us where you want that disc to go. Ok. So we've received information regarding your vehicle and I just want to clarify a few things. Could you tell me if your vehicle YT07 OUN
	MAH	Yes
	NE	It's licensed to you
	MAH	Yes
	NE	It's a hackney carriage vehicle
	MAH	It is
2.30	NE	And it's a hackney carriage HCV194
	MAH	194, yes
	NE	Yeah. Ok. Can you also, I'm showing Mr Mai, Hai sorry, a copy of some insurance that he provided to us at last time of being licensed can you please

NORTH LINCOLNSHIRE COUNCIL

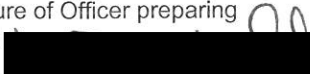
RECORD OF TAPE RECORDED INTERVIEW (continued)

Person Interviewed: Mohammed Abdul Hai	Signature of Officer preparing records: 	Page: 3
---	--	------------

Tape Times	Initials of the speaker where direct speech is used	Record
	NE	confirm that this is a copy of your insurance, and can you tell me is anybody else is insured on that vehicle?
	MAH	No, nobody else
3.00	NE	It's just you?
	MAH	Yeah
	NE	So you don't permit anybody else to drive the vehicle?
	MAH	No
	NE	Ok. So would you have been driving the vehicle on the 29 th of October 2017, would you?
	MAH	I don't remember the date
	NE	Yeah
	MAH	But erm, I do drive my vehicle, mainly I do on the school job
3.30	NE	Yeah, do you ever work on the ranks?
	MAH	Few time I do go to a rank
	NE	Ok, when would you do that? What time of the day do you work?
	MAH	Er not specific time, whenever I have time then I go
4.00	NE	Yeah. So early hours of the morning around 4 o'clock in the morning on the 29 th of October, if the vehicle was on Oswald Road would you have been driving that vehicle? Would you have been like, you would have been the person in the vehicle?
	MAH	4 o'clock
	NE	In the morning, early hours, it's a Sunday morning when the
	MAH	29 of
	NE	Of October
	MAH	October
	NE	Sorry did I say August it's October
	MAH	Erm, I I can't remember on that date if I went for job
4.30	NE	Would you have done something at that time in the morning, would you have sat on a rank or would you have taken a booking at that time in a morning?
	MAH	To be honest I can't remember anything along that date
	NE	No
	MAH	I do go sometime Friday night, Saturday night

NORTH LINCOLNSHIRE COUNCIL

RECORD OF TAPE RECORDED INTERVIEW (continued)

Person Interviewed: Mohammed Abdul Hai	Signature of Officer preparing record: 	Page: 4
---	--	------------

Tape Times	Initials of the speaker where direct speech is used	Record
	NE	Yeah
	MAH	If I go Saturday night that morning is Sunday, isn't it?
	NE	Yeah
5.00	MAH	But I don't remember if I went or not because I hardly go. Sometime maybe once in a month, twice in a month, two nights
	NE	Yeah, you would have done that
	MAH	Maybe I did
	NE	Yeah
	MAH	I can't remember
	NE	Ok
	MAH	Well obviously if it's my car maybe I went
	NE	Yeah
	MAH	Yeah
5.30	NE	Ok. What we've had is, we've had information that there may have been an assault and I needed to ascertain that you were, erm anybody else uses your vehicle. Erm your vehicle has been mentioned and I wanted to see if anybody else would have been driving that vehicle. Obviously legally only you're legally allowed to drive it
	MAH	Yeah
	NE	Because it's a hackney carriage and you're the only person licensed and insured to drive that vehicle. You're the only person insured
	MAH	Yeah
	NE	Yeah. Erm, so I'd
6.00	MAH	What, what kind of assault?
	NE	I don't have any further information but I wanted to, obviously to clarify whether you were using the vehicle or not and whether you would permit anybody else to use it
	MAH	Nobody, I didn't give anybody permission
	NE	Nobody else to use it
	MAH	No
	NE	No, that's it. There's no further questions I just wanted to make sure that the insurance was just in your name, and that it's only, it's registered to you

NORTH LINCOLNSHIRE COUNCIL

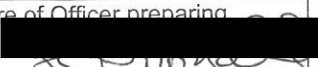
RECORD OF TAPE RECORDED INTERVIEW (continued)

Person Interviewed: Mohammed Abdul Hai	Signature of Officer preparing record: [REDACTED]	Page: <p style="text-align: right;">5</p>
--	---	--

