



Waverley Borough Council
Council Offices, The Bury's,
Godalming, Surrey
GU7 1HR
www.waverley.gov.uk

To: All Members and substitute members of
the LICENSING (GENERAL
PURPOSES) SUB-COMMITTEE
(Other Members for Information)

When calling please ask for:

Emma Dearsley, Democratic Services Officer
Policy and Governance

E-mail: ema.dearsley@waverley.gov.uk

Direct line: 01483 523224

Calls may be recorded for training or monitoring

Date: 24 June 2016

Membership of the Licensing (General Purposes) Sub-Committee

Cllr Simon Inchbald (Chairman)

Cllr Carole King

Cllr Patricia Ellis (Vice-Chairman)

Cllr Bob Upton

Cllr Tony Gordon-Smith

Substitutes

Cllr Anna James

Cllr Nick Williams

Dear Councillors

A meeting of the LICENSING (GENERAL PURPOSES) SUB-COMMITTEE will be held as follows:

DATE: THURSDAY, 7 JULY 2016

TIME: 10.15 AM *(or at the conclusion of the Licensing and Regulatory Committee, whichever is the later)*

PLACE: COUNCIL CHAMBER

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

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NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. **APPOINTMENT OF CHAIRMAN**

To confirm the appointment of Councillor Simon Inchbald as Chairman of the Licensing (General Purposes) Sub-Committee for the Council Year 2016/17.

2. **APPOINTMENT OF VICE-CHAIRMAN**

To confirm the appointment of Councillor Patricia Ellis as Chairman of the Licensing (General Purposes) Sub-Committee for the Council Year 2016/17.

3. **MINUTES**

To confirm the Minutes of the Meeting held on 18 April 2016 (to be laid on the table half an hour before the meeting).

4. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

5. **DECLARATIONS OF INTEREST**

To receive from members declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

6. **APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY - PLATE NUMBER 235 (Pages 5 - 14)**

This report enables the Sub-Committee to consider a request for exemption from the requirement to display the private hire licence plate on a private hire vehicle licensed by the Council. There are no environmental or resource implications arising as a result of this report. Approval of a certificate of exemption could have community safety implications, which are set out in the report.

Recommendation

It is recommended that the Sub-Committee gives consideration to the request for exemption from the requirement to display a private hire licence plate on any occasion when the vehicle is used for chauffeur purposes, as submitted by Ms Grace in respect of vehicle Private Hire Plate no 235.

7. APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY - MR GLEN GOURLEY (Pages 15 - 32)

This report enables the Sub-Committee to consider a request for exemption from the requirement to display the private hire licence plate on a private hire vehicle licensed by the Council. There are no environmental or resource implications arising as a result of this report. Approval of a certificate of exemption could have community safety implications, which are set out in the report.

Recommendation

It is recommended that the Sub-Committee gives consideration to the request for exemption from the requirement to display a private hire licence plate on any occasion when the vehicle is used for chauffeur purposes, as submitted by Mr Gourlay in respect of his vehicle, Private Hire Plate no 301 and for a further S class Mercedes yet to be purchased.

8. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in paragraph 1 of the revised Part 1 of Schedule 12A to the Act in respect of the following item:

Information relating to any individual (paragraph 1)

9. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (PAGES 33 - 48)

To consider the attached (Exempt) report.

10. REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (PAGES 49 - 58)

To consider the attached (Exempt) report.

11. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (PAGES 59 - 138)

To consider the attached (Exempt) report.

12. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone
Ema Dearsley, Democratic Services Officer, on 01483 523224 or by
email at ema.dearsley@waverley.gov.uk**

WAVERLEY BOROUGH COUNCIL

LICENSING (GENERAL PURPOSES) SUB- COMMITTEE – 07 JULY 2016

Title:

APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY

[Wards Affected: All]

Summary and Purpose

This report enables the Sub-Committee to consider a request for exemption from the requirement to display the private hire licence plate on a private hire vehicle licensed by the Council. There are no environmental or resource implications arising as a result of this report. Approval of a certificate of exemption could have community safety implications, which are set out in the report.

How this report relates to the Council's Corporate Priorities:

This report relates to improving lives in the Borough.

Equality and Diversity Implications:

There are no equality implications.

Resource/Value for Money Implications

There are no immediate resource implications in this report.

Legal implications:

There are no legal implications in this report.

Introduction

1. Private Hire Vehicles and their drivers may be pre-booked only via a licensed private hire operator. Each of the three licences, for the operator, the vehicle and the driver, must be issued by the same licensing authority, i.e. the licences must 'match'. Under Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976, private hire vehicle proprietors (licensees) are required to exhibit on their vehicles the licence plates provided by the Council.
2. Notwithstanding this provision, Section 75(1) of the Act provides:
 - “(1) Nothing in this Part of the Act shall –
 - (d) require the display of any plate, disc or notice in or on any private hire vehicle licensed by a Council under this Part of this

Act during such period that such vehicle is used for carrying passengers for hire or reward - (ii) under a contract for the hire of the vehicle for a period of not less than 24 hours,

3. In addition, the Act enables the Council, generally, to grant an exemption from the requirement to display licence plates on private hire vehicles on *occasions specified* by the authority, or on *any occasion*, provided that the notice of exemption is carried in the vehicle (Section 75 (3)). If an exemption from display on specified occasions/any occasion is granted, the driver of the vehicle is also exempted from the requirement in Section 54 (2) (a) that he should wear his private hire driver's badge. The driver must, however, be a private hire driver licensed by the Council. For the Sub-Committee's information, no such exemptions exist for hackney carriages (taxis).
4. If granted an exemption, the plate and the letter of exemption must be carried in the vehicle and produced for inspection when requested. The Sub-Committee has authorised several vehicles for exemption from plate display in the past, and the requests for such exemption are usually because the operator wishes to have a specific vehicle for more exclusive work than the daily 'to and fro' type of work which these vehicles may undertake.

Applications for Exemption and Transfer

5. As set out in the summary, a request has been received from Ms Gail Grace, a licensed Private Hire driver with Waverley of Driving Miss Daisy (Cranleigh Franchise), Surrey, for exemption from display of the licence plate at any time for a Skoda Roomster, Plate No. 235. Plate 235 was first licensed with Waverley on 30 March 2016 having passed the inspection at Guildford testing station. A copy of the inspection test sheet is attached at Annexe 1.
6. A Private Hire Operator/Driver would normally need to have a good reason to request exemption, such as that the vehicle is primarily used in professional executive chauffeur-driven vehicle hire.
7. The Driving Miss Daisy business and concept is a relatively new one, and does not exactly fit into the usual set up of a private hire business. The Farnham Franchise of Driving Miss Daisy successfully applied for exemption for two vehicles in 19 March 2015, which was granted with the following extra conditions:
 1. the driver is wearing his/her Waverley licensed driver badge; and
 2. above the contact number on the back of the vehicle the words "licensed vehicle" are displayed readable from a distance of 7 metres; and
 3. the business website states that all vehicles are fully licensed with the relevant local authority; and
 4. advertising flyers state licensed by "Waverley Borough Council."

8. Driving Miss Daisy (Cranleigh Franchise) is using the same vehicle (Skoda Roomster) and is happy to comply with the same conditions as the Farnham Franchise.
9. Correspondence requesting plate exemption from Ms Gail Grace is reproduced at Annexe 2 and supporting correspondence from Ms Lumb of the Franham franchise is attached at Annexe 3.
10. The officers are seeking generally to ensure that plate exemption should not be an automatic procedure and that applicants produce suitable evidence of their reasons for requesting an exemption. It is important that full details of the work should be submitted to the Council with any application for exemption, before the Committee is asked to consider the details.

Community Safety Implications

11. The provision of an identifying licence plate on the rear of a vehicle and also the driver's badge (which the driver must wear) are an assurance for hirers that they are using a safe and properly licensed vehicle and not a bogus one. An exemption from the requirement to display the licence plate could have community safety implications if the vehicle was then used for more routine and day-to-day private hire work. If an exemption is approved, the Private Hire Licence plate must be carried in the vehicle, together with the Council's letter of approval of exemption, but these will not be evident or immediately obvious to the hirer.
12. However, with the Council's vehicle licence-plate system introduced in 2005, there is now an obligation for all vehicles, including 'exempted' private hire vehicles, to display the internal small version of the plate in the front window of the vehicle. This should help to ensure that enough evidence is in place to assure any hirer of the vehicle's licence status. This is an important community safety issue.

Recommendation

It is recommended that the Sub-Committee gives consideration to the request for exemption from the requirement to display a private hire licence plate on any occasion when the vehicle is used for chauffeur purposes, as submitted by Ms Grace in respect of vehicle Private Hire Plate no 235.

Background Papers

Correspondence from Ms Grace and Ms Lumb


CONTACT OFFICER:

Name: Paul Hughes

Telephone: 01483 523189

E-mail: paul.hughes@waverley.gov.uk

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 Waverley BOROUGH COUNCIL	<div style="border: 2px solid black; padding: 5px; display: inline-block; font-size: 2em; font-weight: bold; transform: rotate(-2deg);"> PASS </div> VEHICLE PASS STAMP		
VEHICLE FAIL STAMP	HACKNEY CARRIAGE/ PRIVATE HIRE VEHICLE INSPECTION		
VEHICLE REG NO: <i>A461 VKB</i>	PLATE NO: <i>PH JEW</i>	PROPRIETOR: <i>Mrs GRACE</i>	
MAKE AND MODEL - MIN (1575cc unless already licensed) <i>SKODA ROASTER</i>	COLOUR <i>BLUE</i>	RECORDED 1st <i>14286</i>	MILEAGE 2nd

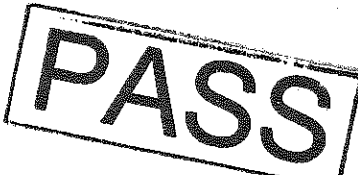
Note: Where an item covered by this test is also included in the ordinary DoT test, the criteria determining pass or failure will be taken from the DoT Tester's Manual (issued by HMSO under reference no. ISBN/O/11/550406/0) and the associated Guide to Operation (ISBN/O/11/550407/90). For other items, the Council's own standards, as indicated in the agreement with the Council, must be applied.

CODE	TESTABLE ITEMS	PASS	FAIL	REASON FOR FAILURE AND REMARKS
SECTION I LIGHTING EQUIPMENT				
1.	Front Lamps	✓		
2.	Rear Lamps	✓		
3.	Headlamps	✓		
4.	Headlamp Aim	✓		
5.	Stop Lamps	✓		
6.	Rear Reflectors	✓		
7.	Direction Indicators	✓		
8.	Interior Lamp	✓		
9.	Panel Lights	✓		
SECTION II STEERING & SUSPENSION				
10.	Steering Controls	✓		
11.	Steering Mechanism	✓		
12.	Power Steering	✓		
13.	Transmission Shafts	✓		
14.	Stub Axle Assemblies	✓		
15.	Wheel Bearings	✓		
16.	Suspension	✓		
17.	Shock Absorbers	✓		
SECTION III BRAKING SYSTEM				
18.	Service Brake Condition	✓		
19.	Parking Brake Condition	✓		
20.	Service Brake Performance	✓		
21.	Parking Brake Performance	✓		
22.	Service Brake Balance	✓		
SECTION IV TYRES AND WHEELS				
23.	Tyre Type	✓		
24.	Tyre Condition	✓		
25.	Road wheels inc spare wheel or 'get you home' and tools	✓		
SECTION V SEAT BELTS				
26.	Security of Mountings	✓		
27.	Condition	✓		
28.	Operation	✓		
SECTION VI GENERAL ITEMS				
29.	Windscreen Washers	✓		
30.	Windscreen Wipers	✓		
31.	Horn	✓		
32.	Exhaust System	✓		
33.	Silencer	✓		
34.	Vehicle Structure	✓		
35.	Demister and Heater	✓		
36.	View to Front, Glass Visibility and Cracks *Light emission - Maximum 75% front/front side +70% rear/rear side if tinted	✓		

Size:
195/55/15

Abuse
Both Rear Tyre
TREBS WEARER

CODE	TESTABLE ITEMS	PASS	FAIL	REASON FOR FAILURE AND REMARKS
37.	All Window Winder Operations	✓		Fuel Type: Petrol/Diesel/LPG
38.	Brake, Clutch and Throttle Pedal Pads	✓		
39.	Battery, Wiring, Electrics, Oil Leaks	✓		
40.	Fuel Tank and System for Security and Leaks	✓		
41.	Smoke Emission	✓		
42.	External and Internal Mirrors	✓		
43.	First Aid Kit to Specification - indelibly marked with plate number	✓		
44.	Fire Extinguisher with Gauge, fitted and filled (1kg Min) - indelibly marked with plate number	✓		Number of Passenger Seats: 4
45.	Tax Disc (Expiry Date)	✓		
46.	General Type and Condition of Vehicle	✓		
47.	Access to Seating / Access Equipment	✓		
48.	Width of Seats	✓		
49.	Conditions of Front and Rear Seats	✓		
50.	Spare Wheel (or 'get you-home wheel) and Tools	✓		
51.	Window signs - Taxi and all Private Hire vehicles	✓		Rolling Road / Road Test*
52.	Display of Plate or exemption letter/plate produced (Private Hire only)	TBF		
53.	Taxi Roof Sign to Specification	✓		
54.	Taxi Roof Sign (Illumination)	✓		
55.	Laminated numbered Fare Chart (if meter fitted)	✓		
56.	Interior Licence (windscreen sticker) ALL	TBF		
57.	Smoke free sticker displayed	✓		
SECTION VII METER TEST				
58.	Meter Make No:	✓		
59.	Measured Mile (Meter)	✓		
60.	Waiting Time (Meter)	✓		
SECTION VIII LPG ADAPTED VEHICLES				
61.	Certificate of conversion/annual certificate (LPG Association approved fitter only)	✓		
62.	Fuel Tank - Ring/Cylinder type	✓		
63.	Secure Fitting of Tank or Spare Wheel	✓		
64.	LPG Stickers in Front and Rear Windows	✓		

INSPECTION COMPLETED DATE: 3/13/16 TESTER: T. Lowman	DEFECTS RECTIFIED DATE: TESTER:	
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NOTES ON VEHICLE TESTS AND INSPECTION SHEET

Items 53 and 54 do not apply to Private Hire Vehicles.

Items 55, 59 and 60 apply to Private Hire Vehicles only if a meter is fitted.

Items 51 and 56 do not apply to Taxis.

Items 58, 59 and 60 applicable to all Hackney Carriages and any Private Hire Vehicles fitted with meter.

A meter that charges at a rate less than the tariff on time or distance will not constitute a failure, but it should be adapted to the current tariff

* I certify that the above vehicle has complied with the Waverley Borough Council's requirements as regards standards of fitness for Hackney Carriages and Private Hire Vehicles (including the full requirements of the statutory MOT test under Section 45 of the Road Traffic Act 1988)

or

* I certify that, for the reasons shown above, the vehicle has failed to comply with statutory requirements for an MOT test certificate / Waverley Borough Council requirements for Hackney Carriages and Private Hire Vehicles

* delete as appropriate

Paul Hughes

From: cranleigh <cranleigh@drivingmissdaisyuk.co.uk>
Sent: Tuesday 01 March 2016 16:35
To: Taxi Licensing; Paul Hughes
Cc: tori.lumb@drivingmissdaisyuk.co.uk
Subject: Application for Private Hire licence plate display exemption

Importance: High

Dear Paul,

Further to the correspondence you have received today from Tori Lumb, Regional Developer for Driving Miss Daisy, I am writing to introduce myself as the new Driving Miss Daisy (Cranleigh) Franchise Owner and Operator.

