



Walsall Council

BRIEFING NOTE FOR THE LICENSING AND SAFETY-COMMITTEE **ON THE PROSECUTION OF MOHSIN ZEB**

21 February 2018 AT 18.00

1. PURPOSE OF THE BREIFING NOTE

- 1.1 To inform the Licensing and Safety Committee the background to the prosecution of Mohsin Zeb and outline the steps that are taken in relation to applicants prior to the issue of a licence.

2. BACKGROUND

2.1 Circumstances of the prosecution

Mohsin Zeb applied for a licence to drive private hire vehicles in Walsall and for a private hire vehicle licence in 2016. He did this in his brother's name and using all his brother's identity documents including:

- Birth certificate
- Marriage certificate
- Tax credits award
- Driving licence
- Vehicle insurance certificate
- Medical examination report

In addition he attended Licensing & Safety sub committee as part of the application and admitted attending the driver assessment and driver training course posing as his brother.

Both licences were granted in January 2017.

An anonymous complaint was received in March 2017 alleging that Mohsin Zeb was using Muheen Zeb's private hire licence. A Community Protection Officer followed this up making further enquiries to ascertain the facts and after several conversations over the telephone and in person, on 4 April 2017 Mohsin Zeb attended the office with a solicitor and was interviewed under caution. During this interview he admitted to using his brother's identity to obtain his licences and stated that his brother had no knowledge of this.

At this point both the private hire driver licence and the vehicle licence were revoked and a formal request made for the vehicle identification plate and driver identification badge.

On 24 April a telephone call was received from the manager of another private hire base in the borough stating that he had taken on a new driver that day but a colleague subsequently advised him that the Council were investigating him. The base operator informed officers of Mohsin Zeb's current location and they attended the site but he drove off when the officers approached him before they could speak to him. The base operator was cooperative with officers providing a statement and the relevant records.

Summonses were laid at the court for offences of fraudulently applying for the licences, fraudulently submitting various documents, fraudulently representing to two bases that he was licensed, repeatedly undertaking private hire work whilst disqualified from driving and repeatedly undertaking private hire work without motor insurance.

Mohsin Zeb pleaded guilty at magistrates court but because of the serious nature of the offences it was referred to crown court for sentence. The judge felt that the matter was very serious and there were numerous aggravating factors including the potential risk to public safety. He sentenced him to 28 months imprisonment for the fraud offences and imposed a further disqualification from driving for the motoring offences.

During the investigation officers became aware that similar applications had been made with 2 neighbouring authorities. Wolverhampton refused the application at committee. Whilst the applicant did not pursue the application at Birmingham.

Because Mr Zeb did not return the vehicle and driver identification when requested to do so, a request was made with the police to put the details on the ANPR system. Mr Zeb was prosecuted and imprisoned in the summer of 2017 for offences in Staffordshire of driving whilst disqualified and uninsured and using a driving licence with intent to deceive. It is thought that this was as a result of our investigations.

2.2 Current application process

When a person applies for a licence to drive hackney carriages or private hire vehicles a number of checks are made on their identity as part of the application process. The applicant is required to produce a photo driving licence. A Disclosure and Barring Service (DBS) check is undertaken and this requires the applicant to produce their driving licence, passport, national insurance number and two documents with their name and address. All documents must be in the same name with the same spelling and be at the same address. The applicant must complete a Driver and Vehicle Licensing Agency (DVLA) mandate and the signature on this form must be a good match for the signature on their actual licence or the DVLA will return the form unprocessed.

The applicant must undergo a medical with their own GP. Being with their own GP, any discrepancies caused by a different person attending are more likely to be picked up, but this will vary depending on the complexity of the medical history.

The HC or PH driver identification which is issued bears a photograph and this is one which is taken by the staff in the office, not one that is provided by the applicant.

2.3 Changes

We have been reviewing the licensing processes over the last few months and brought in a number of improvements to the efficiency of the process as well as the identity checks and accuracy of records. These include use of electronic DBS checks which reduce the risk of errors, insisting on consistent spelling of names, photos taken in the office each time a badge is issued.

The Zeb case is a very rare event. He set out on a well thought out deliberate, calculated course of action to fraudulently obtain a licence. He was in a unique position of having access to his brother's documents and being of similar appearance.

The Authority is only able to take such steps as are reasonable and proportionate and within legal requirements. Whilst we are constantly reviewing our processes in light of changes in technology, the legal framework and shared best practice with neighbouring authorities, we are not aware of any additional steps that can be taken at the current time.

3. LEGAL IMPLICATIONS.

3.1 Legal Services Consulted: Yes

4. CONTACT OFFICER.

4.1. Lorraine Boothman – Regulatory Services Manager – Ext: 3065