

BIRMINGHAM CITY COUNCIL

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

15 FEBRUARY 2017
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN
DURING NOVEMBER AND DECEMBER 2016**

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 during November and December 2016.

2. Recommendation

- 2.1 That the report be noted.

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3. Summary of Appeal Hearings for November and December 2016

	Magistrates	Crown
Total	4	
Allowed		
Dismissed	3	
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court	1	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 November and December 2016 costs have been requested to the sum of £13,308.20 with reimbursement of £13,108.20 (98.5%) ordered by the Courts.

4.3 For the fiscal year thus far, April 2016 to December 2016, costs associated to appeal hearings have been requested to the sum of £29,772.77 with reimbursement of £27,793.77 (93.3%) 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.

APPENDIX

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Soundscape Bars and Club Ltd Trading As Central Hall, Corporation Street	14 November 2016	Consent Order	N/A	N/A	An expedited review was received from West Midlands Police following an incident on 2 May 2016 during which a member of the public was assaulted by a member of the door staff. Licensing Sub-Committee A, on 4 July 2016, resolved to suspend the licence and the DPS removed.
3	Biorme Trading Company Limited Trading As Boerma, 5-11 Fleet Street	12 December 2016	Appeal Dismissed	£11766.20	£11766.20	An expedited review was received from West Midlands Police following an incident at the premises at approximately 03.48hours on 13 th March 2016 during which a firearm had been discharged. Licensing Sub-Committee C, on 13 April 2016, resolved to revoke the licence.
4	Satpal Madhan Trading As Witton Lodge Supermarket, 103 Witton Lodge Road	16 December 2016	Appeal Dismissed	£1242.00	£1242.00	A review was received from Trading Standards as a result of illicit alcohol being found at the premises. Licensing Sub-Committee A, on 22 August 2016, resolved to revoke the licence.

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Adam Raza	02 December 2016	Dismissed	£300	£100	On 5 October 2016, as the result of conviction gained for an offence of dishonesty, Committee considered and resolved to refuse the renewal of the licence.