Tape Times	Initials of the speaker where direct speech is used	Record
6.30	NE	and it's licensed to you and you've confirmed your name and address and that's all I need. Ok, so if we do take any further action I will be back in touch with you or one of my colleagues will. Alright?
	MAH	Ok
	NE	Ok. Anything else you want to add Julie?
	JD	No, that's fine, thank you
7.00	NR	Ok. I'll now conclude the interview. Erm, let's see, erm there are different options that we, that could happen depending on the outcome of any further investigations. That we could review the license, there could be penalties on the license, erm it could be suspended, erm or prosecuted depending on the severity or what further information comes from this, ok? But as I don't have anything this is as much as I'm doing at the moment, ok? So I'll go through the notice that we talked about, so the date is the 29 th of December. Your full name
7.30	MAH	Mohammed Abdul Hai
	NE	And your date of birth was?
	MAH	10 9 67
8.00	NE	Ok. Can you just confirm the serial number is 000190
	MAH	Yes
8.30 9.00	NE	Thank you. There's a copy of the notice. Carbon doesn't work very well on this, have to redo it at the time. Ok. You understand that you are entitled to a copy of the disc, would you like a copy to be sent to you, or to your solicitor, or if you don't have one you may seek one
9.30	MAH	Erm
	NE	Can send it to you and then you can find a solicitor if you want to at a later date. It's only if you want it, you don't necessarily have to have a copy
	MAH	If I want it I can collect it later?
10.00	NE	You can, yes, you'd inform us and then we'll collect it. Ok. Right, could you please sign there, and date it, and then put, print your name and address there please. 29 th of December
	MAH	Full name?
10.30	NE	Full name printed please, yeah. Thank you

NORTH LINCOLNSHIRE COUNCIL

RECORD OF TAPE RECORDED INTERVIEW (continued)

Person Interviewed: Mohammed Abdul Hai	Signature of Officer preparing record: 	Page: 6
---	---	------------

Tape Times	Initials of the speaker where direct speech is used	Record
11.00	NE	Ok. Right and I'll stop the tape.

Tel: (01724) 297750 / Fax: (01724) 297692
Email: Licensing@northlincs.gov.uk

Our Ref: NB/LEM/TD19379
Date: 29 December 2017



www.northlincs.gov.uk

Mr Mohammed Abdul Hai
7 George Street
Scunthorpe
North Lincolnshire
DN15 6BG

Peter Williams BSc, DMS, CEng, MEI, MCMI, AMIMEchE
Director of Operations
PO Box 42
Church Square House
High Street
Scunthorpe
North Lincolnshire
DN15 6XQ

Dear Mr Hai

Local Government (Miscellaneous Provisions) Act 1976
Section 61(1)(a)(ii) & Section 61(2)(a)

I write with reference to your Hackney Carriage and Private Hire Vehicle Drivers Licence, Number TD19379, which will be suspended under Section 61(1)(a)(ii) of the Local Government (Miscellaneous Provisions) Act 1976 following an allegation of assault from Humberside Police.

Due to the nature of the investigation it has been deemed appropriate to suspended your Hackney Carriage and Private Hire Vehicle Drivers Licence, Number TD19379 under Section 61(1)(a)(ii) of the Local Government (Miscellaneous Provisions) Act 1976, until such time that the said issue has been resolved. In the interests of public safety the suspension will take immediate effect, in accordance with Section 61(2B) of the said Act.

Furthermore, in accordance with Section 61(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976, you are hereby notified that you must return the driver's badge issued to you in accordance with Section 54 of the aforementioned Act, to the Licensing Division, North Lincolnshire Council, Church Square House, Scunthorpe, within 5 days of the date of this letter.

Should you wish to do so, then I must advise you that you have 21 days to appeal this decision to Scunthorpe Magistrates Court. If you decide to appeal, then you are not permitted to drive a licensed vehicle while waiting for the appeal to be heard. Furthermore, I would suggest that you seek independent legal advice regarding this matter.

If you have any questions in regard to this matter please ring the Licensing Division on the above number.

Yours sincerely

Nicola Ellis
Licensing & Mediation Officer

*Badges handed over to
JD on 3/1/18.*



Protecting Communities, Targeting Criminals, Making a Difference

Your ref:
Our ref: 16/54165/17

Mr Mohammed HAI
7 George Street
Scunthorpe
North Lincolnshire

Humberside Police
Southbank Division – North Lincolnshire
Scunthorpe Police Station
Corporation Road
Scunthorpe, DN15 6QB
Non-Emergency: 101

DD Tel: 01724 242490

enquiries@humberside.pnn.police.uk
www.humberside.police.uk

Date 19/01/18

Dear Mr HAI

I am writing to update you with regard to the matter for which you were recently interviewed at the Police station. As was explained to you on that day, evidence including the statements of the injured party together with your account have been assessed by an evidence review officer to determine how to proceed with the matter. It has been determined by the evidence review officer that at this time, there is insufficient evidence to pass the evidential test in order to send the matter to court. At this time we will not be taking any further action against you, however you should note that should any new evidence come to light this does not preclude the report being reopened and further investigated nor does it preclude action being taken in the future in the event of any new evidence. I apologize for being unable to telephone you with this update but I am currently on a full night shift when it would be inappropriate to do so and then a period of rest days.

Yours sincerely

PC 1846 ALLEN
Community Patrol Team 2
Scunthorpe Police Station