

REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL & REGULATORY SERVICES

TO: TAXI LICENSING COMMITTEE

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RESULTS OF APPEALS/PROSECUTIONS

PURPOSE OF REPORT

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

APPEALS

1. Ali Raza – appeal against refusal of a private hire and hackney carriage driver’s licence on 6 January 2023

An appeal was dismissed at Burnley Magistrates’ Court on 16 March 2023 as Ali Raza failed to attend for the hearing. Costs of £337.50 were awarded to the Council.

2. Pir Azhar Ali - appeal against revocation of his private hire and hackney carriage driver’s licence by the Taxi Licensing Committee on 23 January 2023

An appeal was upheld at Burnley Magistrates’ Court on 25 May 2023, against the revocation of Mr Ali’s driver’s licence.

The court found that his evidence and his wife’s to be credible and consistent. The Blackpool taxi driver wasn’t at court to give evidence so limited weight was given. The Court found he was not plying for hire and agreed that if the Council had heard all the evidence as it was presented in Court, they may have made a different decision.

There was no application for costs as his solicitor agreed that the Council made a decision based on the facts before them at the time and didn’t have all the information.

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