

**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.

APPEALS

1. **Union Taxis, Colne – appeal against the revocation of the private hire operator’s licence.**

The private hire operator’s licence was revoked at a meeting of this committee on 1st February 2018 due the operator allowing unlicensed drivers to drive his vehicles; unsatisfactory records of his bookings; poor maintenance of his vehicles and 3 complaints from members of the public.

The operator appealed this decision to Burnley Magistrates Court on 31st May 2018 and the appeal was dismissed.

The chairman of the magistrates noted the 16 months of complaints and warnings in respect of record keeping, unlicensed drivers and mechanical faults.

She also remarked that whilst the magistrates had also considered that he had held an operator’s licence for 30 years, the breaches were continuing. He was trusted with the public’s safety and there had been no improvement in the business.

The court had carefully considered the character references which were to his credit but thought that the providers of the references would not have had the insight into the circumstances that the court had heard and agreed that de was not a fit and proper person to hold a private hire operator’s licence.

The court awarding £500 costs to the Council.

2. **Mohammad Ayub – appeal against the revocation of his private hire and hackney carriage driver’s licence.**

Mr. Ayub’s private hire and hackney carriage driver’s licence was revoked at a meeting of this committee on 15th February 2018 due a complaint from the Police that he knocked over a pedestrian in Colne Town Centre and drove off without stopping; two complaints regarding the standard of his driving and that he had nine penalty points on his driving licence for three separate speeding convictions.

Mr. Ayub appealed this decision to Burnley Magistrates’ Court on 31st May 2018.

The chairman of the bench said that they had had regard to all the information before them and concluded that Mr Ayub was not a fit and proper person and that the appeal was refused.

He had shown a shocking lack of care in his driving on the evidence of the recording they had viewed and it seemed he had not got out of the car from the information contained in the council’s report. They also noted his speeding convictions.

The court awarded £250 due to his limited means following the revocation of his licence.

PENDING APPEALS

UK Cars & Fence Private Hire – appeal against revocation of private hire operator’s licence

An appeal was dismissed at Burnley Magistrates’ Court on 6th & 7th September, 2017 against the revocation of UK’s private hire operator’s licence. An appeal against this decision has been made to the Crown Court and a 4 day trial is listed for 6th to 9th August 2018.

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