

BIRMINGHAM CITY COUNCIL

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

10 April 2019
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
February 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.

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3. Summary of Appeal Hearings for February 2019

	Magistrates'	Crown
Total	3	1
Allowed		
Dismissed	1	1
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court	2	
Consent Order		

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 February 2019 costs have been requested to the sum of £4133.90 so far with reimbursement of £3533.90 so far (85.4%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2018 to February 2019, costs associated to appeal hearings have been requested to the sum of £18481.21 so far with reimbursement of £16106.87 so far (87.1%) ordered by the Courts.
- 4.4 For the fiscal year thus far, April 2018 to February 2019, costs contra Birmingham City Council associated to appeal hearings have been requested and awarded in excess of £10483.

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.

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	Shakwan Abdullah	25.02.19	Dismissed	£250.00	£0.00	The appeal was against the Sub Committee decision to revoke the private hire driver licence previously issued to Shakwan Abdullah following convictions for plying for hire and driving while uninsured. The magistrates were not satisfied that the decision to revoke Mr Abdullah's licence was wrong and dismissed the appeal.

CROWN COURT – HACKNEY CARRIAGE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Shangara Singh Samra	15.02.2019	Dismissed	£555.75	£205.75	The appeal was against the Sub Committee decision to refuse to grant a hackney carriage driver licence to Mr Samra due to convictions recorded against him and previous licence revocations. QC and the magistrates decided that the decision of the licensing sub-committee was not wrong, and the appeal was dismissed.

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Paromstor Limited In respect of Extra Supermarket 187 High Street Erdington Birmingham B23 6SY	n/a	Withdrawn pre-Court	£1496.55	£1496.55	The appeal was against the Sub Committee decision to revoke the premises licence following a review application submitted by Trading Standards. The appeal was withdrawn pre-court.
2	Saman Kahrahman In respect of The Minimarket 235-237 Lozells Road Lozells Birmingham B19 1RJ	n/a	Withdrawn pre-Court	£1831.60	£1831.60	The appeal was against the Sub Committee decision to refuse to grant a premises licence following representations received from West Midlands Police and other persons. The appeal was withdrawn pre-court.