

## Licensing & Regulatory Committee

Date: 25th October 2017

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Case Law - Oldham Borough Council v. Mr Mohammed Sajjad

Report of the Chief Fire Officer: Mr Paul Hedley

Cabinet Member: Councillor John Riddle

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### Purpose of Report

To inform Members of case law.

### Recommendations

1. Note the content of the report

### Key Issues & Background

1. In a recent case, the High Court dismissed an appeal by Oldham Borough Council against a decision that a licensed driver's was found not guilty of driving without insurance after pleading guilty to unlawfully plying for hire outside their licensed area.
2. A hackney carriage driver licensed by the Rossendale Borough Council was charged with two offences alleged to have been committed on 23rd January 2015. They were plying for hire in the Oldham area and driving without insurance.
3. On 10th January 2016 the driver pleaded guilty to plying for hire without a licence but maintained a plea of not guilty to an offence of using the vehicle without insurance.
4. On 26th February 2016 the justices heard the matter and found the respondent not guilty of the offence of driving without insurance.
5. Oldham Council appealed against the decision of the Justices that the respondent was not guilty of the offence of using a motor vehicle on a road.
6. It was confirmed that the justices were correct in the decision they reached.

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## BACKGROUND PAPERS

Oldham Borough Council v. Mr Mohammed Sajjad

## IMPLICATIONS ARISING OUT OF THE REPORT

Policy:	The NCC Hackney Carriage and Private Hire Licensing Policy
Finance and value for money:	None
Human Resources:	None
Property:	None
Equalities:	None
Risk Assessment:	Not applicable
Crime & Disorder:	None
Customer Considerations:	None
Carbon Reduction:	None
Consultation:	None
Wards:	All

Finance Officer	n/a
Monitoring Officer/Legal	n/a
Human Resources	n/a
Procurement	n/a
I.T.	n/a
Executive Director	PH
Portfolio Holder(s)	JR