



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICE MANAGER

TO: TAXI LICENSING SUB-COMMITTEE

DATE: 28 NOVEMBER 2019

Report Author: Jackie Allen
Tel. No: 661638
E-mail: jackie.allen@pendle.gov.uk

RESULTS OF APPEALS/PROSECUTIONS

PURPOSE OF REPORT

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

APPEALS

1. Khadim Hussain – appeal against refusal of a hackney carriage driver’s licence

Mr. Hussain appeared before this committee on 9 July 2019 where his application for the grant of a driver’s licence was refused due to him knocking over a female in his taxi for which he received a caution from Lancashire Constabulary.

This decision was appealed to Burnley Magistrates Court on 10 October 2019 where the decision was to dismiss the appeal and he was ordered to pay costs of £300. Deputy District Judge Maxwell made the following comments:

“The appellant has admitted an assault. I have seen the video. There was an altercation and the passenger decided to take the driver’s details. He then drove forward with his headlamps full on. Fortunately he didn’t strike her hard and there was no serious injury. He was lucky he was not prosecuted and I am surprise he was not.

His previous licence had properly been revoked. He then made a new application soon after. I must come to an independent judgment on that. The burden of proof is on the appellant that he is a fit and proper person and it is not the respondent council to rebut that.

The council resolved to refuse the application and I do not take an adverse view of the council’s decision. The council’s decision was not wrong and was the proper approach to take. The appellant recklessly ran into a passenger and that can never be justified in any circumstances. He could have stopped or backed way. It was reckless and could have caused serious injury. I take account of his good character and that had been licensed for a long time but I am afraid that whilst 5 years might be too long for him to be reconsidered for a licence, less than one year is not. Appeal dismissed.”

2. **Mohammed Haroon Bashir – appeal against refusal of a hackney carriage and private hire driver’s licence**

Mr. Bashir’s application for the grant of a driver’s licence was refused on 9 August 2019 due to him having multiple convictions not in accordance with our convictions policy.

This decision was appealed to Burnley Magistrates’ Court on 17 October 2019. The appeal did not go ahead as he withdrew the appeal on the day. He was ordered to pay £50 costs.

PROSECUTIONS

3. **Altaf Ahmed – prosecution for overpayment of hackney carriage fare**

Mr. Ahmed appeared before Burnley Magistrates’ Court on 5 September 2019 charged with two counts of overcharging a passenger. Mr. Ahmed did not attend the hearing and sent a guilty plea by post. He was given some credit for his early guilty pleas and was fined £290 for each offence and ordered to pay £100 costs and £30 victim surcharge.

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