

**BIRMINGHAM CITY COUNCIL**

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

**20 JUNE 2018**  
**ALL WARDS**

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS  
TAKEN DURING MARCH AND APRIL 2018**

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 March & April 2018

	Magistrates'	Crown
Total	5	
Allowed		
Dismissed	3	
Appeal lodged at Crown		n/a
Upheld in part	1	
Rejected at Court	1	

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 March and April 2018 costs have been requested to the sum of £805 with reimbursement of £305 (37.8%) ordered by the Courts.

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.

**ACTING 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	Mohammed Aslam	Listed 06.04.2018	Rejected	0	0	On 9 May 2017, as the result of disqualification from driving for a period of 12 months, Committee considered and resolved that the licence be suspended and refused renewal until 10 April 2019, in line with the policy relating to a driver who has been disqualified from driving. It was successfully argued that because of the length of time since Committee's decision the appeal was out of time. No order was made as to costs but Mr Aslam's appeal fee was refunded.
2	Ismail Suleman	06.04.2018	Allowed in part	0 (contra BCC)	0	On 19 September 2017, as the result of a second incident of failing to display the required private hire vehicle signage in spite of a recent warning regarding this deficiency, and obstructive behaviour towards a Police Officer, to the extent that he was arrested for the offence of obstruction, Committee considered and resolved that the licence be suspended for a period of 4 months. Mr Ismail's representative stated at Court that although he agreed there should be a period of suspension, he considered 4 months to be excessive. The Court reduced the period of suspension to 2 months.

3	Mazhar Iqbal	09.03.2018	Dismissed	£305.00	£305.00	On 2 January 2018, as the result of 3 separate offences each of plying for hire and using a vehicle while uninsured, the most recent of which were committed shortly after becoming licensed as a private hire driver following revocation of a previous licence for the same offences and shortly before becoming licensed as a hackney carriage driver, Committee considered and resolved that the licence be suspended for a period of 6 months. Although the private hire licence was revoked at the same time, no appeal was lodged against this decision. In the words of the Magistrates, Committee was right to query Mr Iqbal's ability to comply and could have even revoked the hackney carriage licence. They were not therefore persuaded that the decision to suspend the hackney carriage licence was wrong, and the appeal was dismissed.
4	Itshaam Hussain	13.04.2018	Dismissed	0	0	On 13 February 2018, as the result of serious motoring offences committed before Mr Hussain had passed the DSA driving test, Committee considered and resolved that the application be refused. Whilst the Court was very sympathetic with what he said, it did not consider the decision of the Committee to be wrong, and dismissed the appeal. No order was made as to costs.
5	Akhtar Hussain	27.04.2018	Dismissed	0	0	On 13 February 2018, as the result of convictions for offences of harassment and sending a threatening communication, Committee considered and resolved that the application be refused. The Magistrates in reaching their decision to not allow the appeal said they had to take into account the safety of the general public. The Council has a paramount duty to protect the public. No order was made as to costs.