

Rebin Mohammed – Complaint history

- 29th July 2016 – Warning letter issued due to driver inappropriate behaviour. (Letter attached)
- 2nd May 2023 – Suspension of Licensed Drivers badge due to no Enhanced Disclosure & Barring Service check in place. (Letter attached)
- 12th May 2023 – Suspension of Licensed Drivers badge lifted following supply of Enhanced Disclosure & Barring Service check.
- 21st June 2023 - Complaint from member of public concerning Rebin Mohammed's driving standards and attitude. Complaint closed as video provided by customer showed customer being abusive towards Mr Mohammed.



Please reply to: Mr Steve Cox

Community Safety

c/o Town Hall
Castle Circus
TORQUAY
Devon
TQ1 3DR

Mr Rebin Mohammed



My ref: R:231260/SJC

Your ref:

Telephone: 01803 208025

Website: www.torbay.gov.uk

Date: 29th July 2016

Dear Mr Mohammed

Re: Investigation in to an allegation of ‘inappropriate behaviour’ – Local Government (Miscellaneous Provisions) Act 1976

I am writing to you to confirm the outcome of Torbay Council’s investigation into a complaint made by a hosting family with regard to two taxi journeys taken in your vehicle by young foreign students on the 10th and 12th July 2016. The allegations are that you asked them for their phone numbers and whether they used certain social media outlets.

I have liaised closely with the Police and so I am aware of both the allegations and your responses to the Police over these two incidents. I note that you refute the allegations, and since we have no significant evidence to the contrary, the matter will not be taken any further at this time.

I must stress however that these types of allegations raised significant concerns with both the Police and ourselves, as the protection of children remains a priority for us all. If future allegations come to our attention, then this may be sufficient for us to consider whether you remain ‘a fit and proper person’ as laid out in the above Act. Torbay Council does not need a criminal offence to have been committed to revoke a Torbay Council issued Drivers Licence, just simply that there are concerns about the conduct of a driver.

I must therefore stress that both the Police and Torbay Council will be monitoring the situation and therefore I must advise you to act professionally at all times and to avoid any conversations that may be deemed to offer any form of help, support, requests for personal details etc. This should avoid any misunderstanding or future allegations and therefore should ensure your Torbay Council issued Drivers Licence is not put at risk.

If you have any future questions then please do not hesitate to contact me or a member of the Licensing Team.

Should you need to contact us please quote the reference number above.

Yours sincerely

A handwritten signature in black ink that reads "Stephen Cox". The signature is written in a cursive style with a large initial 'S' and a distinct 'C'.

Mr Steve Cox
Environmental Health Manager Commercial
Licensing and Public Protection

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.

TORBAY COUNCIL

Please reply to: Mr Shaun Rackley

Licensing & Public Protection
Town Hall
Castle Circus
Torquay
Devon
TQ1 3DR

Mr R Mohammed
[REDACTED]
[REDACTED]
[REDACTED]

My ref: DBS/SAR

Your ref:

Telephone: 01803 208025

E-mail: Shaun.rackley@torbay.gov.uk

Date: 02 May 2023

Dear Mr Mohammed,

**Re: Suspension of Torbay Council issued Drivers Licence – LD0255
Section 61 (1)(B) Local Government (Miscellaneous Provisions) Act 1976**

I am writing to you regarding the non-return of your Enhanced Disclosure & Barring Service (DBS) check.

On the 30th of April 2023, a 6 monthly check of your DBS was due as per Torbay Council's Taxi Policy. Unfortunately, we have not been able to check the update service, nor have you produced a new Enhanced DBS check as requested. You have been emailed on 7 (seven) separate occasions dating back to December 2022 regarding obtaining and producing a new DBS check, however, to date we have still not seen this document, therefore, I cannot be satisfied that you remain a fit and proper person to drive a licensed vehicle.

