

**BIRMINGHAM CITY COUNCIL**

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

**17 JANUARY 2018**  
**ALL WARDS**

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS  
TAKEN DURING NOVEMBER 2017**

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.

Contact Officer: Chris Neville, Head of Licensing  
Telephone: 0121 303 6111  
E-mail: [chris.neville@birmingham.gov.uk](mailto:chris.neville@birmingham.gov.uk)

3. Summary of Appeal Hearings for November 2017

	Magistrates'	Crown
Total	3	
Allowed		
Dismissed	3	
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Withdrawn pre-Court		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 November 2017 costs have been requested to the sum of £2,555.50 with reimbursement of £2,255.50 (88.3%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2017 to November 2017, costs associated to appeal hearings have been requested to the sum of £27,028.05 with reimbursement of £20,629.30 (76.3%) 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.

Head of Environmental Health  
on behalf of:

**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	Zafar Iqbal	17.11.2017	Dismissed	£300	£0	On 4 September 2017, as the result of conviction for offences of plying for hire and using a vehicle while uninsured, Committee considered and in line with policy relating to a private hire driver who has been convicted for such offences, resolved to revoke the licence.
2	Abdul Ghafoor	24.11.2017	Dismissed	£300	£300	On 2 October 2017, as the result of a complaint that children with special needs had been exposed to inappropriate explicit video images on Mr Ghafoor's mobile phone, the licence was revoked with immediate effect by the Chair of your Committee in the interests of public safety.

**MAGISTRATES' COURT – LICENSING ACT 2003**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Najibullah Asakzai in respect of International Supermarket, 117 Villa Road, Handsworth, B19 1NH	13.11.2017	Dismissed	£1,955.50	£1,955.50	On 21 January 2017, as the result of an application for a review of the premises licence by Trading Standards Officers, large quantities of illicit and counterfeit tobacco products having been found concealed within the premises, which failed to promote the prevention of crime and disorder, the protection of children from harm, public safety and the prevention of public nuisance objectives in the Act, Committee considered and resolved that the premises licence be revoked.