

## **APPEAL OUTCOME MR CRJ**

**Submitted by:** Head of Environmental Health Services

**Portfolio:** Finance, IT & Customer

**Ward(s) affected:** All

### **Purpose of the Report**

To advise committee of the outcome of Mr Christopher Robert James appeal to the Magistrates Court of Public Protection Committees decision to revoke his dual drivers badge.

### **Recommendations**

That Public Protection Committee receives the report.

## **1. Background**

- 1.1 On 28<sup>th</sup> June 2016, Public Protection committee considered a report regarding the Chief Executives decision to revoke Mr Christopher Robert James dual drivers licence, due to having relevant convictions on his disclosure and barring service certificate.
- 1.2 The certificate reveals conviction on 13<sup>th</sup> May 2016 for assault by beating. This also showed that Mr James has previously been convicted and cautioned in relation to various offences including burglary, driving with excess alcohol and assault.
- 1.3 Committee resolved that the Chief Executive's decision to revoke Mr CRJ's licence with immediate effect be endorsed.

## **2. Issues**

- 2.1 All drivers have the right to appeal to the Magistrates court the decision, Mr James lodged an appeal against the decision and the matter was heard at Newcastle-under-Lyme Magistrates court on 11<sup>th</sup> October 2016.
- 2.2 Mr James outlined his conviction for assault in great detail. Mr James told the Magistrates that the injured party was his son in law, and outlined an extremely acrimonious divorce case involving the gent and his daughter. On the day of the assault, Mr James had seen his son-in-law in order to discuss the alleged failure to offer any financial support and admitted that he reacted badly to an obscene insult about his daughter.
- 2.3 Mr James fully accepted his responsibility for the assault but stressed that he would not deal in such manner with any member of the public and his case was, in effect, that he was not a danger to the travelling public.
- 2.4 In their judgement, the Magistrates took the view that had Mr James explained himself in similar detail to the Public Protection Committee then he would have retained his licence.
- 2.5 His appeal was granted and he was awarded costs equivalent to the Court fees of £772.00.

3. **Proposal**

3.1 That members receive the report.

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

4.1 In line with the Council's objectives –

- Promoting a cleaner, safer and sustainable Borough
- Promoting a Borough of Opportunity

5. **Financial and Resource Implications**

5.1 Costs of £772 were awarded in respect of this case.

6. **Earlier Committee Resolutions**

6.1 Public Protection committee considered this matter at the meeting on 28<sup>th</sup> June 2016.