

## **APPEAL OUTCOME MR ABDUL HAKIM BAIG**

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

**Portfolio:** Finance & Resources

**Ward(s) affected:** All

### **Purpose of the Report**

To advise committee of the outcome of Mr Abdul Hakim Baig's appeal to the Magistrates Court of the Committee's Chair and Vice-Chair's decision to revoke his Hackney Carriage Drivers Licence.

### **Recommendations**

That the report be received.

#### **1. Background**

- 1.1 On 14<sup>th</sup> December 2017, the Chair and Vice-Chair considered Mr Baig's hackney carriage drivers licence (reference 011984), following a disclosure from the Police.
- 1.2 The disclosure stated that in October 2017 the Police had received a complaint from a member of the public that Mr Baig had been witnessed masturbating in Bathpool Park. Also that between 2015 and 2017 there had been three other complaints made against Mr Baig of inappropriate behaviour of a sexual nature.
- 1.3 The Chair and Vice-Chair resolved that due to the serious nature of the complaints received and considering the Council's responsibility to ensure the safety of the public that on the balance of probabilities Mr Baig was no longer a fit and proper person to hold a hackney carriage drivers licence, and in the interests of Public Safety that the licence should be revoked with immediate effect.
- 1.4 The decision was noted by the Committee on 22<sup>nd</sup> January 2018.
- 1.5 In Mr Baig's witness statement he stated that he only had only ever had two convictions. One for an SP30 speeding offence in March 2015 and one for IN10 driving without insurance in December 2017. The Council had not been notified of either of these offences.

#### **2. Issues**

- 2.1 All drivers have the right to appeal a decision to the Magistrates court. Mr Baig lodged an appeal against the decision and the matter was heard at Newcastle-under-Lyme Magistrates court on 9<sup>th</sup> April 2018. Mr Baig attended and was represented by a solicitor.
- 2.2 The Magistrates' heard submissions from the Council and Mr Baig's solicitor, evidence from Matthew Burton and Mr Baig, and read the accompanying bundle. The Magistrates decided to dismiss Mr. Baig's appeal. They said that the Council was correct in coming to its decision to revoke Mr Baig's licence. In reaching their decision the Magistrates' had regard to Mr Baig's driving history, the 5 allegations made against him including 4 of a sexual nature, the failure to report his speeding offence and whilst they took into account they gave less weight to his more recent driving with no insurance offence as this had occurred after his licence had been revoked.

However, considering the number and nature of the police complaints and the Council's policy ensuring he was a fit and proper person they would not be happy for a relative to travel in his vehicle.

2.3 The magistrates also ordered that Mr Baig should pay £300.00 of the £657.50 requested by the Council in relation to the costs incurred defending the 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 against that Council in respect of this case.

6. **Earlier Committee Resolutions**

6.1 The Chair and Vice-Chair of Public Protection committee considered the matter on 14<sup>th</sup> December 2017 and members of the Committee were notified of the decision at the meeting held on 22<sup>nd</sup> January 2018.