I understand that the exemption granted to the Farnham franchise of Driving Miss Daisy was in response to their case being taken to committee who, after careful consideration, understood the unique position we hold in the marketplace. I am therefore writing to you formally to be considered for the same Private Hire licence plate display exemption under the same terms and conditions granted to Farnham that I would, of course, comply with unconditionally.

Please do not hesitate to contact me if you require any other information.

My contact details are as follows:

07753 577033 / 01483 276199

"Birdsong Cottage", 20 The Drive, Cranleigh, GU6 7LY

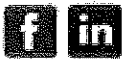
cranleigh@drivingmissdaisyUK.co.uk

I look forward to your response following all due consideration.

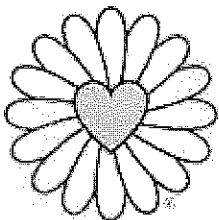
Kind regards,

Gail Grace.

Gail Grace
Driving Miss Daisy (Cranleigh)
P: 0333 014 6211 | M: 07525 873051



www.drivingmissdaisyUK.co.uk



Driving
Miss Daisy™

We're There For You

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Paul Hughes

From: Taxi Licensing
Sent: Tuesday 01 March 2016 09:52
To: Paul Hughes
Subject: FW: FAO Paul Hughes re Driving Miss Daisy Cranleigh - Re Gail Grace
Attachments: Paul Hughes letter.docx; daisycar7.jpeg; daisycar6.jpeg; daisycar5.jpeg; daisycar4.jpeg; daisycar3.jpeg; daisycar2.jpeg; daisycar1.jpeg; cherry and group

From: tori.lumb@drivingmissdaisyuk.co.uk [<mailto:tori.lumb@drivingmissdaisyuk.co.uk>]
Sent: Tuesday 01 March 2016 09:17
To: Taxi Licensing
Cc: cranleigh
Subject: FAO Paul Hughes re Driving Miss Daisy Cranleigh

Dear Paul

Please find attached a letter from me at Driving Miss Daisy Farnham/Surrey to support an application for plate dispensation for Gail Grace, of Driving Miss Daisy Cranleigh. I have also attached some photos of one of our Farnham cars (they are identical) along with details of the conditions placed on us at the time we were granted dispensation. Gail will follow this with her own email later today. I hope this will be sufficient to avoid the need to go to committee, but I'm sure you will advise Gail on this. In the meantime, please let me know if I can provide any other information to help.

Kind regards

Tori

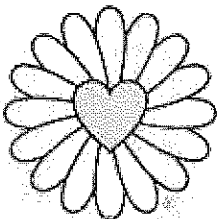
Tori Lumb

Regional Developer, Driving Miss Daisy Surrey

P: 0333 014 6215 | M: 07525 872946



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Driving
Miss Daisy®

We're There For You

Paul Hughes
Licensing Office
Waverley Borough Council
The Burys, Godalming
Surrey
GU7 1HR

29th February 2016

Dear Paul

Further to our conversation I wanted to give you some details of our request for the Cranleigh branch of Driving Miss Daisy. Gail Grace is the owner and operator of that business and is in the process of getting her own private hire licence, an operators licence and vehicle licence.

Gail has bought the same car as we have in Farnham, a Skoda Roomster. The car will be sign-written in the same way as our 2 cars, with daisies and our contact details.

As I'm sure you recall, we went to committee to obtain our plate dispensation, which was granted subject to a number of conditions. One of these was to have licenced vehicle written on the car. I have attached some images of the cars to show this, and other views.

In addition, the plate is carried in the boot, along with a copy of our dispensation letter, and drivers are always required to wear their licence on the lanyard while they are driving customers. One other requirement was for marketing literature to state that we were licensed. Our marketing material and website now clearly state that we are licensed by the Local Authority.

Gail would like to apply for plate dispensation for her vehicle, on the same grounds as our application. Our customers take great reassurance from the fact that we are licenced and we emphasise this with new customers. However, we consider Driving Miss Daisy to primarily be a Companion Service, and see ourselves as offering a very different service to that of a taxi/traditional private hire vehicle. Our customers are very often those who would not otherwise book a taxi.

When we stated our case to the committee they understood how unique we were in the marketplace and were happy to grant us dispensation. I would ask that you give Gail's application due consideration.

Yours sincerely

Tori Lumb
Director, Driving Miss Daisy

WAVERLEY BOROUGH COUNCIL

LICENSING (GENERAL PURPOSES) SUB-COMMITTEE – 07 JULY 2016

Title:

APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY MR GLEN GOURLAY

[Wards Affected: All]

Summary and Purpose

This report enables the Sub-Committee to consider a request for exemption from the requirement to display the private hire licence plate on a private hire vehicle licensed by the Council. There are no environmental or resource implications arising as a result of this report. Approval of a certificate of exemption could have community safety implications, which are set out in the report.

How this report relates to the Council's Corporate Priorities:

This report relates to improving lives in the Borough.

Equality and Diversity Implications:

There are no equality implications.

Resource/Value for Money Implications

There are no immediate resource implications in this report.

Legal implications:

The Local Government (Miscellaneous Provisions) Act 1976 enables the Council, at its discretion, to grant an exemption from the requirement to display a private hire vehicle's vehicle licence plate.

Introduction

1. Private Hire Vehicles and their drivers may be pre-booked only via a licensed private hire operator. Each of the three licences, for the operator, the vehicle and the driver, must be issued by the same licensing authority, i.e. the licences must 'match'. Under Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976, private hire vehicle proprietors (licensees) are required to exhibit on their vehicles the vehicle licence plates provided by the Council.
2. Notwithstanding this provision, Section 75(1) of the Act provides:

“(1) Nothing in this Part of the Act shall –

- (d) require the display of any plate, disc or notice in or on any private hire vehicle licensed by a Council under this Part of this Act during such period that such vehicle is used for carrying passengers for hire or reward - (ii) under a contract for the hire of the vehicle for a period of not less than 24 hours,
3. In addition, the Act enables the Council, generally, to grant an exemption from the requirement to display licence plates on private hire vehicles on *occasions specified* by the authority, or on *any occasion*, provided that the notice of exemption is carried in the vehicle (Section 75(3)). If an exemption from display on specified occasions/any occasion is granted, the driver of the vehicle is also exempted from the requirement in Section 54(2)(a) that he should wear his private hire driver’s badge. The driver must, however, be a private hire driver licensed by the Council. For the Sub-Committee’s information, no such exemptions exist for hackney carriages (taxis).
4. If granted an exemption, the plate and the letter of exemption must be carried in the vehicle and produced for inspection when requested. The Sub-Committee has authorised several vehicles for exemption from plate display in the past, and the requests for such exemption are usually because the operator wishes to have a specific vehicle for more exclusive work than the daily ‘to and fro’ type of work which these vehicles may undertake.
5. The primary function of a chauffeur/executive driver and vehicle is to transport passengers from a to b, albeit in a higher quality vehicle than a conventional minicab. Whilst recognising that the drivers might have a more dedicated focus on higher quality customer care, chauffeur vehicles fall within the Private Hire regime.

Applications for Exemption and Transfer

6. As set out in the summary, a request has been received from Mr Glen Gourlay of Glenn’s Private Hire, a licensed driver and operator with Waverley, for exemption from display of his licence plate at any time. A Private Hire Operator/Driver would normally need to have a good reason to request exemption, such as that the vehicle is primarily used in professional executive chauffeur-driven vehicle hire.
7. Mr Gourlay would like to have plate exemption for two S Class Mercedes limousines. Since submitting his written request Mr Gourlay has purchased one, a Mercedes S350 Blue Tec and licensed it with Waverley, plate no. 301. The vehicle passed its inspection at the Guildford testing station on 27 April 2016, a copy of the test sheet is reproduced at Annexe 1.
8. Correspondence and photographs requesting plate exemption from Mr Gourlay are reproduced at Annexe 2. Attached at Annexe 3 are letters in support of Mr Gourlay’s application for exemption.
9. Officers are seeking generally to ensure that plate exemption should not be an automatic procedure and that applicants produce suitable evidence of their

reasons for requesting an exemption. It is important that full details of the work should be submitted to the Council with any application for exemption, before the Committee is asked to consider the details.

Community Safety Implications

10. The provision of an identifying licence plate on the rear of a vehicle and also the driver's badge (which the driver must wear) are an assurance for hirers that they are using a safe and properly licensed vehicle and not a bogus one. An exemption from the requirement to display the licence plate could have community safety implications if the vehicle was then used for more routine and day-to-day private hire work. If an exemption is approved, the Private Hire Licence plate must be carried in the vehicle, together with the Council's letter of approval of exemption, but these will not be evident or immediately obvious to the hirer.
11. However, with the Council's vehicle licence-plate system introduced in 2005, there is now an obligation for all vehicles, including 'exempted' private hire vehicles, to display the internal small version of the plate in the front window of the vehicle. This should help to ensure that enough evidence is in place to assure any hirer of the vehicle's licence status. This is an important community safety issue.

Recommendation

It is recommended that the Sub-Committee gives consideration to the request for exemption from the requirement to display a private hire licence plate on any occasion when the vehicle is used for chauffeur purposes, as submitted by Mr Gourlay in respect of his vehicle, Private Hire Plate no 301 and for a further S class Mercedes yet to be purchased.

Background Papers

Correspondence from Mr Gourlay

CONTACT OFFICER:


Name: Paul Hughes

Telephone: 01483 523189

E-mail: paul.hughes@waverley.gov.uk

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ANNEXE 1

VEHICLE FAIL STAMP	 <p>Waverley BOROUGH COUNCIL</p>	<div style="border: 2px solid black; padding: 5px; font-size: 2em; font-weight: bold; display: inline-block;">PASS</div> <p>VEHICLE PASS STAMP</p>
HACKNEY CARRIAGE/ PRIVATE HIRE VEHICLE INSPECTION		
VEHICLE REG NO: 0713 DRV	PLATE NO: PH NOV	PROPRIETOR: MR GOURLAY
MAKE AND MODEL - MIN (1575cc unless already licensed) MERCEDS S350	COLOUR SLVDR	RECORDED 1st 70012
		MILEAGE 2nd

Note: Where an item covered by this test is also included in the ordinary DoT test, the criteria determining pass or failure will be taken from the DoT Tester's Manual (issued by HMSO under reference no. ISBN/O/11/550406/0) and the associated Guide to Operation (ISBN/O/11/550407/90). For other items, the Council's own standards, as indicated in the agreement with the Council, must be applied.

CODE	TESTABLE ITEMS	PASS	FAIL	REASON FOR FAILURE AND REMARKS
SECTION I LIGHTING EQUIPMENT				
1.	Front Lamps	✓		
2.	Rear Lamps	✓		
3.	Headlamps	✓		
4.	Headlamp Aim	✓		ADVISE
5.	Stop Lamps	✓		INNER ROR BLADDS LOW
6.	Rear Reflectors	✓		
7.	Direction Indicators	✓		
8.	Interior Lamp	✓		
9.	Panel Lights	✓		ADVISE
SECTION II STEERING & SUSPENSION				
10.	Steering Controls	✓		
11.	Steering Mechanism	✓		
12.	Power Steering	✓		
13.	Transmission Shafts	✓		
14.	Stub Axle Assemblies	✓		
15.	Wheel Bearings	✓		
16.	Suspension	✓		
17.	Shock Absorbers	✓		
SECTION III BRAKING SYSTEM				
18.	Service Brake Condition	✓		
19.	Parking Brake Condition	✓		
20.	Service Brake Performance	✓		
21.	Parking Brake Performance	✓		
22.	Service Brake Balance	✓		
SECTION IV TYRES AND WHEELS				
23.	Tyre Type	✓		
24.	Tyre Condition	✓		Size: 255/45/18
25.	Road wheels inc spare wheel or 'get you home' and tools	✓		
SECTION V SEAT BELTS				
26.	Security of Mountings	✓		
27.	Condition	✓		
28.	Operation	✓		
SECTION VI GENERAL ITEMS				
29.	Windscreen Washers	✓		
30.	Windscreen Wipers	✓		
31.	Horn	✓		
32.	Exhaust System	✓		
33.	Silencer	✓		
34.	Vehicle Structure	✓		
35.	Demister and Heater	✓		
36.	View to Front, Glass Visibility and Cracks *Light emission - Maximum 75% front/front side +70% rear/rear side if tinted	✓		

CODE	TESTABLE ITEMS	PASS	FAIL	REASON FOR FAILURE AND REMARKS
37.	All Window Winder Operations	✓		Fuel Type: Petrol/Diesel/LPG
38.	Brake, Clutch and Throttle Pedal Pads	✓		
39.	Battery, Wiring, Electrics, Oil Leaks	✓		
40.	Fuel Tank and System for Security and Leaks	✓		
41.	Smoke Emission	NA		
42.	External and Internal Mirrors	✓		
43.	First Aid Kit to Specification - indelibly marked with plate number	✓		
44.	Fire Extinguisher with Gauge, fitted and filled (1kg Min) - indelibly marked with plate number	✓		Number of Passenger Seats: 4
45.	Tax Disc (Expiry Date)	NA		
46.	General Type and Condition of Vehicle	✓		
47.	Access to Seating / Access Equipment	✓		
48.	Width of Seats	✓		
49.	Conditions of Front and Rear Seats	✓		
50.	Spare Wheel (or 'get you-home wheel) and Tools	✓		
51.	Window signs - Taxi and all Private Hire vehicles	TBF		Rolling Road / Road Test
52.	Display of Plate or exemption letter/plate produced (Private Hire only)	N/A		
53.	Taxi Roof Sign to Specification	N/A		
54.	Taxi Roof Sign (Illumination)	N/A		
55.	Laminated numbered Fare Chart (if meter fitted)	N/A		
56.	Interior Licence (windscreen sticker) ALL	TBF		
57.	Smoke free sticker displayed	TBF		
SECTION VII METER TEST				
58.	Meter Make No:	Z		
59.	Measured Mile (Meter)	Z		
60.	Waiting Time (Meter)	Z		
SECTION VIII LPG ADAPTED VEHICLES				
61.	Certificate of conversion/annual certificate (LPG Association approved fitter only)	Z		
62.	Fuel Tank - Ring/Cylinder type	Z		
63.	Secure Fitting of Tank or Spare Wheel	Z		
64.	LPG Stickers in Front and Rear Windows	Z		

INSPECTION COMPLETED DATE: 27/4/16 TESTER: D. H. L. ...	DEFECTS RECTIFIED DATE: TESTER:	
--	--	--

NOTES ON VEHICLE TESTS AND INSPECTION SHEET

Items 53 and 54 do not apply to Private Hire Vehicles.

Items 55, 59 and 60 apply to Private Hire Vehicles only if a meter is fitted.

Items 51 and 56 do not apply to Taxis.

Items 58, 59 and 60 applicable to all Hackney Carriages and any Private Hire Vehicles fitted with meter.

