

APPEAL OUTCOME MR MOHAMMED SAJJAD MIAH

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 Mohammed Sajjad Miah's appeal to the Crown Court of the Magistrates' Court's decision to dismiss his appeal following Public Protection Committees decision to revoke his Private Hire Drivers Licence.

Recommendations

That the report be received.

1. Background

- 1.1 On 1st August 2017, Public Protection committee considered Mr Miah's private hire drivers licence (reference 012273), following notification of convictions that falls within the Council's guidelines.
- 1.2 The notification revealed a conviction for speeding, using a defective tyre and not wearing a seatbelt.
- 1.3 Committee resolved that due to the nature of the offences the Committee saw no reason to depart from its policy and agreed that Mr Miah's licence should be revoked with immediate effect.
- 1.4 Mr Miah appealed the Committee's decision to the Magistrates' Court which was heard on 13th November 2017. The Magistrates' dismissed his appeal and awarded costs against Mr Miah of £880.00.

2. Issues

- 2.1 All drivers have the right to appeal a Magistrates' Court decision, to the Crown Court, Mr Miah lodged an appeal against the decision and the matter was heard at Stoke-on-Trent Crown Court on 16th March 2018. Mr. Miah attended and was represented by his solicitor.
- 2.2 The Judge and Magistrates' heard submissions from the Council, Mr Miah's solicitor and read the accompanying bundle. The Court decided to allow Mr. Miah's appeal.
- 2.3 The Court found the decisions taken by the Committee and Magistrates' Court were not wrong but in light of the fact that Mr Miah was not working at the time of the offences, and was not carrying members of the public, even though he was driving a licensed vehicle, then they were not to be considered as serious as if he had have been.
- 2.4 As Mr Miah's appeal was allowed the costs order awarded to the Council by the Magistrates' Court was dismissed.

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 the meeting on 1st August 2017.

6.2 Public Protection Committee were notified of the decision taken by Magistrates' Court at the meeting on 23rd January 2018.