

**REPORT FROM: PLANNING, BUILDING CONTROL & LICENSING SERVICE
MANAGER**

TO: TAXI LICENSING AND OTHER LICENSING COMMITTEE

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RESULTS OF APPEALS/PROSECUTIONS

PURPOSE OF REPORT

To report, for information, the decisions and pending appeals/prosecutions since the last meeting.

APPEAL DECISIONS

1. Ishtiaq Ahmed – refusal of private hire driver's licence

Appeal heard at Burnley Magistrates' Court on 9 September 2016. The appeal was allowed as the court felt that enough time had elapsed since the revocation of his licence following the caution for possession of drugs in March 2015.

The Council appealed the decision of the Magistrates to the Crown Court as it is felt the decision was not the right one in the interest of public safety.

Appeal heard at Burnley Crown Court on 8 December 2016 where our appeal was allowed as the judge stated that there was no compelling reason to depart from well established guidelines. Ahmed was ordered to pay the council the sum of £1416.46 & VAT in respect of costs.

2. No 1, Express & Blueline, Sajad Hussain Shah – appeal against refusal of a private hire operator's licence

Appeal against refusal of a private hire operator's licence was heard on 11 January 2017 at Burnley Magistrates Court. The appeal was allowed with the provision that a condition is placed on the operator's licence that "Tassawar Hussain Shah shall have no involvement whatsoever in the business the subject of the operator".

PROSECUTIONS

3. Asim Israr – driving a private hire vehicle without a private hire driver's licence

Israr was caught driving a private hire vehicle for Superline Taxis, Nelson when he did not hold a private hire driver's licence. He appeared before Burnley Magistrates' Court on 9 December 2016 where he pleaded guilty and was fined £80, with costs of £115 and £30 victim surcharge. The total of £225 will be deducted directly from his benefits.

PENDING APPEALS

4. Matrix Cars, Nelson – revocation of the private hire operator's licence

An interim hearing was heard on 4 November 2016 at Burnley Magistrates' Court. A full hearing has been set for 3 February 2017.

5. Crown/Greenline, Colne – appeal to remove a condition that Murtaza Khaliq also known as Muntaza Khaliq does not enter the private hire base in Market Place, Colne or drive any licensed vehicles belonging to Crown and Greenline.

Appeal previously dismissed by Burnley Magistrates' Court. The operator has appealed their decision to the Crown Court which will be heard on 16 February 2017.

6.. UK Cars & Fence Private Hire – appeal against revocation of the private hire operator's licence

An interim hearing is set for 3 February 2017 at Burnley Magistrates' Court.

IMPLICATIONS

Policy: An appeal can be lodged to the Magistrates' Court against a decision to refuse, renew, suspend or revoke a licence or any conditions attached to a licence.

Financial: There is a cost to the Council for legal representation.

Legal: The Council can defend an appeal.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.

LIST OF BACKGROUND PAPERS - None