A meter that charges at a rate less than the tariff on time or distance will not constitute a failure, but it should be adapted to the current tariff

* I certify that the above vehicle has complied with the Waverley Borough Council's requirements as regards standards of fitness for Hackney Carriages and Private Hire Vehicles (including the full requirements of the statutory MOT test under Section 45 of the Road Traffic Act 1988)

or

* I certify that, for the reasons shown above, the vehicle has failed to comply with statutory requirements for an MOT test certificate / Waverley Borough Council requirements for Hackney Carriages and Private Hire Vehicles

* delete as appropriate



GLENN'S PRIVATE HIRE

**Glenn J. Gourlay
52 Wyphurst Road
Cranleigh
Surrey
GU6 7AX**

11th March 2016

To whom it may Concern,

I have been in the cab industry for over 20 years. Starting as a private hire driver with Beeline & Fives & Sixes in Guildford for around 4 years.

Then as a Taxi driver with G T A for around 7 years I then drove for Connoisseur Cars as a chauffeur driver for the next 2 years.

At that point in time I switched to Waverley and started working as a Taxi driver in Cranleigh building up a repetitive customer base. Around 18 months ago I switched my car to a Private hire car which my customers received very warmly. There are a fair amount of Taxi's and a few Private Hire car's in Cranleigh at the moment and there is a gap in the market for a Chauffeur Company as the nearest are in Godalming & Guildford.

It is my intention to take the opportunity to fill this gap in Cranleigh.

I would like to purchase two S class Limousines this congers up a picture of a super stretch cars and that's not the case. An S class Limo is around 10" inches longer than a normal S class but the extra room is in the back of the car giving the passengers more room and comfort.

I have always gone to work in a shirt and tie and wear a coat in the winter and a suit in the better weather. I have spoken to a fair amount of my customers a lot who work in the City and are normally supplied with chauffeur cars and would like the same service at home. I would also like to use these cars as wedding cars for brides and bridesmaids.

The two cars would be matching and to carry this out I would require the cars to be plate exempt. And the opportunity to add another car at a later date as the business grows. I have added some letters from my customers.

Thank you for your time and consideration in this matter.

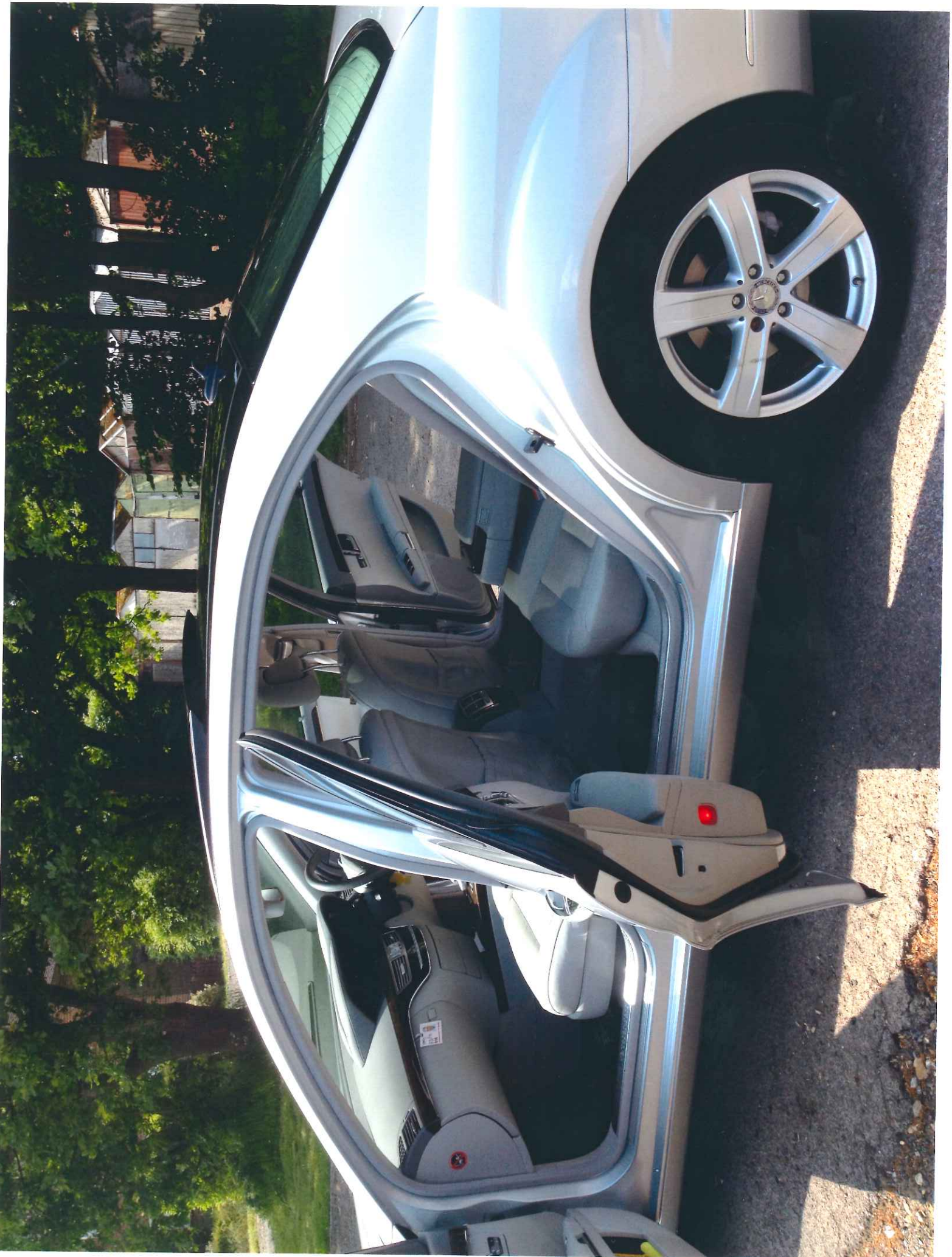
Yours Sincerely

A handwritten signature in blue ink, appearing to read "Glenn Gourlay", written over a circular scribble.

Glenn Gourlay







From: Antony Douglas <antony@unity3d.com>

To: dig6782 <dig6782@aol.com>

Subject: Reference for Mr Glenn Gourlay

Date: Fri, 11 Mar 2016 21:48

To whom it may concern,

Firstly, I am writing to recommend Mr Glenn Gourlay of Glenn's Taxi Service. I have used Mr Gourlay's private hire service for nearly seven years and have found him to be an exemplary service provider; nothing less than courteous, highly punctual, organised and above all, reliable. I have recommended Mr Gourlay's services to friends and customers on a number of occasions and I know they have all enjoyed the same experience as myself.

Secondly, I believe that a limousine service is greatly needed in the Cranleigh area; if you want to book a wedding or special occasion car, aside from people carriers, there is very little choice, in fact, that's it. And how many brides want to go to their big day with the driver sporting taxi plates? None.

Cranleigh is an affluent area, people will pay for the right service and I know Mr Gourlay is the right person to deliver this.

Yours sincerely

Antony Douglas

Antony Douglas
Vice President EMEA
Unity Technologies
antony@unity3d.com
Mobile: +44 7881944841
Skype: antonydouglas
Twitter: @Doug77

From: Carolyn Lodge <Carolyn@carolynlodgetravel.co.uk>

To: 'dig6782@aol.com' <dig6782@aol.com>

Subject: Supporting Glenn Gourlay's enhanced taxi service

Date: Fri, 4 Mar 2016 15:36

To whom it may concern

I have been using the services of Glenn's taxi for several years now and do very much support his intention to upgrade his service to an unmarked limousine vehicle which will provide myself and his other clients with a smarter and more comfortable car when attending business functions etc.

With kind regards

Carolyn

Carolyn Lodge - Managing Director



Telephone: [01483 276197](tel:01483276197)
Website: www.carolynlodgetravel.co.uk
Twitter: [@CLodgeTravel](https://twitter.com/CLodgeTravel)
Address: 77 High Street, Cranleigh, Surrey, GU6 8AU

From: Nicholas, Andy <andy.nicholas@citi.com>

To: 'Glenn' <dig6782@aol.com>

Date: Fri, 11 Mar 2016 9:26

To whom it may concern I have been using the services of Glenn's taxi for over 10 years and I am very supportive of his intent to upgrade his business to an unmarked limousine vehicle which will provide myself and his other trusted clients with a supreme car service. I am a frequent traveller and use Glenn on average once every two weeks and the service he provides is exceptional. This Upgrade will be very well received. Kind Regards Andy Nicholas Director, Citigroup Financial Institution

Kind Regards Andy Nicholas Head of Commercial Card Sales And Account management EMEA Treasury and Trade Solutions 13th Floor, Citigroup Centre 1 (13-02) 33 Canada Square, London, E14 5LB Office: +44 20 7508 0224 Mobile: +44 7764 823 604 Email: andy.nicholas@citi.com

The Leadenhall Building
122 Leadenhall Street
London
EC3V 4AN
t +44 (0)20 7623 5500
f +44 (0)20 7621 1511

MAILING ADDRESS
Aon plc
PO Box 730
Redhill
RH1 9FH

March 2016

To Whom It May Concern

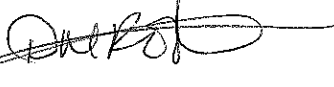
Dear Sirs

I have used Glenn's services for approximately 8 years as a trusted taxi and private hire car, and have always received a 1st class service.

Glenn wishes to provide a chauffeur service - this is just the sort of service that I would fully support and am prepared to endorse.

I look forward to enjoying this service in the near future.

Yours faithfully



PD **Christopher Lawrence | Managing Director**

Aon Risk Solutions | Global

t: +44 (0)20 7086 0302 | m: +44 (0)7740 634694

e: christopher.lawrence@aon.co.uk | aon.co.uk

Mr D Nicholas
Chief Underwriter
Gen Re
The Corn Exchange
55 Mark Lane
London
EC3R 7NE

27th February 2015

Reference: Mr Glenn Gourlay, 52 Whyphurst Road, Cranleigh, GU6 7AX.

To whom it may concern,

I have used Mr Gourlay's services extensively over the last 5 years. Throughout this time I have found his behavior to be exemplary, his punctuality impeccable and his overall attitude first-class.

I would have no hesitation whatsoever in recommending his services or providing a more detailed reference if required.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Nicholas', written in a cursive style.

David Nicholas

From: Bewsey, Geoff <GeoffBewsey@hillintl.com>
To: dig6782 <dig6782@aol.com>
Subject: Reference
Date: Tue, 17 Feb 2015 14:16

To whom it may concern:

I am Geoff Bewsey, of 18 Waverleigh Road, Cranleigh, Surrey, GU6 8BZ.

I give this reference for Glenn Gourlay of 52 Wyphurst Road, Cranleigh, Surrey, GU6 7AX

I have known Mr Glenn Gourlay since 2006 when I first used him to drive me to the airport and other locations for business trips. On average since then I estimate that I have used Glenn's services in this way 10 to 20 times per year.

I have always found Glenn to be pleasant and personable and to provide a reliable and timely service. His car is always clean, comfortable and well presented. Demonstrating my confidence in Glenn, I have recommended Glenn's services to a number of friends.

I am happy to give further details if required and to talk by phone if necessary.

Yours faithfully

Geoff Bewsey

Senior Vice President

Hill International

11 Pilgrim Street,
London EC4V 6RN

Mobile: +44 (0)7841 322 285

Direct: +44 (0)207 618 1210

Email: geoffbewsey@hillintl.com

Office: +44 (0)207 618 1200

Fax: +44 (0)207 618 1201

To whom it may concern

27 Feb 2015

Reference for Glenn Gourlay

Dear Sir/Madam,

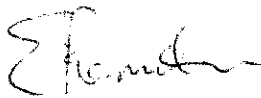
I am happy to provide this reference in support of Glenn Gourlay of 52 Wyphurst Road, Cranleigh, Surrey GU6 7AX.

I have known Glenn for many years in his capacity as a taxi / private-hire driver. I consider him to be trustworthy, courteous & conscientious. He is always punctual and ensures that both he & his vehicle are well presented. In addition to the journeys that I undertake with him, he often drives clients of my company as well as members of my family. The feedback received is always highly favourable.

His standard of driving is excellent – he is a calm, considerate & patient road-user who observes speed-limits & maintains sensible braking-distances. When I get into Glenn's car, I know I am in safe hands & can relax.

Please feel free to contact me if you would like to discuss any aspect of this reference.

Yours sincerely,



Mr Edmund Forrester
Managing Director
07966 486878

Aerobytes Limited
Danemead
Knowle Lane
Cranleigh
Surrey GU6 8JN
England

Tel +44 (0)7966 486878
Email eddief@aerobytes.co.uk
Web <http://www.aerobytes.co.uk>

Regd England & Wales – 4191887
Director Mr E J Forrester BSc (Hons)

Reference – Glenn Gourlay.doc

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Agenda Item 9.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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[EXEMPT] ANNEXE 2

WAVERLEY BOROUGH COUNCIL

LICENSING (GENERAL PURPOSES) SUB-COMMITTEE – 29 MAY 2014

Title:

**REVIEW OF HACKNEY DRIVER'S LICENCE WITH REFERENCE TO
COMPLAINTS RECEIVED IN RELATION TO THE DRIVER'S BEHAVIOUR
MR RAWSHAN NICKBAKHT**

[Wards Affected: All]

Note Pursuant to Section 100B (5) of the Local Government Act 1972

This report contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates as specified in paragraph 1 of the revised Part I of Schedule 12A to the Local Government Act 1972, namely:

Information relating to any individual.

Summary and Purpose

The purpose of this report is to enable the Sub-Committee to consider an existing hackney carriage/private hire driver, Mr Rawshan Nickbakht, regarding whom two complaints have been received, one involving violent behaviour which led to Mr Nickbakht being arrested. The two complaints follow a previous Sub-Committee hearing held on the 7 June 2013 regarding previous complaints against Mr Nickbakht alleging aggressive driving and violent behaviour.

How this report relates to the Council's Corporate Priorities:

Taxis play an important part in the overall public transport network in the borough and contribute to policies on the environment and improving lives. Encouraging use of taxis could have positive environmental benefits in that fewer private cars might be used or needed, although this might not affect the numbers of car journeys taken. The Sub-Committee has a duty to ensure that public safety is its priority in instances where any adverse information may be shown in an application, or at a later stage.

Equality and Diversity Implications:

If a licensee requires the services of an interpreter arrangements will be made for an interpreter to be present at the meeting in order to ensure the article 6 right to a fair hearing is met.

Resource/Value for Money Implications

There are no immediate resource or value for money implications in this report.

Legal implications:

The legal implications are principally related to the human rights implications. There could be some legal implications if the decision of the Sub-Committee was such that Mr Nickbakht decided to appeal to the Magistrates' Court, as is the right of any licensee aggrieved by the Sub-Committee's decision. However, this must not fetter the Sub-Committee's duty of consideration of the matter in the interests of public safety and the fitness and propriety to be licensed.

Introduction

1. Authority is delegated to the Head of Policy and Governance to determine the issue of hackney carriage vehicle and drivers' licences, and private hire operators', vehicle and driver licences, apart from those which reveal convictions for offences which might affect the suitability of a person to hold a licence (which are generally referred to the Sub-Committee for determination). The officers also have the discretion to refer any new application to the Sub-Committee for consideration, and accordingly they may waive their delegated authority in order to do so. Officers also may refer current licence holders for the purpose of enforcement.

2. Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 states:-

61(1) Notwithstanding anything in the [Town Police Clauses] Act of 1847, or in this Part of the Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:-

(a) that he has since the grant of the licence –

- i) been convicted of an offence involving dishonesty, indecency or violence;
- ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this Act; or

(b) any other reasonable cause.

