

APPEAL OUTCOME MR MUNAZAR MOHAMMED HUSSAIN

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 Munazar Mohammed Hussain's appeal to the Magistrates Court of the Chief Executives and Public Protection Committees decision to revoke his dual drivers badge.

Recommendations

That the report be received.

1. **Background**

1.1 On 1st November 2016, Public Protection committee considered a report concerning action taken by the Chief Executive to revoke Mr Hussain's Driving Licence (Number 13429).

1.2 The reasons for the council revoking Mr Hussain's licence were follows:

The Council had received information about a serious sexual allegation involving Mr Munazar Mohammed Hussain and a young person in care, whom he was responsible for transporting. It has been alleged that during these journeys the young person carried out 'sexual acts' with Mr Hussain in a lay-by and whilst driving. It has also been alleged that during these journeys Mr Hussain has been involved in other conduct with the young person that would be deemed inappropriate such as buying them takeaway food, bottles of water and the exchange of phone numbers.

Additional information has also been received about an allegation in 2013, regarding a complaint about Mr Hussain's alleged inappropriate conduct towards a 16 year old female passenger. It is alleged that Mr Hussain groped the female passenger's breast, engaged in inappropriate conversation and told her that if she didn't have enough money to pay him there were other ways to pay her fare. It is also alleged that Mr Hussain telephoned the female customer at her home one hour later to ask if she would meet him after he finished work.

1.3 On 4th October 2016 Mr Hussain's dual drivers licence was revoked with immediate effect by the Chief Executive and Public Protection Committee endorsed this decision.

2. **Issues**

2.1 All drivers have the right to appeal the decision, to the Magistrates court, Mr Hussain lodged an appeal against the decision and the matter was heard at Newcastle-under-Lyme Magistrates court on 7th April 2017. Mr. Hussain attended and was represented by Duncan Craig of Citadel Chambers, the Council was represented by Mr James Button.

2.2 A number of witnesses for both Mr Hussain and the Council appeared to provide evidence in respect of the case.

- 2.3 In concluding the Judge stated that he did believe the driver stopped at McDonalds, bought food/drink and exchanged phone numbers with the young person, on the balance of probabilities.
- 2.4 However he felt that the Council put too much weight on the fact there were two serious allegations, that were both unproven in criminal law, they were not investigated by the police any further and did not result in a formal police interview etc. He also stated that the child's friend's evidence was not captured in the form of primary witness statements or by direct interview with the police officer and used hearsay evidence.
- 2.5 Unfortunately the Judge decided to uphold the appeal against our revocation of Munazar Hussain's driver's licence.
- 2.6 Mr Craig then made an application for £3000 costs. Which was refused as the Judge concluded that the local authority acted in good faith and he did not believe that there was any basis to costs being awarded. He stated that the appellant has not helped himself.

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 matter at meeting on 1st November 2016.