

**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE DIRECTOR OF REGULATION AND ENFORCEMENT  
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**12 February 2020**  
**ALL WARDS**

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:**  
**DECEMBER 2019**

1. Summary
  - 1.1 This report advises the Committee of the outcomes of appeals against the Sub Committee's decisions which are made to the Magistrates' Court, and any subsequent appeals made to the Crown Court, and finalised in the period mentioned above.
2. Recommendation
  - 2.1 That the report be noted.

Contact Officer: Sajeela Naseer, Head of Licensing, Markets & Street Trading  
Telephone: 0121 303 6112  
E-mail: sajeela.naseer@birmingham.gov.uk

### 3. Summary of Appeal Hearings for December 2019

	Magistrates'	Crown
Total	4	
Allowed		
Dismissed	2	
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court		
Consent Order	2	

### 4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In December 2019 costs have been requested to the sum of £6096.60 so far with reimbursement of £5946.60 so far (97.53%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2019 to December 2019, costs associated to appeal hearings have been requested to the sum of £19,344.05 so far with reimbursement of £17,248.05 so far (89.16%) ordered by the Courts.
- 4.4 For the fiscal year thus far, April 2019 to December 2019, costs contra Birmingham City Council associated to appeal hearings have been requested and awarded in excess of £60.00.

### 5. Implications for Policy Priorities

- 5.1 The contents of this report contribute to the priority action of providing an efficient and effective Licensing service to ensure the comfort and safety of those using licensed premises and vehicles.

### 6. Public Sector Equality Duty

- 6.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Regulation and Enforcement Division, which ensures that equality issues have been addressed.

### 7. Consultation

- 7.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and the business community in terms of the regulatory duties of the Council. Any enforcement action taken as a result of the contents of this report is subject to that Enforcement Policy.

## **INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Prosecution files and computer records in Legal Proceedings team.

**MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Hamad Ali	05.12.2019	Dismissed	£150.00	£150.00	The appeal was against the decision of the Sub Committee to refuse to grant a private hire driver licence to Mr Ali on 17.09.2019, owing to convictions recorded against him. Mr Ali attended Court represented by Mr Chauhan. The Magistrates were not satisfied that the decision of the Committee was wrong and the appeal was therefore dismissed. Full costs of £150.00 were awarded.
2	Mohammed Zadran	05.12.2019	Dismissed	£150.00	£0.00	The appeal was against the decision of the Sub Committee to refuse to grant a private hire driver licence to Mr Zadran on 17.09.2019, owing to a conviction for taxi touting recorded against him. Mr Zadran attended Court represented by Mr McVeighy. The Magistrates were not convinced the decision of the members was wrong and accordingly they dismissed the appeal. Appeal costs were sought in the sum of £150.00 but the Magistrates were not minded to award any costs in this particular case.

**MAGISTRATES' COURT – LICENSING ACT 2003**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	New Era Birmingham Limited In respect of Stories 30 Ladywell Walk Birmingham B5 4ST	09.12.19	Consent Order	£3860.00	£3860.00	The appeal was against the decision of the Sub Committee on 30.05.2019 to modify the conditions of licence following an application for an expedited review submitted by West Midlands Police. The appeal was allowed by way of a consent order approved by the court. The premises licence was amended to include the conditions of licence added at a further review hearing on 31.10.2019. The appellant was ordered to pay costs in the sum of £3860.00.
2	Dharminder Gulati Wheeler Street Foodstore 6-8 Wheeler Street Birmingham B19 2ER	16.12.19	Consent Order	£1936.60	£1936.60	The appeal was against the decision of the Sub Committee on 01.07.2019 to suspend the premises licence for four weeks and modify the conditions of licence, following an application for a review of the premises licence submitted by West Midlands Police. The appeal was allowed by way of a consent order. The conditions of licence were amended, satisfactory to West Midlands Police. The appellant was ordered to pay costs in the sum of £1936.60.