

APPEAL OUTCOME MR IBRAR MAHMOOD ARBAB

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 Ibrar Mahmood Arbab's appeal to the Magistrates Court of Public Protection Committees decision to refuse the application for a new dual drivers badge.

Recommendations

That Public Protection Committee receives the report.

1. Background

- 1.1 On 22nd August 2016, Public Protection committee considered Mr Arbab's application (reference 013455) for a dual drivers licence, while having relevant convictions on his disclosure and barring service certificate and his DVLA driving licence.
- 1.2 The certificate reveals a conviction in November 2008 for Assault Occasioning Actual Bodily Harm and a further conviction in February 2015 for Dangerous Driving, for which he was disqualified from driving for 12 months.
- 1.3 Committee resolved that due to the nature and severity of the offence the Committee saw no reason to depart from its policy and agreed that Mr Arbab's application for a dual driving badge be refused.

2. Issues

- 2.1 All drivers have the right to appeal the decision, to the Magistrates court, Mr Arbab lodged an appeal against the decision and the matter was heard at Newcastle-under-Lyme Magistrates court on 1st December 2016.
- 2.2 Mr Arbab was represented by Auriga Solicitors and Mr Arbab and Mr Sajid Hashmi, Transport manager at Rosevilles Taxi's also gave evidence. Despite the evidence and letters from character witnesses the Magistrates were not persuaded that Mr Arbab is a fit and proper person to hold a dual badge. They found that he had shown little responsibility on his part and given the various serious dangerous driving convictions together with his past record they upheld the Committee's decision and dismissed his appeal.

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 No costs were awarded in respect of this case.

6. **Earlier Committee Resolutions**

6.1 Public Protection committee considered the application at meeting on 22nd August 2016.