

BIRMINGHAM CITY COUNCIL

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

14 DECEMBER 2016
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
TAKEN DURING OCTOBER 2016**

1. Summary
 - 1.1 This report advises the Committee of the outcomes of appeals against decisions made by the Chair of the Committee and by the Sub Committee, 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 October 2016

	Magistrates'	Crown
Total	2	
Allowed		
Dismissed	2	
Appeal lodged at Crown		n/a
Upheld in part		
Withdrawn pre-Court		

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 October 2016 costs have been requested to the sum of £1,390.85 with reimbursement of £940.85 (67.6%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2016 to October 2016, costs associated to appeal hearings have been requested to the sum of £13,384.95 with reimbursement of £11,855.95 (88.5%) 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	Wakas Ahmed	31.10.2016	Dismissed	£700	£250	On 17 August 2016, as the result of information disclosed by way of a disclosure received from the Disclosure & Barring Service regarding a forthcoming Court case, which offence had severe implications regarding public safety, the Chair considered and resolved to revoke the licence with immediate effect. No notification had been received from West Midlands Police prior to the disclosure from the DBS although the appellant had been charged with the offence in October 2015.

MAGISTRATES' COURT – HACKNEY CARRIAGE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Zulfiqar Ali	24.10.2016	Dismissed	£690.85	£690.85	On 31 May 2016, as the result of motoring convictions over a period of time, which had resulted in his driving licence being endorsed with an excessive number of points, several of these convictions not having been reported as required, Committee considered and resolved to refuse the renewal of the licence.