3. Under section 51(1) and 59(1) of the 1976 Act, the Council shall not grant a private hire/hackney carriage driver's licence to an applicant unless they are satisfied that the applicant is 'fit and proper' to hold such a driver's licence. This type of work is generally carried out, usually alone, in the community at any hour of the day or night, and often in a one-to-one situation with unknown passengers, who have a right to rely on the Council's judgement as to the suitability of an applicant based on the evidence available to it.

History

4. Mr Nickbakht first applied to Waverley to be a Hackney Carriage/Private Hire licensed driver in August 2011. Having completed the application process and the necessary checks Mr Nickbakht was granted a Hackney Carriage/Private Hire Driver's Licence on the 12 September 2011.
5. On the 7 June 2013 Mr Nickbakht was called before the Licensing (General Purposes) Sub-Committee following a number of separate complaints having been received against him, including aggressive driving and violent behaviour, within the preceding year. A copy of the report for this meeting is attached at [Exempt] Appendix A.
6. Having considered the case on the 7 June 2013, the Sub-Committee, on the balance of probabilities, still considered Mr Nickbakht to be a fit and proper person to be a Hackney Carriage/Private Hire Driver. The Sub Committee did however give Mr Nickbakht a very strict warning that should he appear before this Sub-Committee at any time in the future, any new matters would be considered against the background of these matters and could therefore jeopardise him holding a licence in the future. The Sub-Committee also strongly recommended that Mr Nickbakht attend an assertiveness course to help him deal with difficult situations. A copy of the decision notice from the hearing of 7 June 2013 is attached at [Exempt] Appendix B.
7. On the 2 April 2014 a complaint was received from Mr Cartwright who attended the Council Offices regarding Mr Nickbakht shouting at him. Mr Cartwright showed officers a video recording allegedly taken by the CCTV installed in Mr Cartwright's car. The video does not show Mr Nickbakht on screen but has recorded the conversation. A copy of this recording has been requested from Mr Cartwright.
8. On 2 April 2014 another licensed driver, Mr Mohammed Ali, telephoned officers alleging that Mr Nickbakht had assaulted him a number of times earlier that day, at approximately 00.35 am, resulting in the Police being called and Mr Ali attending hospital requiring treatment for injuries sustained in the alleged assault. An appointment was arranged for Mr Ali to attend the Council offices to give officers further details of the incident and the notes from the meeting are attached at [Exempt] Appendix C.
9. Mr Ali authorised officers to request a copy of his witness statement from Surrey Police. A copy of this statement has been requested and is To Follow.
10. Mr R. Nickbakht was contacted and it was arranged for him to attend the Council Offices on the 15 April 2014 to discuss the incident. Mr R. Nickbakht recollected the incident but refuted Mr Ali's allegation, stating that he had acted in self-defence. Brief notes of the meeting are attached at [Exempt] Appendix D.
11. On the 29 April 2014 Mr Nickbakht was contacted by the Licensing Enforcement officer Catie Hipgrave in order to obtain signed permission from Mr Nickbakht to enable officers to obtain a copy of his witness statement from Surrey Police. A copy of this statement has been requested and is To Follow.

What the Sub-Committee must consider

12. Officers have now had two new separate alleged incidents, both within a short period of time, including allegations of aggressive or violent behaviour from Mr Nickbakht.
13. Officers feel that Mr Nickbakht's recent alleged behaviour following on from his previous appearance before the Sub-Committee on the 7 June 2013, again shows a common pattern that may pose a risk to the safety of the public for the future. As licences can only be granted to those who are fit and proper to hold them, fitness and propriety to hold a licence is a relevant consideration when deciding whether to exercise the power to suspend or revoke Mr Nickbakht's licence. As stated by Bingham LCJ in *McCool v Rushcliffe Borough Council* (1998) 3 All ER 889 QBD (an appeal against a council's refusal of a private hire driver's licence where the Council was not satisfied of the applicant's fitness and propriety):

'One must, as it seems to me, approach this case bearing in mind the objectives of this licensing regime which is plainly intended, among other things, to ensure so far as is possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their employment or assault passengers.'

Mr Cartwright and Mr Ali will be invited to attend as witnesses. However, if they are unable to attend, the following extract from the case of *McCool v Rushcliffe Borough Council* (1998) 3 All ER 889 QBD will assist Members in how to approach the consideration of hearsay evidence:

"It is common ground that in reaching their decision the justices were entitled to rely on hearsay evidence. This is in my judgment clear from Section 51(1)a) of the Act and also from *Kavanagh v Chief Constable of Devon and Cornwall*..... It is also in my judgment plain from the judgment of Pill J in *Westminster City Council v Zestfair*. I conclude that, in reaching their respective decisions, the Borough Council and the justices were entitled to rely on any evidential material which might reasonably and properly influence the making of a responsible judgment in good faith on the question in issue. Some evidence such as gossip, speculation and unsubstantiated innuendo would be rightly disregarded. Other evidence, even if hearsay, might by its source, nature and inherent probability carry a greater degree of credibility. All would depend on the particular facts and circumstances."

Community Safety Issues

14. In accordance with the requirements of Section 17 of the Crime and Disorder Act 1998 the Council must do all that it reasonably can to prevent crime and disorder in its area. The Sub-Committee must consider whether there is any risk to the safety of the public in this regard, such as shown above.

Human Rights Implications

15. The Sub-Committee must take account of the rights of Mr Nickbakht, protected by Article 8 European Convention on Human Rights (ECHR), for his private and family life, his home and his correspondence to be respected. Since the Sub-Committee will be enquiring into matters which may be protected by Article 8 it is, for example, necessary to ensure that any interference by questioning at interview is limited and proportionate to what is necessary in the interests of protecting public safety in accordance with licensing legislation. Mr Nickbakht also has the right (contained in Article 6) to a fair and public hearing.
16. The following options are open to the Sub-Committee to consider, having heard from Mr Nickbakht:-
 - To take no action
 - To give a warning against future conduct
 - To add special conditions, which must be justified
 - To suspend his licence
 - To revoke his licence
17. Mr Nickbakht has the right of appeal if he feels aggrieved by the Sub-Committee's decision. If a suspension/revocation is imposed, unless the interests of public safety require the suspension/revocation of the licence to have immediate effect, any decision to suspend or revoke a licence does not have effect until the time for appeal has expired, and, if an appeal is submitted, the decision of the Sub-Committee is then suspended until the appeal has been heard. Such appeal would be to the Magistrates' Court within 21 days of the decision being received in writing.
18. Mr Nickbakht will be invited to attend the meeting for interview by the Sub-Committee and the Sub-Committee is requested to give consideration to this report. Mr Cartwright and Mr Ali will also be given the opportunity to attend the meeting to clarify information about the incidents if required.

CONTACT OFFICER:

Name: Paul Hughes **Telephone:** 01483 523189
E-mail: paul.hughes@waverley.gov.uk

[EXEMPT] APPENDIX A

WAVERLEY BOROUGH COUNCIL

LICENSING (GENERAL PURPOSES) SUB-COMMITTEE – 7 JUNE 2013

Title:

**REVIEW OF HACKNEY DRIVER'S LICENCE WITH REFERENCE TO
COMPLAINTS RECEIVED IN RELATION TO THE DRIVER'S
BEHAVIOUR/DRIVING - MR RAWSHAN NICKBAKHT**

[Wards Affected: N/A]

Note Pursuant to Section 100B(5) of the Local Government Act 1972

This report contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates as specified in paragraph 1 of the revised Part I of Schedule 12A to the Local Government Act 1972, namely:

Information relating to any individual.

Summary and Purpose

The purpose of this report is to enable the Sub-Committee to consider an existing hackney carriage/private hire driver, Mr Rawshan Nickbakht, regarding whom a number of separate complaints have been received including aggressive driving and violent behaviour, within the last year.

How this report relates to the Council's Corporate Priorities:

Taxis play an important part in the overall public transport network in the borough and contribute to policies on the environment and improving lives. Encouraging use of taxis could have positive environmental benefits in that fewer private cars might be used or needed, although this might not affect the numbers of car journeys taken. The Sub-Committee has a duty to ensure that public safety is its priority in instances where any adverse information may be shown in an application, or at a later stage.

Equality and Diversity Implications:

There are no equality and diversity implications in this report.

Resource/Value for Money Implications

There are no immediate resource or value for money implications in this report.

Legal implications:

The legal implications are principally related to the human rights implications. There could be some legal implications if the decision of the Sub-Committee was such that Mt Nickbakht decided to appeal to the Magistrates' Court, as is the right of any

licensee aggrieved by the Sub-Committee's decision. However, this must not fetter the Sub-Committee's duty of consideration of the matter in the interests of public safety and the fitness and propriety to be licensed.

Introduction

1. Authority is delegated to the Head of Democratic and Legal Services to determine the issue of hackney carriage vehicle and drivers' licences, and private hire operators', vehicle and driver licences, apart from those which reveal convictions for offences which might affect the suitability of a person to hold a licence. These cases are generally referred to the Sub-Committee for determination. The officers also have the discretion to refer any new application to the Sub-Committee for consideration, and also may refer current licence holders for the purpose of enforcement; accordingly they may waive their delegated authority in order to do so.

2. Section 61(1) of the Local Government (miscellaneous Provisions) Act 1976 states:-

61(1) Notwithstanding anything in the [Town Police Clauses] Act of 1847, or in this Part of the Act, a district council may suspend or revoke or (on application therefore under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:-

(a) that he has since the grant of the licence –

- i) been convicted of an offence involving dishonesty, indecency or violence;
- ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this Act; or

(b) any other reasonable cause.

3. Under section 51(1) and 59(1) of the 1976 Act, the Council shall not grant a private hire/hackney carriage driver's licence to an applicant unless they are satisfied that the applicant is 'fit and proper' to hold such a driver's licence. This type of work is generally carried out, usually alone, in the community at any hour of the day or night, and often in a one-to-one situation with unknown passengers, who have a right to rely on the Council's judgement as to the suitability of an applicant based on the evidence available to it.

History

4. Mr Nickbakht first applied to Waverley to be a Hackney Carriage/Private Hire licensed driver in August 2011. Having completed the application process and the necessary checks Mr Nickbakht was granted a Hackney Carriage/Private Hire Licence on the 12 September 2011.

5. On the 5 March 2013 officers received a letter dated 22 February 2013 from a Waverley Licensed driver, Mr Timothy Croucher, alleging abusive language and verbal threats made towards him on Friday 8 February 2013 by another licensed driver, plate number 145 which is licensed and driven by Mr Nickbakht. A copy of the letter is attached at [EXEMPT] Annexe 1.
6. On 5 March 2013 Catie Hipgrave received information from Surrey Police, regarding an incident which involved punches being thrown and the Police being called on Saturday 2 March 2013 involving Mr Nickbakht. Mr Nickbakht subsequently reported the incident by email, having been spoken to by Catie Hipgrave. A copy of the email is attached at [EXEMPT] Annexe 2.
7. On 7 March 2013 an email was received from a business owner at Haslemere Train Station, Mr Nick Hammonds, making a formal complaint against the driver of plate number 145, which is licensed and driven by Mr Nickbakht. A copy of the email is attached at [EXEMPT] Annexe 3.
8. Mr Nickbakht was contacted and asked to attend the offices to discuss the incident on 5 March and the two complaints mentioned above in paragraphs 5, 6 and 7. On 12 March 2013 Mr Nickbakht met with officers (Catie Hipgrave & Kate Halsall). He explained the incident that took place on the 2 March and refuted both complaints saying they were untrue. Brief notes of the meeting are attached at [EXEMPT] Annexe 4.
9. On 25 March 2013 an email was received from licensed driver and Private Hire Operator, Mr Briain McConnell with an attached letter dated 15 March 2013 referring to a previous complaint he had made against Mr Nickbakht, (previous complaint and notes are attached at [EXEMPT] Annexe 5 and also alleging that Mr Nickbakht had attended his offices in June 2012 making threats towards him and his wife. A copy of the emailed letter is attached at [EXEMPT] Annexe 6.
10. The previous complaint that Mr McConnell referred to, attached at [EXEMPT] Annexe 5 was investigated by officers, however without any complaint from the alleged victims, their contact details or any other supportive evidence no further action was taken.
11. Mr Nickbakht was contacted and asked to attend the offices to discuss Mr McConnell's complaint on 5 April. Notes of the meeting are attached at [EXEMPT] Annexe 7.
12. On 3 April 2013 officers received an email from Barry Cartwright, a licensee, complaining about an incident that he witnessed where Mr Nickbakht's behaviour and driving were aggressive, attached at [EXEMPT] Annexe 8.
13. On 5 April 2013 officers received an email from Michael Allen, a licensee, alleging that Mr Nickbakht had tried to poach his customers, attached at [EXEMPT] Annexe 9. Mr Allen had also attached a letter to his email from another licensee, Dave Wilkins. Mr Wilkins letter describes an incident that he and Mr Nickbakht were involved in and was witnessed by Mr Cartwright in 12 above, attached at [EXEMPT] Annexe 10.

14. On 6 April 2013, Mr Nickbakht sent an email to officers requesting support from officers regarding a number of unjust complaints against him, attached at [EXEMPT] Annexe 11.

15. On 17 April 2013 officers wrote to;

Mr Croucher
Mr McConnell
Mr Cartwright
Mr Wilkins
Mr Allen and
Mr Hammonds

requesting whether they would be willing to attend a licensing hearing and their willingness for their statements to be included in the licensing report. All agreed for their statements to be included and some may attend the hearing,

16. On 1 May 2013 officers received, by hand, nine identical typed letters (unsigned example attached at [EXEMPT] Annexe 12) which were signed by 12 licensees, some of whom had added additional handwritten comments. Officers contacted the licensees regarding their willingness to take this further of which one, Mr Cartwright has already agreed and has made a complaint, see 12 above. Seven others have decided to take it no further and the remaining four, Mr Waller, Mr Farrell, Mr Audsley and Mr Willo agreed for their statements to be part of the licensing report, attached at [EXEMPT] Annexe 13.

17. On 8 May 2013 officers had a further meeting with Mr Nickbakht to discuss Mr Allen's, Mr Wilkin's and Mr Cartwright's complaints, notes of the meeting are attached at [EXEMPT] Annexe 14.

18. On 14 May 2013 Mr Waller, Mr Farrel, Mr Audsley and Mr Willo attended the offices in order that officers could take details regarding the letters they signed, notes of the meetings are attached at [EXEMPT] Annexe 15.

19. On Friday 17 May 2013 officers tried to contact Mr Nickbakht but were informed that he was on holiday for two weeks.

20. If officers have/receive any additional information or reports they will table them at the hearing.

Previous Incident recorded

21. On looking at Mr Nickbakht's file there was a previous telephone complaint from a Mr Desmond alleging dangerous driving, a copy of the report is attached at [EXEMPT] Annexe 16.

What the Sub-Committee must consider

22. Officers have now had a number of separate alleged incidents all within a short period of time, including allegations of aggressive or violent behaviour. Victims of/witnesses to some of the alleged incidents have also raised concern regarding the manner of Mr Nickbakht's driving.

Mr Nickbakht, when interviewed has admitted being involved in some of the incidents although has given a different version of the events.

