

APPEAL OUTCOME MR AHMAD ALI

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

Recommendations

That the report be received.

1. Background

- 1.1 On 13th December 2016, Public Protection committee considered Mr Ali's application (reference 013746) 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 January 2015 for Producing a controlled drug – class B cannabis and dishonestly using electricity. There was also a further conviction in February 2016 for failing to Comply with the Requirements of a Community Order on 16 January 2016. Mr Ali's driving licence has 2 endorsements, a speeding SP30 offence and a CD10 "Driving without due care and attention" offence 5 penalty points. Mr Ali also applied for a licence earlier in 2016 which was considered by Public Protection committee on 15 March 2016 who resolved "That the application for a Private Hire driver's licence be refused".
- 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 Ali'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 Ali lodged an appeal against the decision and the matter was heard at Newcastle-under-Lyme Magistrates court on 6th March 2017. Mr. Ali attended and was unrepresented.
- 2.2 After hearing evidence from Mr. Ali and submissions from the Council, the Magistrates decided to dismiss Mr. Ali's appeal. They said that due to the serious nature of Mr. Ali's convictions they saw no reason to overturn the Council's decision to refuse Mr. Ali's application. They noted that he had breached the Community Order made when he was convicted of the drugs and abstracting electricity offences and that he'd made efforts to change (Mr. Ali had produced a toxicology report which showed that he'd been free from cannabis use for 14 months).
- 2.3 The magistrates also ordered that Mr. Ali should pay the Council's costs of £200.

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 against that Council in respect of this case.

6. **Earlier Committee Resolutions**

6.1 Public Protection committee considered the application at meeting on 13th December 2016.