As a result, your licensed driver's badge is now suspended and you are unable to drive any licensed vehicle until your new DBS is received by us and we have given you permission to recommence driving a licensed vehicle.

Decision:

Under the powers delegated to me, I am suspending your Torbay Council issued Driver's Licence in accordance with Section 61(1)(b) of the Local Government (Miscellaneous) Provision Act 1976 and that this suspension shall have immediate effect, in accordance with Section 61(2B) of the Local Government (Miscellaneous) Provision Act 1976 and shall remain in force pending the renewal of your Enhanced DBS check, which must be produced to the Licensing Team.

Reason for Decision:

In coming to the decision to suspend your driver's licence, I am resolved that it should be with immediate effect, as in my opinion it is in the interests of public safety to do so. The reasoning for this determination is due to the perceived risk which I believe you may pose in the absence of proof of your previous, or current criminal conduct which forms part of the fit and proper test for licensed drivers.

You must now hand in you Torbay Council issued Drivers Licence immediately as you are not insured to drive following this suspension.

If you require this in a different format or language, please contact me.



For the avoidance of doubt you will be guilty of an offence should you drive any Hackney Carriage or Private Hire Vehicle, whether working or not, from the date of this letter.

You have the right to appeal this decision within 21 days of the date of this letter. Any appeal should be made in writing, stating the grounds for your appeal and sent directly to:

**South Devon Magistrates' Courts
Nicholson Road
Torquay
TQ2 7AZ**

Should you need to contact us please quote the reference number above.

Yours sincerely

R.A. Hind

Rachael Hind
Regulatory Service Manager (Commercial)

Appeals – Section 77 Local Government (Miscellaneous Provisions) Act 1976 and Public Health Act 1936 Sections 300-302

Section 77 Appeals.

- (1) Sections 300 to 302 of the Act of 1936, which relate to appeals, shall have effect as if this Part of this Act were part of that Act.
- (2) If any requirement, refusal or other decision of a district council against which a right of appeal is conferred by this Act—
- (a) involves the execution of any work or the taking of any action; or
 - (b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision;
- then, until the time for appealing has expired, or, when an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution—
- (i) no proceedings shall be taken in respect of any failure to execute the work, or take the action; and
 - (ii) that person may carry on that business.
- (3) Subsection (2) of this section does not apply in relation to a decision under subsection (1) of section 61 of this Act which has immediate effect in accordance with subsection (2B) of that section.
- (4) On an appeal under this Part of this Act or an appeal under section 302 of the Act of 1936 as applied by this section, the court is not entitled to entertain any question as to whether—
- (a) a person should be, or should have been, granted leave to enter or remain in the United Kingdom; or
 - (b) a person has, after the date of the decision being appealed against, been granted leave to enter or remain in the United Kingdom.

S300 Appeals and applications to courts of summary jurisdiction

- (1) Where any enactment in this Act provides—
- (a) for an appeal to a court of summary jurisdiction against a requirement, refusal or other decision of a council; or
 - (b) for any matter to be determined by, or an application in respect of any matter to be made to, a court of summary jurisdiction,
- the procedure shall be by way of complaint for an order, and the Summary Jurisdiction Acts shall apply to the proceedings.
- (2) The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the council's requirement, refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.
- (3) In any case where such an appeal lies, the document notifying to the person concerned the decision of the council in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

S301 Appeals to quarter sessions against decisions of justices.

Subject as hereinafter provided, where a person aggrieved by any order, determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to [the Crown Court] he may appeal to such a court:

Provided that nothing in this section shall be construed as conferring a right of appeal from the decision of a court of summary jurisdiction in any case if each of the parties concerned might under this Act have required that the dispute should be determined by arbitration instead of by such a court.

S302 Effect of decision of court upon an appeal.

Where upon an appeal under this Act a court varies or reverses any decision of a council, it shall be the duty of the council to give effect to the order of the court and, in particular, to grant or issue any necessary consent, certificate or other document, and to make any necessary entry in any register.