23. Officers feel that Mr Nickbakht's recent alleged behaviour shows a common pattern that may pose a risk to the safety of the public for the future. As licences can only be granted to those who are fit and proper to hold them, fitness and propriety to hold a licence is a relevant consideration when deciding whether to exercise the power to suspend or revoke Mr Nickbakht's licence. As stated by Bingham LCJ in *McCool v Rushcliffe Borough Council* (1998) 3 All ER 889 QBD (an appeal against a council's refusal of a private hire driver's licence where the Council was not satisfied of the applicant's fitness and propriety):

'One must, as it seems to me, approach this case bearing in mind the objectives of this licensing regime which is plainly intended, among other things, to ensure so far as is possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their employment or assault passengers.

Although witnesses have been invited to attend, not all witnesses are available. Members should consider, therefore, the following extract from the case of *McCool v Rushcliffe Borough Council*(1998) 3 All ER 889 QBD to assist them in how to approach the consideration of hearsay evidence:

"It is common ground that in reaching their decision the justices were entitled to rely on hearsay evidence. This is in my judgment clear from Section 51(1)(a) of the Act and also from *Kavanagh v Chief Constable of Devon and Cornwall*..... It is also in my judgment plain from the judgment of Pill J in *Westminster City Council v Zestfair*. I conclude that, in reaching their respective decisions, the Borough Council and the justices were entitled to rely on any evidential material which might reasonably and properly influence the making of a responsible judgment in good faith on the question in issue. Some evidence such as gossip, speculation and unsubstantiated innuendo would be rightly disregarded. Other evidence, even if hearsay, might by its source, nature and inherent probability carry a greater degree of credibility. All would depend on the particular facts and circumstances."

Community Safety Issues

24. In accordance with the requirements of Section 17 of the Crime and Disorder Act 1998 the Council must do all that it reasonably can to prevent crime and disorder in its area. The Sub-Committee must consider whether there is any risk to the safety of the public in this regard, such as shown above.

Human Rights Implications

25. The Sub-Committee must take account of the rights of Mr Nickbakht protected by Article 8 European Convention on Human Rights (ECHR), for his private and family life, his home and his correspondence to be respected. Since the Sub-Committee will be enquiring into matters which may be protected by Article 8, it is, for example, necessary to ensure that any interference by questioning at interview is limited and proportionate to what is necessary in the interests of protecting public safety in accordance with Licensing legislation. In addition, the Sub-Committee must have regard to Article 1 of Protocol 1 ECHR (the right to peaceful enjoyment of one's possessions). Mr Nickbakht has the right to peaceful enjoyment of the economic interests attached to his licence. This is a qualified right; any interference by the Council with Mr Nickbakht's right to peaceful enjoyment of the licence, such as by suspending or revoking the licence, must be in the general interest/public interest and be proportionate. Mr Nickbakht also has the right (contained in Article 6) to a fair hearing and public hearing.
26. The following options are open to the Sub-Committee to consider, having heard from Mr Nickbakht to decide there is:
- No case to answer
 - To give a warning against future conduct
 - To add special conditions which must be justified
 - To suspend his licence
 - To revoke his licence
27. Mr Nickbakht has the right of appeal if he feels aggrieved by the Sub-Committee's decision. Unless the interests of public safety require the suspension of the licence to have immediate effect, any decision to suspend or revoke a licence does not have effect until the time for appeal has expired, and, if an appeal is submitted, the decision of the Sub-Committee is then suspended until the appeal has been heard. Such appeal would be to the Magistrates' Court within 21 days of the decision being received in writing.
28. Mr Nickbakht has been invited to attend the meeting for interview by the Sub-Committee and the Sub-Committee is requested to give consideration to this report. Mr Croucher, Mr McConnell, Mr Cartwright, Mr Wilkins, Mr Allen, Mr Hammonds, Mr Waller, Mr Farrell, Mr Audsley and Mr Willo have all been given the opportunity to attend the meeting to clarify information about the incidents if required.

CONTACT OFFICER:

Name: Paul Hughes **Telephone:** 01483 523189
E-mail: phughes@waverley.gov.uk

WAVERLEY
ATT:- LICENSING, 22-02-13

I TIMOTHY CROUCHER BADGE NO:- 19

WOULD LIKE TO MAKE A COMPLAINT ABOUT

ANOTHER TAXI DRIVER ON THE WALSLEWORTH TAXI
RANK HIS PLATE NUMBER IS 145:

ON FRIDAY 8TH FEBRUARY AROUND 8PM, A PASSENGER
WAS GETTING INTO THE FRONT CAR A BLACK HONDA

ACCORD WHEN THE OTHER DRIVER CAME RACING
ONTO THE RANK AND RAN TOWARDS THE PASSENGER
GETTING INTO THE FRONT CAR TELLING HER TO COME

WITH HIM, I POINTED OUT TO HIM BEING AS I
AM A HATA OFFICER THAT THIS WAS INCORRECT:

HE TOLD ME TO MIND MY BUSINESS AND KEEP OUT
OF HIS, I EXPLAINED AGAIN HIS ETIQUETTE WAS

WRONG TO WHICH HE STARTED SWEARING LOUDLY
AND USED ^{THE} WORDS 'FUCK OFF YOU MOTHER FUCKER' AND

'I WILL KILL YOU' I WAS SHAKEN AND AS PUBLIC
WERE AROUND INCLUDING STATION STAFF (SHARON)

WHO ALSO HAS WRITTEN A COMPLAINT TO SUIT.

I WOULD LIKE SOMETHING TO BE DONE ABOUT
THIS SITUATION ASAP. SINCE BEING ON

THIS RANK THE DRIVER CONCERNED
HAS BEEN VERY DISRUPTIVE AND SEEMS TO
THINK NONE OF THE RULES APPLY TO HIM
I AWAIT YOUR REPLY ON THIS VERY
IMPORTANT MATTER. I WOULD REQUEST
HIS LICENSE BE WITHDRAWN AS THIS
IS NOT A ONE OFF INCIDENT.

T. J. CRACKER

RECEIVED

- 5 MAR 2013

Catie Hipgrave

From: raul nick <raul84@live.co.uk>
Sent: Tuesday 05 March 2013 19:39
To: Taxi Licensing
Subject: RE: VEHICLE REGISTRATION NO: SM59 BFO

I am writing to let you know that the accident happened on Saturday night 2/3/13 .
I have had pick up 6 passenger to the high street in Haslemere. The one was in charge to pay the fare he's doesn't want to pay the right fare I groped he's phone I ask him if you are not paying the right money I'll call the police . Finally he is paid the fare in the end hes pounced in my eyes. I called call the police and they came and 'cached the the one is fight with me.
Your faithfully

R Nickbakht

Catie Hipgrave

From: Nick Hammonds <njhammonds@gmail.com>
Sent: Thursday 07 March 2013 21:27
To: Taxi Licensing
Subject: Taxi plate no145 ford galaxy sm59bfo

I would like to make a formal complaint about the above named taxi.

I am a business owner at Haslemere railway station and on a number of times now I have noticed this said taxi driving at great speed on entering the station forecourt where there is often a lot of people milling around including young children, this speed is totally inappropriate for the area. And it is only a matter of time before someone is hurt by this taxi, myself only a couple of weeks ago he nearly got me as I got out of my car outside my shop, then today as I pulled away from outside the shop he came in so fast and overtook me in the station forecourt.

When asked about his driving I found this driver to be aggressive and rude and not very helpful. He is not a good advert for Haslemere taxis. I have also on previous times seen this driver text when driving and have his phone to his ear which I'm sure you are aware is illegal and very dangerous at the speed he drives.

I hope you can do something to sort this out before it is too late and someone is hurt, and I will look forward to your reply.

Regards

Mr N Hammonds

Haslemere railway station

Sent from my iPad

INTERVIEW WITH MR R NICKBAKHT AT 13:00 12TH MARCH 2013
IN ROOM 104 WITH CATIE HIPGRAVE AND KATE HALSALL

CH went through the complaints procedure.

RN happy with that.

CH read out a complaint referring to an incident on 08/02/2013.

"I would like to make a complaint about another taxi driver on the Haslemere Taxi Rank, his plate number is 145.

On Friday 8th February around 8pm. A passenger was getting into the front car a black Honda Accord when the other driver came racing onto the rank and ran towards the passenger getting into the front car telling her to come with him, I pointed out to him being as I am a HATA (Haslemere Alliance Taxi Association) Officer that this was incorrect he told me to mind my own business and keep out of his. I explained again his etiquette was wrong to which he started swearing loudly and used the word 'fuck off you mother fucker' and 'I will kill you' I was shaken and as public were around including station staff (Sharon) who also has written a complaint to SWT. I would like something to be done about this situation ASAP. Since being on this rank the driver concerned has been very disruptive and seems to think none of the rules apply to him.

I await your reply on this very important matter. I would request his licence be withdrawn as this is not a one off incident."

RN said not true and he does not swear at anyone. Not true about swearing. Can't remember, but not true. All the other drivers call him names. All the other drivers swear at him.

CH asked which drivers?

RN replied the Scottish one (Jock), Richard (Melhuish?), Angus, all the drivers tell him to "fuck off". He says he has reported swearing to the Police, but the say nothing and do nothing.

CH stated that a public place is not a good place to see drivers swearing at all. Drivers should not be swearing. Asked RN if he had threatened to kill another driver.

RN said no.

CH said they had a lady witness from SWT and Transport Police have a report/CCTV of incident.

RN stated they all hate foreigners, including station staff.

CH stated that there have been no other foreign drivers reported for this type incident at the station.

RN stated they try to complain about Mr Safari. RN then stated that he is being picked on.

CH spoke to RN about taxi rank etiquette and asked about taking passengers out of queue/jumping the queue.

RN said that it was an accident that day. He told the passenger he couldn't take them and they had to go to the front taxi in the queue first.

CH enquired about fast driving through the station forecourt.

RN said that the man who owns the off licence at the station is rude to him, followed him in his taxi in his car and tried to overtake and drive after him. The man swears at him. The man tried to race him in his taxi at the station. RN said he does not speed at or near the forecourt. People walk out in front of the cars.

CH advised that this complaint was not from the owner of an off licence at the station and said she may need to speak to the witnesses to clarify this complaint.

RN said that all the other drivers swear at him and tell him to "fuck off" and he just replies "thank you". RN said he had a passenger book him and when to the station to collect them. Tim said to him to "fuck off" and said to the passenger not to take his taxi, but use one from the front of the queue. Tim said "fuck off" to him and then spoke again to the customer saying that she shouldn't get into his car and should use another taxi at the front and not him.

CH explained about not using the rank to wait to pick up a booked passenger.

RN said he was not on the rank and had his top light off. The station was busy and he had nowhere else to wait. There were other cars and taxis behind him and was just trying to turn around to collect his passenger.

CH tried to clarify the situation by asking were there about three people in the queue as well as RN.

RN stated again that he was not on the rank, his light was not on and he was just turning around.

CH again tried to clarify the situation.

RN said he had a text from his passenger which he showed to Tim to show he was not jumping the queue and that he was collecting a booking.

CH went through a scenario of if RN was first in the queue and a passenger came out and got in the second or third taxi that he would want to know why and would not like missing a fare.

RN explained about a situation where a male passenger wouldn't get in his taxi as it has dark windows. The passenger wouldn't get in the next taxi as that also had dark

windows and so got in the third one in the queue. RN said that he didn't mind this happening as the man said why he didn't want to use his or the other taxi.

CH then asked RN about the incident on 02/03/2013 which he had written in after she'd seen him on the rank, when he was punched and asked him to explain this incident and asked what the Police were doing now.

Email copied below:

I am writing to let you know that the accident happened on Saturday night 2/3/13 . I have had pick up 6 passenger to the high street in Haslemere. The one was in charge to pay the fare he's doesn't want to pay the right fare I groped he's phone I ask him if you are not paying the right money I'll call the police . Finally he is paid the fare in the end hes pounced in my eyes. I called call the police and they came and cached the the one is fight with me.

Your faithfully

R Nickbakht

RN said he picked up a passenger and he wouldn't pay the fare. Then the passenger did pay the fare and then punched him. RN said he didn't know why the man punched him in the eye. RN then said he punched the man back. RN said he then called Guildford Police and they came. The passenger said he was sorry and was crying. The Police said everything was OK and no caution was needed.

CH asked if RN had given a quote for this fare.

RN said yes he did. The quote was for seven people in two cars at £7.50 each. RN said if it was one car it would be different and time and a half. He said he didn't ask for a booking fee. The fare was £12 and the passenger would only pay £5. The passenger booked him for 21:00 and then rang to change it to 21:30. RN said he got to the pick up point and waited 10 minutes and tried to phone the passenger. When he did get through it was for six people anyway.

CH then asked RN if he had taken the passengers mobile phone.

RN said yes he had taken the mobile phone. He took the phone to make the passenger pay the fare. He said he told the passenger he would get the phone back when he paid the fare. The passenger agreed to this. He agreed to put the money on the ground and then RN said he gave the phone back. The passenger then punched him in the eye when he'd got his phone

CH explained that it is probably not a good idea to take people's possessions when he thought they might not pay their fare.

RN then said on the way home from another journey (on a different day) he had a call from a passenger wanting to go from Haslemere to his home. RN said he was tired and didn't feel up to it, but the passenger insisted so he went and got him. The passenger then wanted to change the route as he was trying to telephone his girlfriend and said he wanted to go to Guildford as she wasn't answering/not in. RN said he asked if the man had money to pay for the journey as it would be a high fare. The passenger said yes and he would pay. When they got to Guildford the passenger gave him his watch and coat and said he was just going in the house to get the money, but he took my (RN's) phone and ran inside. RN said he tried knocking the door and got no answer and then phoned the Police. The Police came and tried the door, but no-one answered. The man has been caught as he gave his old address and could be traced. The man is locked up. The Police said it was OK to take stuff to make sure he got the fare paid. The passenger took RN's mobile.

RN said another journey that was Haslemere to Aldershot and the fare was £35-£40. The passenger left his stuff and went into the house and wouldn't come out, so RN said he called the Police. The house was right near Aldershot Police Station and the Police wouldn't come. The Police took a long time and wouldn't come out to him.

CH then read out an email complaint dated 07/03/13 regarding bad driving at speed on Haslemere Station forecourt and texting and phoning while driving and asked RN to explain.

*I would like to make a formal complaint about the above named taxi.
I am a business owner at Haslemere railway station and on a number of times now I have noticed this said taxi driving at great speed on entering the station forecourt where there is often a lot of people milling around including young children, this speed is totally inappropriate for the area. And it is only a matter of time before someone is hurt by this taxi, myself only a couple of weeks ago he nearly got me as I got out of my car outside my shop, then today as I pulled away from outside the shop he came in so fast and overtook me in the station forecourt.
When asked about his driving I found this driver to be aggressive and rude and not very helpful. He is not a good advert for Haslemere taxis. I have also on previous times seen this driver text when driving and have his phone to his ear which I'm sure you are aware is illegal and very dangerous at the speed he drives.
I hope you can do something to sort this out before it is too late and someone is hurt, and I will look forward to your reply.*

RN said it's not true and that he doesn't drive fast. The man who has complained is mad. The man was driving bumper to bumper and following him. He also swears at him.

CH stated that this was a separate complaint and not the same as the first complaint. This was a second complaint and now had several complaints about him. The complaints are about using bad language, bad driving, etc. and this took a lot of officer time.

RN said the complaints aren't true as he has a hands free phone in his taxi and he doesn't text.

CH asked RN to clarify that the complaints are untrue.

