

BIRMINGHAM CITY COUNCIL

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

14 MARCH 2018
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
TAKEN DURING JANUARY 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 January 2018

	Magistrates'	Crown
Total	2	
Allowed	1	
Dismissed		
Appeal lodged at Crown		n/a
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Withdrawn pre-Court	1	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 January 2018 no costs have been requested either by or against Birmingham City Council.
- 4.3 For the fiscal year thus far, April 2017 to January 2018, costs associated to appeal hearings have been requested to the sum of £27253.05 with reimbursement of £20884.30 (76.6%) 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	Tahir Akhtar	08.01.2018	Allowed	Nil (contra BCC)	Nil	In December 2016 Mr Akhtar was convicted for the offence of perverting the course of justice and was sentenced to 8 months' imprisonment: he had activated a speed camera and nominated as the driver a person who does not exist, in order to evade points on his licence and a fixed penalty. On 14 November 2017 Committee considered and resolved to revoke the licence as he was not considered a fit and proper person to hold such a licence. The Magistrates on 8 January 2018 stated that such an offence and the resulting prison sentence do not constitute Mr Akhtar being considered "not fit and proper". Birmingham City Council is actively pursuing an appeal against this decision to Birmingham Crown Court.
2	Mohammed Saeed	n/a	Withdrawn pre Court	Nil	Nil	On 14 November 2017, as the result of the appellant having been detected speeding on three occasions within a period of six days in August 2016, which resulted in his licence being endorsed with a total of 9 points, Committee considered and resolved that the renewal of the licence be refused for a period of 2 months. An appeal was lodged at the Magistrates' Court and a hearing listed for 19 January 2018; the appeal was abandoned on or about 12 January 2018. No application was made for costs.