



Walsall Council

LICENSING AND SAFETY COMMITTEE

WEDNESDAY 30th MAY 2007 AT 6.00PM

REPORT OF THE HEAD OF PUBLIC PROTECTION

APPEALS AGAINST COMMITTEE DECISIONS

1.0 PURPOSE OF REPORT:

- 1.1 To place before committee a report outlining results of appeals against committee decisions. The appeals taking place between 1st November 2006 and 1st May 2007.

2.0 RECOMMENDATION:

- 2.1 The Committee is recommended to consider the report.

3. FINANCIAL IMPLICATIONS:

- 3.1 None

4.0 POLICY IMPLICATIONS:

- 4.1 Within Council Policy: Yes.

5.0 LEGAL IMPLICATIONS:

- 5.1 None

6.0 EQUAL OPPORTUNITIES IMPLICATIONS:

- 6.1 None.

7.0 ENVIRONMENTAL IMPACT:

- 7.1 None

8.0 WARD(S) AFFECTED:

- 8.1 All.

9.0 BACKGROUND

- 9.1 Mr Mohammed Wajid** appeared before Committee on 4th September 2006 where his licence was revoked for failing to notify convictions for offences of careless driving and disorderly behaviour resulting from a Road Traffic Collision. Mr Wajid appealed this decision to the Magistrates where, on 13th November 2006 his appeal was dismissed and £100 costs were awarded to WMBC.
- 9.2 Mr Sajad Afsar** appeared before Committee on 1st August 2006 having been earlier convicted by the Magistrates of offences of using an unlicensed private hire vehicle and an unlicensed driver whilst he was a base operator. Committee revoked Mr Afsar's licence. This decision was appealed to the Magistrates Court where on 14th November 2006 his appeal was dismissed and £200 costs were awarded. Mr Afsar further appealed this to Wolverhampton Crown Court where on 27th April 2007 again his appeal was dismissed. He was further ordered to pay £2125 costs to WMBC.
- 9.3 Mr Mukhdoom Zada** was granted a licence by Committee on 17th November 2005 with a condition that he should undergo periodic drugs tests. Mr Zada subsequently failed one of these tests and on 10th August 2006 Committee revoked his licence. Mr Zada appealed this decision on the grounds that he had taken a cold remedy which is known to affect the results of the drugs test and, on 14th November 2006 Magistrates upheld his appeal and awarded £70 costs against WMBC.
- 9.4 Mr Narinder Paul** applied to Committee on 4th September 2006 for the grant of a licence to drive private hire vehicles which was refused on the grounds that he was not a fit and proper person because he had convictions for possession of controlled drugs and a drink drive disqualification. Mr Paul appealed this decision to the Magistrates Court, his appeal being dismissed on 28th November 2006. No costs were awarded.
- 9.5 Mr Arshid Mahmood** appeared before Committee on 9th October 2006 where his licence was suspended for 12 months after being convicted of traffic offences and failing to notify those convictions. He appealed to the Magistrates Court where on 23rd January 2007 his appeal was dismissed and £100 costs awarded to WMBC. His suspension period was reduced to 3 months.
- 9.6 Mr Kaljinder Paul** appeared before Committee on 26th October 2006 where his licence was revoked for receiving and failing to notify a caution by West Midlands Police for an offence of possessing a class C drug (Cannabis). Mr. Paul appealed this decision and on 6th February 2007 a district judge sitting at Walsall Magistrates Court upheld his appeal. No costs were awarded.

9.7 Mr Mohammed Sakander Mahmood was suspended by officers in December 2006 after allegations of a serious sexual assault. He appeared before Committee on 5th February 2007 where the suspension was continued pending the outcome of the police investigation. Mr Mahmood appealed this decision to the Magistrates Court. When he appeared before the Court he withdrew his appeal and costs of £75 were awarded to WMBC. The police case is continuing.

9.8 Mr Mohammed Akram was suspended by officers while being investigated by police for numerous offences relating to the production of false documents and obstruction of police officers. He appeared before Committee on 14th December 2006 where the suspension was continued. Mr Akram appealed this decision. When he attended Court he withdrew his appeal and £150 costs were awarded to WMBC. Police enquiries are continuing.

10.0 CONTACT OFFICER.

10.1 Lorraine Boothman – Senior Principal Trading Standards Officer. Ext. 2259.

11.0 ATTACHMENTS

None