RN said the complaints were not true and he does not speak or text on his phone while driving. He said he does not swear and the swearing is the other drivers at him. Since he put the signs on his taxi the other drivers try and give him a bad name. They all complain about the signs and RN said he's told them that the signs are still on his car as he is waiting for Waverley to make a decision. RN said he will take the signs off when Waverley say. The other drivers are not happy with the signs of his car.

During the interview RN became quite agitated and aggressive when questioned about the complaints.

CH also advised RN that there was an invoice which needed paying for a missed vehicle test and that a re-test could not be booked for the vehicle until this had been paid. RN was given an envelope containing the said invoice.

Briain McConnell
3 Sun Brow,
Haslemere,
Surrey,
GU27 2QP.

Paul Hughes,
Licensing,
Waverley Borough Council,
Godalming,
Surrey.

13th June 2012.

To Paul Hughes,

In response to our meeting today, at Waverley Borough Council offices in Godalming, I would like to officially state that one of the drivers who used to work for Three Counties Taxis, Haslemere, Rawshan Nickeakht, (vehicle plate number 34), has received some complaints from members of the public relating to his behaviour, and that I directly received one phone call myself at the beginning of May from the father (name can be supplied) of a daughter who was allegedly subjected to being inappropriately 'touched' by said driver after he had driven the young lady home from a 21st Birthday party.

Allegedly, the driver offered to reduce the fare in exchange for a kiss, this was refused by the lady. Then, the lady was allegedly grabbed and forced into a kiss whilst being handled inappropriately. The young lady involved was so shocked at what had allegedly occurred that she had run into the house and woken up her parents at 02:00am to describe what had taken place. The family then waited and informally took legal advice from a friend before contacting myself at Three Counties Taxis the next day.

I discussed at length with the father what measures could be taken to address this matter, and it was suggested to me that he may contact the police and yourselves at Waverley Borough Council. I stated that I would support any actions that he wished to take. We both concluded that something needed to be done to address this matter, we were both concerned that if left un-dealt with another alleged offence could occur and there may be even worse consequences.

Since taking over the ownership at Three Counties Taxis on 1st June 2012, I have removed the above driver from our rota and he has stated his desire to work for himself/alone.

There was another incident reported to me since taking over at Three Counties Taxis regarding the same driver, though this alleged offence occurred earlier in 2012. A former client (name can be supplied) was collected from Tesco in Haslemere and was driven to an address near the Haslemere Hospital. It is not clear at which point in the journey the alleged offence occurred, but there was apparently inappropriate touching involved and attempts to kiss the lady. The lady involved has some special needs (I am not well enough acquainted to be specific), but there was concern amongst all the drivers at Three Counties Taxis that this was a lady who needed protection and care.

Thursday 21st June 2012 – 17.00hrs

Meeting following letter received concerning the conduct of a licensed driver.

Present: Paul Hughes
Catie Hipgrave
Rawshan Nickbakht

PH read out the letter he had received.

RN said "I can remember the incident and what has been read is untrue. A woman was in my vehicle drunk and she tried to kiss me. I told her to leave my car and also that I said that I was married. I did not touch or kiss her. She gave me £25 for the job from Grayshott to Hale Road. She only had £25 and the job should have been slightly more than that (approximately £25.60). On the return journey she went to the bank.

I am married, I did not touch her. It is against my religion.

I did not offer a discount for a kiss.

In the vehicle she was talking a lot. Before she tried to kiss me she had been talking about how many boyfriends she'd had.

The job was to pick up in Grayshott and I picked up the woman and two others from a party. I took the other two women to Farnham Lane first then started to drive to Hale Road when the remaining passenger asked me to return to Grayshot to collect something. I took her and waited until she got back in the vehicle to go to Hale Road. On the way back I stopped at the cashpoint machine outside the bank so that she could get some money out.

The first two passengers paid me approximately £25 and the other lady paid me £25 and the jobs were on the meter.

There was no physical contact and the woman got out of the vehicle by herself.

When she got out of the vehicle she said bye and I said bye.

Two days later I was spoken to by 3Cs. I contacted the father of the woman the day after they had contacted me (he had given his phone number to 3Cs). He said all was fine and said his daughter was drunk.

This incident was more than three months ago.

I think 3Cs have made this complaint about me".

PH asked is RN could recall an incident concerning a person with special needs. RN said no.

PH reiterated the importance of reporting any incidents that occurred to us. He also explained that if anyone was upset by a driver they should ring us and make us aware of the situation.

RN also said that the woman tried to kiss him outside her house and he gently pushed her away.

She seemed happy

Interview concluded at 17.35

He also said that he was not working for Three Counties (3Cs) any more and they were only giving him short journey work.

Brian McConnell,
Director,
Three Counties Taxis 2012 Ltd,

Paul Hughes,
Licensing
Waverley Borough Council

15th March 2013

To Mr Hughes,

I'm sorry to have to raise this to your attention, but I can no longer stand by and ignore the behaviour of one of the Waverley licensed taxi drivers based in Haslemere; a Mr Rawshan Nickbaht.

As you may already be aware, Rawshan (or Raul, as he seems to be known) used to work for Three Counties Taxis. When we took over the business on June 1st 2012, it had already been brought to my attention of two separate incidents of him "allegedly" touching two female members of the public when they had been in his vehicle as a paying passenger. You have already received my written documentation of this in June 2012. As a result, I asked Rawshan to leave Three Counties Taxis and that we would no longer have any professional involvement with him.

Approximately five days after submitting my written report on Rawshan's behaviour to Waverley Borough Council, Rawshan visited our temporary office to try and discuss what I had reported. I told him that as the proprietor of Three Counties Taxis, as a fellow licensee and someone who believes in behaving with common and decent courtesy towards everyone, that I felt it was my responsibility to ensure that the Licensing authority was made aware of what I had learnt. I explained to him that I was merely doing what I believed was my duty and that nothing would happen to him unless the "alleged victims" either reported it to the police or to Waverley Borough Council. What followed was a very strong verbal attack by Rawshan towards myself, my wife, my family, our businesses, our property, and all of the drivers who work for Three Counties Taxis. I felt assaulted by the language he threatened me with, particularly with the threats towards my wife. All this occurred over a period of two to three minutes whilst I was sat at my desk, as Rawshan stood in front of me and James Hudson (the former Three Counties Taxis owner). When it became apparent that Rawshan was not going to leave, I stood up and asked him to do so, the assault continued for a short period of time though it seemed to go on and on, and increase in its graphicness. Once he had left the building, James Hudson and I discussed the matter at length and I concluded that Rawshan had threatened me, but that I felt so intimidated by his threats that I thought that if I formally reported his actions to you, the Licensing Authority or the police that he may carry out his threats. I surmised that what I wanted was to focus on my first few weeks in charge at Three Counties Taxis and that if I left Rawshan alone, hopefully he would leave us alone. I am not easily intimidated, but I wish the committee to know that I didn't report this to them formally in fear of what he may do to us. I did verbally report the incident, but after what had happened when I had documented the "alleged" behaviours with female passengers, I felt that we would suffer because of my reporting.

Like I previously mentioned, I hoped that Rawshan would leave us alone, but he has now alleged that one of our drivers rolled into his taxi on the Haslemere Station Taxi Rank and he has made a claim against us and our insurance company. I am in dialogue with our insurance providers and have informed them that I believe his claim to be fraudulent; as he is a very disgruntled ex-employee with a vendetta.

There is no damage to his vehicle or any witnesses to such an occurrence. He is claiming whiplash and soft tissue injuries, and that he had to take time off work. I ask, was any of this reported to you? Were you made aware that Rawshan had to take time off work because of his alleged injuries? I am hoping that the insurance company will prove that his claim is fraudulent.

We have been told that our insurance company would have to pay out £6000.00 if we put no contest to this claim, and I have instructed them to investigate it further. If you can provide any assistance with any of this matter, I would be very grateful. If you require any of the written correspondence from our insurance company, please let me know.

I know that other licensees based in Haslemere are contacting you about his behaviour around Haslemere Station taxi rank. He and his colleague (I'm afraid that I don't know his name) have been refusing to collect passengers when the customer is only travelling a short distance. I have also passed this information onto Stagecoach South West Trains who supply the rank passes, as I believe this behaviour is in breach of the terms and conditions of the rank pass. There has also been an incident verbally related to me where Rawshan (who had a passenger on board) chased another taxi driver away from the station rank when he was attempting to contest with said taxi driver that he had collected the wrong passenger. Both taxis had passengers on board. I am distressed that he would behave with such recklessness.

I realise I may be further at personal risk, but I cannot stand by and not act upon Rawshan's behaviour. I ask the Licensing committee to consider whether this candidate is fit and proper to hold a license. He certainly does not reflect the image that the rest of Waverley licensees reflect; which is what a licensee should be like and how to behave.

If you wish to discuss this matter further, please contact me. I kindly ask that this document is dealt with in confidence, as the last time I reported Rawshan's behaviour to you we were threatened (as mentioned above).

Notes from interview with Rawshan Nickbakht – 05/04/2013

Present – Paul Hughes, Steve Tucker

Mr Hughes began the interview by informing Mr Nickbakht that he was not being interviewed under caution, and that the purpose of the meeting was to gather information about some alleged incidents which had been reported to the Council.

Mr Hughes then advised that due to the number of complaints received by the Licensing office regarding Mr Nickbakht's driving and general behaviour, a report was being prepared for the consideration of the Licensing Committee.

Mr Hughes gave brief details of the most recent written complaint which had been received, alleging that last year Mr Nickbakht had gone into Three Counties Taxis' office and used abusive and threatening words towards members of Three Counties staff.

Mr Nickbakht admitted that he had gone to the office and confronted the new owner of the business, Briain, and the previous owner, James. Mr Nickbakht said he did this after being questioned by Council Officers regarding a complaint alleging that he had acted inappropriately towards a female passenger, a complaint which he believed Briain had instigated.

Mr Nickbakht denied using threatening and/or abusive words during this confrontation. He said he asked "why did you report me, it's not your job", and then said "I used to work for you and helped you out many times" and "if I lose my licence you'll be responsible for taking away my livelihood".

Mr Hughes then gave details of a complaint received by telephone on the morning of the 5th April, alleging that on the 4th April Mr Nickbakht had refused to take a passenger from Haslemere Station to Courts Hill Road because of the short distance involved. Mr Nickbakht had already sent an email to the Licensing office on the evening of the 4th April, concerned that a complaint may be made. The email explained that Mr Nickbakht had not refused to take the passenger, but had advised that given the short distance involved it would be feasible for them to walk if they wanted to. He said this was misinterpreted by the customer as a refusal to accept the journey. The customer subsequently mentioned her annoyance to other taxi drivers on the station rank. Mr Nickbakht repeated in the interview that he does not have a problem taking any passenger and that he never refuses short journeys.

A discussion followed where Mr Nickbakht expressed his frustration that on several occasions he had experienced non-paying customers and that the Police had done nothing about it. During this discussion Mr Nickbakht made an admission that he charges his passengers time-and-a-half the basic metered rate for journeys undertaken in his 6-seater Ford Galaxy MPV. Mr Hughes gave a verbal warning to Mr Nickbakht that any taxi, regardless of seating capacity, cannot charge more than the metered rate as displayed on the Waverley fare chart. The 30p charge per extra passenger was the only additional charge he could make in respect of using his six-seater vehicle. Mr Nickbakht acknowledged the warning and said he would no longer charge more than the fare displayed on the meter, although he did allege that he knew of other MPV drivers who were also overcharging. The names of those drivers were taken down.

Mr Nickbaht then asked if the Council was aware that a taxi belonging to Three Counties had caused damage to one of his vehicles at Haslemere station. Mr Hughes said that Mr Nickbakht had verbally informed him of this incident when he had visited Haslemere station previously and that he had instructed Mr Nickbakht that to write to the Licensing office with details. Mr Hughes could not identify any visible signs of damage to the vehicle at that time. Mr Nickbakht claimed that the parking sensor had been destroyed. Mr Nickbakht said he had written to Catie Hipgrave about the incident, however as Catie was not present at the interview this could not be verified. Mr Nickbakht also claimed that he sustained neck and shoulder injuries as a result of the impact of the collision with the other taxi. Mr Hughes asked whether these injuries were reported to the Council; Mr Nickbakht said he had not informed the Council. Mr Hughes therefore reminded Mr Nickbakht that it was a condition of his licence to inform the Licensing office in writing within 14 days of any injury affecting his fitness to drive in any way.

I was working the rank at Haslemere station on the 20th March when I witnessed an incident that concerned me enough to write in to the council about. I'm not sure exactly what the time was, but Raul (I think his name is, driving plate number 145, silver Ford Galaxy), was at the front of the rank when the train came in, passengers got off and in the rush of people one went to Dave who was second, I think Dave was concerned that Raul didn't have a fare as both him and the passenger went up to his car looking through his rather dark windows when another passenger went around the front of Raul's car and proceeded to talk to him through the passenger side window, whereas Dave and his passenger then proceeded to get in his car and leave ahead of Raul satisfied that he now had a fare, as I was getting back into my taxi, I heard an over revving engine (enough for me to turn round and look at what was happening) and proceeded to see Raul leaving the rank at some speed whilst having his lights on at full beam and then blowing his horn, he then left the station with lights still on full beam and still blowing his horn going after Dave who had just left the station forecourt beforehand, I continued watching to see Raul's car stopped on the road where the traffic lights are with his hazard lights flashing, and from what I heard after, this is where the lights were red and he had apparently got out of his car and was having a go at Dave, which would explain why he was stopped like he was. When I got back to the rank, it was quiet until Dave returned, whereupon Dave went to apologise to Raul saying it was a genuine mistake, but Raul wasn't having any of it and was shouting at and over Dave's apologising.

I don't have anything against this man, nor do I have "an axe to grind" with him either, normally I'm not one to go complaining about every little thing either, but this behaviour by Raul concerned me to the point of why should I or anyone else have to work alongside this, which is nothing more than intimidation/bullying/ threatening behaviour.

Maureen Brown

From: Michael Allen <mallentaxis@aol.com>
Sent: Friday 05 April 2013 17:01
To: Taxi Licensing

Hi Steve

I would like to inform you on an incident that happened between myself and, as we know him Raul.

On a Saturday afternoon during March 3 girls from the Royal School in Haslemere had made a booking with me to meet them at the station at 4.05pm. As I was leaving home at 4pm the girls called to say they were already at the station, I told them I was on my way. When the girls got in my car they looks at him sitting on the rank(He was the only one there) and said he had told them to get in his car and he would take them as my car had broken down.

When I saw him a few days later and asked him why he had told them my car had broken down, he did not know what to say, them mumbled that he thought they were waiting for a 3 Counties car to pick them up, even if they were waiting for 3 Counties he should not have told then to get in his car! I purposely left if a couple of days before I saw him, so it gave me time to cool down!

Hope this makes sense to you

Mike

28 Lavant Court

Charles Street

Petersfield

GU32 3EQ

Dear Steve,

Please find to follow the details of an incident that happened in Haslemere, on Wed 20th March 2013 around 21.00.

I was sitting 2nd on the station taxi rank and Raul (This is the name that I know him as) was 1st, the train came in a customer got in my car and the customer asked if Raul had a customer and I got out the car to check, then saw a customer had got in his car. Raul didn't pull out straight away, so I pulled forward to exit the rank and carried on out of the station towards Hindhead. As I was pulling out of the station I could hear lots of tooting behind me, I looked behind me and saw Raul pull out behind me tooting and flashing his lights. I had to stop at the pedestrian crossing and on doing so he got out of his car leaving his customer and came to my window, I wound down my window and he started shouted at me in an aggressive manner that I had stolen his customer and I shouldn't have pulled out before him. By now the lights had changed to green so he was holding the traffic up as well. I said to him I had looked to see if he had a customer and he had, the reason I had pulled out before him was that he was taking so long and there were other cars waiting to get out. His behaviour was completely unprofessional and my customer apologised to me, saying that he was sorry if he had caused any problems but Raul's behaviour was well over the top. Raul's plate number is 145 and his reg number is SM59 BFO.

When I got back to the station he came up to my car and tried to carry on the dispute, which was overheard by another driver, so he walked away.

Yours sincerely

Dave Wilkins

Maureen Brown

From: raul nick <raul84@live.co.uk>
Sent: Saturday 06 April 2013 12:17
To: Taxi Licensing
Subject: complain

Dear Waverley taxi Licencing,

I would like to say that when I started working as a taxi driver for myself I have got a lot of complain for non-reasons , many problems such as robbery, Breaking my vehicle, and one of 3 county taxi reversed back to my car and i have injured my neck and shoulder also beaten e.g has happened to me. However, none of them worried me due to I am aware of my duties as an servant of law and the law always supported me. Therefor I am satisfied with my position if authorities also supported me. As you are aware that there are many times (Three County Taxi) has complained of me without any reason to unemployed me due to they consider me as an competitor .In additional, my situation has become worst since my brother in-law has started working with me .Therefor I do not feel safe and I want authorities to support me and return the occupational safety to me. I would be appreciate it , if you pay attention in to my requirement.

Your Faithfully

Rawshan Nickbakht

To Waverley Borough Council
Taxi Licensing

We are writing this letter concerning the behaviour of a Mr Nickbaht – a taxi driver on Haslemere Stn rank (plate 145) and the numerous problems he has caused in the short while he has been here.

To our knowledge his list of alleged offences includes:

- (a) Threatening to kill other taxi drivers, (sometimes their entire families)
- (b) Consistent dangerous driving and speeding around town.
- © Consistently refusing or deliberately putting passengers off from taking short journeys, when at the front of the rank, causing endless argument between drivers in front of passengers, usually resulting in passengers walking off in disgust.
- (d) Poaching fares booked with other drivers, at the station and elsewhere.

We are aware that numerous complaints have been made against this individual regarding these and other matters – and the difficulty of proceeding without witnesses willing to come forward and the sometimes hearsay nature of it all. However enough is enough – we the undersigned declare that we have first hand knowledge of some or all of the above incidents and are willing to testify in court if necessary.

We deem this man to be temperamentally unsuitable and lacking the basic honesty or integrity to be a taxi driver.

Will you please you do your job!

(please print name, badge no, sign, date and indicate which offences you have first hand knowledge of)

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ROBIN WALLER BADGE 161

The person in question NOT parked at the rank questioning people where they are going then trying to poach my fare I had to stop the passengers getting in his car and then he got quite abusive



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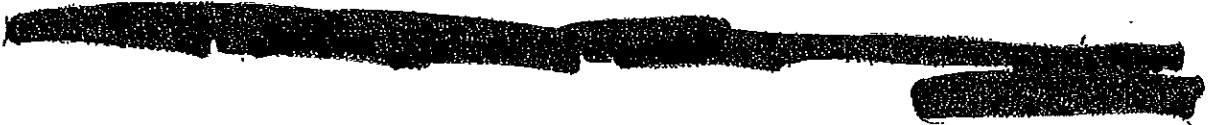
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JOHN FARNELL *JFarnell* 91 18/4/13 b, c

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(please print name, badge no, sign, date and indicate which offences you have first hand knowledge of)

JAMES WILLIAM AUDSLEY

JWAudsley

BADGE NO 1474

REFUSING TO TAKE PASSENGER TO TANNERS LANE, SAID HE DID NOT KNOW WHERE IT WAS. (400yds away)

GENERALLY SPEEDING ROUND THE TOWN

OVERTAKING ME UP KING'S RD TO BEAT ME BACK TO STATION (DANGEROUSLY).

To Waverley Borough Council
Taxi Licensing

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Gary Lewis


Notes from interview with Rawshan Nickbakht – 08/05/2013

Present – Paul Hughes, Steve Tucker

PH read out the details of Mr Allen's complaint, which alleged that Mr Nickbakht had approached a group of school girls which were customers of Mr Allen, and told them that Mr Allen's taxi had broken down, but he could take them instead.

Mr Nickbakht admitted that he had seen the customers waiting and asked out of the window "do you need a taxi?" The girls told Mr Nickbakht that they had a taxi booked, but it had not arrived. Mr Nickbakht told them he believed that a Three Counties Taxi had broken down so he was worried that they were going to be left waiting. He said it was an extremely cold day and the girls told him they had already been waiting for some time. He said he was not trying to steal Mr Allen's customers and that he offered to take the passengers for free to help them out. Mr Nickbakht said he later saw Mr Allen and explained what had happened, and got the impression that everything was ok between them, so he was surprised that a complaint had followed.


PH then read out the details of two further complaints received, regarding an alleged incident involving Mr Nickbakht chasing Mr Wilkins out of Haslemere Station rank whilst both drivers had customers on board. Mr Nickbakht said that he had been first in the Station queue and that a customer had approached Mr Wilkins, who was second in the queue. Mr Nickbakht felt that rather than take the customer, Mr Wilkins should have directed them to the first taxi in the queue, but believed Mr Wilkins chose not to do so because it was a lucrative fare. Mr Nickbakht said he felt "angry" about this. Mr Nickbakht admitted that he had followed Mr Wilkins out of the rank but not at high speed. He denied tooting his horn but did admit that he had flashed his lights twice. At the traffic lights Mr Nickbakht said that he got out and told Mr Wilkins "don't do that again", but denied shouting or swearing at him and said he remained calm. PH asked Mr Nickbakht:

- a) To explain the apparent inconsistency between being by his own admission "angry" with Mr Wilkins and yet managing to remain calm and not shout or swear at him when confronting him;
- b) Given that Mr Nickbakht had admitted that a customer had got into his taxi after Mr Wilkins had agreed to take the first customer, would that not have required him to drive very quickly out of the station to catch up with Mr Wilkins?; and
- c) To explain why, when both driver's regularly use Haslemere station, Mr Nickbakht could not have waited until they were both back on the rank later on, rather than following Mr Wilkins out of the station whilst both of them had customers present.

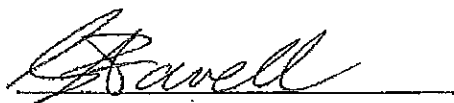
Mr Nickbakht said in relation to the first question that whilst he was angry "in my mind" he did not get angry with Mr Wilkins in person. On the second question, Mr Nickbakht said that he did not have to drive quickly to catch up with Mr Wilkins because when he pulled away Mr Wilkins had only got as far as the top of the hill and was then slowed down by the traffic lights. Regarding the third point, Mr Nickbakht said that he could not have waited because it was not the first time this had happened to him on the station and therefore he needed the other drivers to "learn the law". PH explained that the ordering of taxis in the rank was not governed by law but by informal arrangements amongst the drivers there, or 'etiquette'. Therefore whilst taking a passenger when not first in the queue was against this etiquette, no legal offence was being committed. Mr Nickbakht continually

disputed this point throughout the discussion and expressed his anger at other drivers "stealing my customers". Mr Nickbakht said that after the incident Mr Wilkins had apologised to him for taking his customer and again he did not perceive there to be any unresolved issue between them.

DRIVER: Robin Waller – 14/05/2013	
QUESTION:	ANSWER:
Threatening to kill other taxi drivers (sometimes their entire families)	Not witnessed – heard about
Consistent dangerous driving and speeding around town	Races around, witnessed him driving like an idiot, much too fast, dangerous – If there was a child walking across the station they would not stand a chance
Consistently refusing or deliberately putting passengers off from taking short journeys, when at the front of the rank, causing endless argument between drivers in front of passengers, usually resulting passengers walking off in disgust	Overheard another driver asking Mr Nickbakht why he wouldn't take a passenger when he was first in the queue he said "I don't know where Tanners Lane is"
Poaching fares booked with other drivers at the station and elsewhere	Incident witnessed the other day – Mr Nickbakht was parked in front of the station as if waiting for a pre-booked fare – passenger approached him and took her suitcase and put it in the boot. The passenger said she was not booked with him and got case back out of car and went across to the taxi rank – may be a case of mistaken identity
Other – Poaching fare	Drove into station just after train arrived on 19th April, car in front picking up and two people smoking in the rank, I wrote previous fare in my book – Mr Nickbackt came into station and started talking to people smoking through his window and they then went over to his car to get in – I approached the people and asked if they had pre-booked the journey, they said no and I explained that they should go to the first vehicle in the rank – I told Mr Nickbakht that he could not canvass fares out of turn in the rank – This incident was witnessed by Dave Callender
	Willing to attend committee



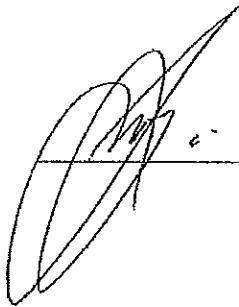
DRIVER: John Farrell – 14/05/2013	
QUESTION:	ANSWER:
Threatening to kill other taxi drivers (sometimes their entire families)	Not witnessed
Consistent dangerous driving and speeding around town	Driving along Weyhill and he was coming back towards the station extremely fast, ridiculously over the speed limit. Station car park entrance past two lines of parked cars cringingly fast speeds through to get back to station when a train is due.
Consistently refusing or deliberately putting passengers off from taking short journeys, when at the front of the rank, causing endless argument between drivers in front of passengers, usually resulting in passengers walking off in disgust	Three or four people come off train at a time. On half a dozen occasions people have come to me saying that Mr Nickbakht has said he doesn't know the way to where they want to go or that they don't want to go with him. A customer told me that she was in his vehicle and he got a phone call for a job to London and he asked her if he could take her back to the station so that he could do that job instead (she said no).
Poaching fares booked with other drivers at the station and elsewhere	Aware – no first hand evidence
Other	



DRIVER: James Audsley – 14/05/2013	
QUESTION:	ANSWER:
Threatening to kill other taxi drivers (sometimes their entire families)	Not witnessed
Consistent dangerous driving and speeding around town	Witnessed this type of behaviour -- Kings Road, Haslemere – cannot overtake there – early one evening Mr Nickbakht drove up right behind me trying to push me to drive faster. A car was coming the other way and I stopped to let the car past, Mr Nickbakht just overtook me to get back to the station before me. Often Mr Nickbakht comes flying through the car park which is no entry from that road.
Consistently refusing or deliberately putting passengers off from taking short journeys, when at the front of the rank, causing endless argument between drivers in front of passengers, usually resulting in passengers walking off in disgust	A while ago a couple came to the rank and approached Mr Nickbakht to take them 300yds up the road. He sent the passengers to my vehicle and they told me the driver in front does not know where Tanners Court is. I told them he was first in the queue and they should go with him. The couple got embarrassed and walked off. He doesn't know the area. He has no rank etiquette.
Poaching fares booked with other drivers at the station and elsewhere	Not witnessed
Other	
	Happy to attend committee if necessary

James Audsley

DRIVER: Gary Willo - 14/05/2013	
QUESTION:	ANSWER:
Threatening to kill other taxi drivers (sometimes their entire families)	Not witnessed - though threatened to knock me out when I reported him for having no plate on the vehicle when he just started as a taxi driver at the time I was on the phone to the Council
Consistent dangerous driving and speeding around town	Overtaking me at speed coming down Weyhill going back to the station. Nearly had a head on collision with him at the pinch points (speed restricted area) of Kings Road.
Consistently refusing or deliberately putting passengers off from taking short journeys, when at the front of the rank, causing endless argument between drivers in front of passengers, usually resulting in passengers walking off in disgust	Witnessed on Rank - disabled woman going to Parsons Green went to Mr Nickbakht who was first on the rank and she went to the second vehicle on the rank for some reason. Mr Nickbakht then took other passengers. Just before Christmas 4 girls were walking towards the rank at approximately 23.00hrs and they were approached by Mr Nickbakht. They wanted to go to Lion Lane and they told me Mr Nickbakht had quoted £14. I took the passengers and the journey on the meter was approximately £6.80.
Poaching fares booked with other drivers at the station and elsewhere	Not witnessed
Other	



Complaint Details WK/201203384



Property					
Address	Rawshan Nickbakht, Flat 12 Chantry's Court, Farnham, Surrey, GU9 7AN				
Telephone	Fax	Area HASL - Haslemere			
Worksheet					
Source					
Name					
Address					
Home Tel	Work Tel	Mobile			
Fax	Email				
Department	LICE - Licensing Section	Date Recd	13/07/2012	Time 15:38	
Application	CPEH - Complaints - EH	Method	T - Telephone Call		
Task Group	CL2 - Taxi/Private Hire complaints	Recd By	CHI - Cattie Hipgrave		
Task	LTX4 - Bad/aggressive driving	Source Type	PUB - Member of the public		
Details	PH received phone call saying taxi driver nearly drove Mr Desmonds wife off the road (she is a learner driver).				
Message					
Officer	CHI - Cattie Hipgrave	Target	Actual		
Time Taken		First Response	02/08/2012		
Next Task		Completed	02/08/2012	02/08/2012	
Due	Allocated 24/07/2012	Outcome	0004 - Advice given		
References					
No references set up.					
Complaints					
Subject Details					
Title	Initials	Telephone			
First Name		Fax			
Family Name		Email			
Section	04 - Licensing Enforcement				
Offence	Statute				
Purchase Date	Purchase Time				
OFT (Product)	FSA Type				
OFT (Condition)					
Previous Complaints (Last 10 not including this one)					
Reference	Received	Details	Status	Outcome	Officer
WK/201210206	26/03/2013	email complaint 26.03.13. Spoke with Mr McConnell on	Recd		PHU
WK/201209792	07/03/2013	Written confirmation received following incident at the	Recd		CHI
WK/201209795	05/03/2013	CH at Pubwatch meeting when informed by PC Ralph	Recd		CHI
WK/201300112	12/02/2013	Whilst doing a rank visit, I spoke with Mr Nickbakht wh	Comp	0004	PHU
WK/201209794	05/02/2013	Hello - I would like to draw your attention to the web si	Rscd		CHI
WK/201203388	23/07/2012	JH received phone call stating that Mr Nickbakht was	Comp	0004	CHI
WK/201203387	13/06/2012	See red file complaint	Comp	0003	CHI

Actions						
Action	Officer	Actual	Target	Time	Value	Number
0000 - Procedure Started	CHI	13/07/2012				
0001 - Telephone call made	CHI	24/07/2012				
Comment Called Mr Desmond to clarify his complaint. His wife was driving near the Sandrock/Courts Hill Road Junction when a Black Mondeo plate number 170 came round the corner too fast and his wife had to swerve and nearly hit the wall. The driver pulled alongside and laughed. A pedestrain was walking by and shouted at the taxi driver, he laughed at her also. The passenger in his wife's car is an experienced driver and said he possibly would have crashed if in the same situation.						
L061 - Driver Interview	CHI	02/08/2012 09:45				
Comment Mr Nickbackt attended interview (CH/KH). He cannot recall and incident with a female learner driver He did mention a male driving in the middle of the road in this area and he had asked them to drive on their side of the road. CH to telephone complainants regarding words of advice given.						
0001 - Telephone call made	CHI	02/08/2012 11:45				
Comment Following driver interview left Mr Desmond ansafone message saying that driver has now been interviewed and words of advice have been given in respect of our expectations of llcensees						

User Defined Codes	
Relatives of dead	Payment for burial
Treasury solicitor	

Remarks
No remarks found.

Related Addresses		
Address	Telephone	Type
No related addresses found.		

User Defined Addresses
No User Defined Addresses found.

User Defined Text
No User Defined Text found.

Mr Rawshan Nickbakht
Flat 12 Chantry's Court
Farnham
Surrey
GU9 7AN

Paul Hughes
Licensing Manager
Licensing Service
E-mail: paul.hughes@waverley.gov.uk
Direct line: 01483 523189
Calls may be recorded for training or monitoring
Your ref:
Our ref:
Date: 05 July 2013

Dear Mr Nickbakht,

**LICENSING (GENERAL PURPOSES) SUB-COMMITTEE – 01 JULY 2013
REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE WITH
REFERENCE TO COMPLAINTS RECEIVED IN RELATION TO THE DRIVER'S
BEHAVIOUR/DRIVING**

I write to confirm the outcome of the hearing in respect of the above review, which took place on the 01 July 2013.

The Sub-Committee have taken into account the details set out in the report, the record of your interviews with officers, the submission of people attending the hearing, your explanation of events and answers to questions at the meeting.

The Council is responsible for the safety of the public in the borough and expect their taxi drivers to be aware of their responsibilities while operating with a Waverley licence. Any taxi driver needs to be fit and proper to hold a licence.

The Sub-Committee was concerned by the number of complaints from other taxi drivers and operator over your driving skills, behaviour, rudeness and aggression on the taxi rank at Haslemere Station on 8 February 2013, 3 March 2013, 20 March 2013, 4 April 2013 and 9 identical letters received on 1 May 2013 because it expects its licensed taxi drivers to behave courteously to all other road users and to observe the informal code of rank etiquette. The Committee heard from you regarding all the incidents. You did not dispute being the person against who some of the complaints were made, but did dispute the nature of those incidents. You did however dispute some of the incidents and said you were being 'picked on' as you were from a foreign country.

The Sub-Committee were therefore disappointed that only one taxi driver attended the hearing and of the others only 4 of the 9 were willing to have their letters published in the committee report.

Your explanations suggest that you know perfectly well how you are expected to behave, but you do not always do this. Rank etiquette however is not law, and the Sub-Committee does not feel that this matter in itself is sufficient to withdraw your licence. The Council has had no complaints from passengers about your behaviour as a taxi driver.

The Sub-Committee takes very seriously the two alleged incidents of a sexual nature that occurred in early 2012 reported to the Council. The Sub-Committee were disappointed that the reporter to the Council did not attend the hearing. This would have enabled the Sub-Committee to hear why a further visit by you to the reporter's office allegedly demonstrating aggressive behaviour was not reported to the Council office for nearly a year. The Sub-Committee therefore felt unable to give this substantial weight.

There are, however, three matters that bear directly on your fitness to hold a licence. These are:

Aggressive behaviour including inappropriate responses to difficult situations

1. confronting another taxi driver at traffic lights with a paying passenger on board
2. punches thrown and grabbing of a customer's mobile phone in an altercation involving a customer's refusal to pay

Complaints concerning driving skills

Complaints have been received from other licensed drivers and independent witnesses, however, you have had no dealings with the Police regarding your driving skills

Incorrect Charging

You did not appear to fully understand the charging system despite holding a licence for two years.

Recognising the difficulties of operating at Haslemere Station Forecourt, the Sub-Committee recommends that a positive approach is required by all concerned drivers licensed by Waverley based on good-will and respect.

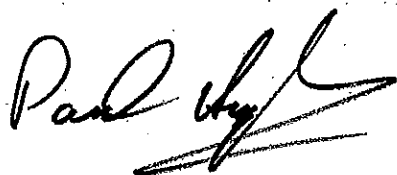
On balance of probabilities the Sub-Committee considers that you are a fit and proper person to be a Hackney Carriage/Private Hire Driver. You satisfied the Sub-Committee that you know how to behave and this Sub-Committee will give you the opportunity to demonstrate this in the future. With it goes a very strict warning that should you appear before this Sub-Committee at any time in the future any new matters will be considered against the background of these matters, so any new matters could jeopardise you holding a licence in the future.

The Sub-Committee recommends that you contact me as the Licensing Manager to refresh your understanding of charges.

The Sub-Committee strongly recommends that you attend an assertiveness course to help you deal with difficult situations.

Please accept this letter as formal notice of the Council's decision.

Yours faithfully



Paul Hughes
Licensing Manager

Notes from discussion with Mr Mohammed Ali – 04/04/2014 10.00am

Present – Paul Hughes, Steve Tucker

Mr Ali had telephoned PH on Wednesday 02 April and reported that he had been punched by another Waverley taxi driver. An appointment was arranged for Friday 04 April at 10.00am to allow Mr Ali to come in and discuss the incident at the Council Offices.

Mr Ali presented to PH the paperwork he had been given by Surrey Police in relation to the incident. The case reference number and the name of the officer handling the case were recorded. Mr Ali said he was willing to give permission for the Council to request a copy of his Police statement.

The incident had occurred at 00.35 hours on the morning of Wednesday 02 April. Mr Ali had just finished work for the night and was returning home via Downing Street. He thought that the A31 bypass might have been closed as the amount of traffic in the town was unusually busy for that time of night. He noticed a vehicle flashing its lights at him from behind and he assumed that the person might be seeking help or directions, so he pulled over in front of the Queen's Head pub. Mr Ali got out to see what the other driver wanted and at that point recognised who the driver was, having seen him before at one of the Farnham taxi ranks. Mr Ali said that the other driver approached him aggressively and was shouting and swearing at him – allegedly saying "you nearly hit me, you fucking idiot". Mr Ali was unaware that he had come close to any collision, and questioned how it would have even been possible given that Mr Ali's vehicle had been driving in front of the other taxi the whole time.

After shouting and swearing, the other driver pushed Mr Ali with both hands in the chest area. At this point Mr Ali says he raised both of his hands in front of his chest to protect himself, but the other driver then started throwing punches at his face. Four punches were thrown in total, the first of which caught Mr Ali on the cheek and a further three which were to the mouth and side of the head. The last punch knocked Mr Ali to the ground, at which point the other driver stopped, walked back to his car and drove away.

Mr Ali phoned the police and reported the incident straight away. An ambulance was called and Mr Ali went to hospital to have an x-ray on his cheek and be given painkillers. Mr Ali said that he still had a headache from the impact of the punches and had booked a follow-up appointment with his doctor today to be checked over.

The Police had informed Mr Ali that the other driver had admitted punching him to the floor but had claimed that it was in self-defence. Given that the Police had not been able to find any independent witnesses to the incident, and that the CCTV footage was inconclusive, they had informed Mr Ali that they were unable to take the matter any further.

Mr Ali confirmed that should he be required to attend a meeting of the Licensing Committee to give an account of the events on 02 April, he would be willing to do so. He also gave consent for the Council to make further enquiries with the Police about any further information on the incident which may be relevant.

RAWSHAN NICKBAKHT INTERVIEW – 15TH APRIL 2014

Present: Catie Hipgrave, Enforcement Officer
Kate Halsall, Licensing Administrator (taking notes)

CH explained that KH would be taking notes. Do you know why we've called you in to the office today?

RN said he didn't know.

CH said Paul Hughes telephone you about an incident.

RN said "Ah yes, guy tried to hit my car".

CH then asked RN to explain what had happened.

RN stated that he was on his way home at the time. A taxi, Volkswagen, driven by a Farnham driver tried to hit his car. It was at the Downing Street junction with The Borough and West Street. RN stated he was in the left hand lane to go home to The Chantrys when the taxi blocked his exit by being across both lanes. RN stated he went up the kerb to so he could turn left. The other driver was going right towards Castle Street but pulled in front of RN. RN stated he flashed his lights and followed the other taxi. The other taxi stopped in front of Boots. RN said he stopped behind the other taxi and got out and asked how he was and was told to "fuck off". The other driver was very angry and pushed his chest at RN so RN said he hit him. RN stated he thought the other driver was going to punch him so RN said he punched him (the other driver) first. RN stated the other driver punched him a second time. RN stated that he punched the other driver three times in the face. RN stated that he asked the other driver why did he drive like that and that he shouldn't as he would end up killing himself. RN stated that he didn't want to fight and stated that the other driver fell over after RN's last punch. RN stated that the other driver got up and got into his own car. RN said he got into his own car and went home. RN stated that the Police came to his house at 05:00 and took him to the Police Station. The Police let RN go at 08:00-09:00. RN stated he was told the other driver was taken to hospital but there were no injuries. *RN then stated that this other driver had tried to fight his cousin (Sohrab Almazi) as well in the past. The other driver parked so close to his cousin in the Castle Street rank that he couldn't get out the taxi and was threatened after he asked him to move.*

CH asked RN if he had hit anyone before.

RN stated no, he had not.

CH asked RN if he was sure that he hadn't punched anyone before.

RN stated that if someone punches him, he will punch them back. RN then stated that he was not answering anymore questions on a previous incident as it was an old matter that was over and done with.

CH then said that she was trying to establish if there was a pattern emerging and whether RN was a suitable, fit and proper person to be driving a taxi.

RN (*getting agitated*) stated that he could fight with people, especially if they are trying to take his money and that he is only trying to defend himself.

CH said this showed that he was prepared to fight over matters which could be resolved amicably.

RN (*very agitated and in a raised voice*) remarked "what would you do" when the other driver swore at him and hit him. RN stated that the other driver called him a "mother fucker".

CH then referred back to the March 2013 incident, when RN had stated that the customer had hit him in the face through the car window and then RN had got out of his taxi and hit the customer.

RN stated he would not discuss the March 2013 incident as it was over and done with. RN then accused CH and all licensing officers of being racist. RN stated he would not talk about this old matter. RN stated that Paul Hughes was racist as well. RN (*in a very agitated manner with raised voice and banging the desk*) said he would not speak about the old incident and that he wouldn't now speak to anyone.

RN was very angry. CH asked RN not to shout at her and stated she would get her manager to come and talk to him. RN stated he would not talk to Paul Hughes. CH stated that Emma McQuillan was the senior manager in licencing and got another member of staff (Lorraine Wilson) to get EMcQ to join the interview. (This was so that staff were not left alone with RN).

CH introduced EMcQ and explained to RN that EMcQ needed to read through the details of the complaint in the first instance.

RN then denied fighting.

CH stated that RN may have to go back to committee because of this most recent incident.

RN stated that the incident was not his fault and it was all in self-defence.

EMcQ stated that it was Waverley's responsibility to have taxi drivers who were fit and proper persons. These issues did not reflect that.

CH stated she was just trying to clarify matters concerning the previous incident in March 2013 when RN stated a customer hit him and he got out of his vehicle and hit the customer back.

With this new incident, the vehicle blocked the road in front of RN and then RN followed him flashing your lights.

RN stated that the other driver was swearing at him and that he punched the other driver in self-defence. RN stated that the other driver told him to "fuck off" and RN said he said to the other driver that you don't drive like that. RN stated that he followed him to say that the other guy you shouldn't drive like that.

CH stated that if RN hadn't followed the other taxi, this incident could have been avoided.

RN stated he tried to say to the other driver that he is a professional driver and professional drivers shouldn't drive like that. They shouldn't swear. RN stated that the other driver pushed him and then the driver punched him twice. RN stated that he was not fighting.

CH then stated that she was trying to establish whether RN has anger issues. CH said she had spoken to the Police and they've said that they currently do not have any independent witnesses in respect of this incident.

RN stated he had followed the other driver to advise he couldn't drive like that. RN stated that we were racist and that was why he was taken to committee.

EMcQ stated that we were only trying to establish the facts.

RN stated that the other drivers were racist and only picking on him.

CH then stated that if, for example, her mum was in the car what is to say that you're not going to get angry. CH then stated that she needs to establish whether RN is a fit and proper person to be a licensed driver and that and that she would be comfortable with a family member using his taxi.

RN said the matter was in Downing Street/West Street and he only wanted to say hello. RN stated that Three Counties hate him, especially the new owner. They all write in when he's got a booking and only picking that up. All English people are racist. Jock at Haslemere has spat at his car and sworn at him. All the other drivers swear at RN and RN stated he doesn't listen to what they say. RN stated the other drivers just complain about him and that there's no evidence.

CH asked RN if he was just guessing or does he know if anyone has complained about him.

RN stated it was all the other drivers.

RN stated that the customer chooses who they use. The other drivers moan about the foreigners and complain about the foreign drivers.

CH stated that customers can choose who they go with.

CH stated that she was unaware of any other complaints about other drivers.

RN stated that the other drivers all hate him as he has six to seven people working for him and they have regular customers. These customers want to use RN. RN

stated that Angus is not happy with him and two other drivers. Other customers don't want to use other drivers as they are not happy. The other drivers say to the customer it would be cheaper on a their bicycle instead of using a taxi on a short journey. RN stated that they all hate him.

CH then said that it had been established that the incident had happened and that RN did a statement to the Police. CH asked RN if he was happy for WBC to have a copy of this statement.

RN stated no, he didn't mind if WBC got a copy.

CH advised that the other driver had said he was happy for WBC to have a copy of his statement and this meant the statements could be looked at together and could be compared. They could be used to establish the facts. RN following people/other drivers seems to be an issue. CH stated that the other driver had given a statement and that he had stated he was unaware of RN in his vehicle when the incident had happened.

RN stated that he had tried to speak to the other driver.

CH asked RN if there was damage to his car.

RN stated that the wheel was damaged and was in his garage at home as he has the spare on the vehicle.

CH asked RN for a photograph of the damaged wheel, which RN agreed to.

CH then said the other driver had said that RN had shouted and pushed him in the chest and threw four punches, the last of which knocked him to the floor and then RN got into his own taxi and drove off.

RN stated that he only hit the other driver three times in self defence and that the punches had been to his face.

RN stated that all the Farnham taxi drivers were polite.

CH asked RN why he thought there was there a problem with the Haslemere drivers.

RN stated again that the Haslemere drivers all hate him and they think he is opening a taxi office in the town, but he is only think about opening an office, even though he already has an operator's licence.

CH then stated that the other driver is happy to attend Committee if needed.

EMcQ asked RN if he was happy to attend Committee too.

RN stated yes he would be happy to attend a hearing.

CH then asked RN how the Police have left the matter with you.

RN stated that they had let him go and there was no evidence. If he had broken the other drivers face, there would be, but there was no evidence so they let him go.

CH stated again that professional drivers should not be punching people.

RN then stated that the other driver had threatened to kill him (*this was mentioned to his cousin (Sohrab Almazi) who had then told RN that he said he would kill him*).

CH said that RN should not contact the other driver. She stated that there should not be any more fighting.

RN stated that the other driver had punched him first.

CH stated that RN should contact the Police if any incidents occur and that it was not for RN to deal with himself.

RN stated that he had to deal with it himself and it was self defence. You have to use self defence in this country. RN then apologised and said he was not angry and was sorry for raising his voice. RN said he tried to call the Police but they had no-one available and he should call and report in the morning, but the Police came and got him first.

CH reiterated that RN should report all incidents to the Police and WBC.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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