

BIRMINGHAM CITY COUNCIL

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

19 OCTOBER 2016
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
AUGUST 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 in the period mentioned above.

2. Recommendation

- 2.1 That the report be noted.

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3. Summary of Appeal Hearings for August 2016

	Magistrates'	Crown
Total	4	1
Allowed	1	
Dismissed	3	1
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Withdrawn pre-Court		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 August 2016 costs have been requested to the sum of £2319.60 with reimbursement of £2319.60 (100%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April to August 2016, costs associated to appeal hearings have been requested to the sum of £10927.10 with reimbursement of £10215.10 (93.5%) 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	Anthony Cave	19.08.2016	Allowed	Nil (contra BCC)	Nil	On 31 May 2016, as the result of conviction for the offences of plying for hire and using a vehicle while uninsured, Committee considered and resolved in line with the relevant policy to revoke the licence. The appeal was allowed because the Court was satisfied, on a balance of probabilities, that the Committee's decision was wrong: the Court was not satisfied that Mr Cave is not a fit and proper person to hold a licence. The Court made no order for costs.
2	Zulfiqar Ali	01.08.2016	Dismissed	£964.60	£964.60	On 2 March 2016, as the result of a complaint from an ambulance driver regarding inappropriate behaviour, Committee considered and resolved to suspend the licence for its duration and refuse its renewal for a total period of six months.
3	Taj Mohammed	09.08.2016	Dismissed	£510.85	£510.85	On 31 May 2016, as the result of conviction for the offence of soliciting a person to obtain sexual services, Committee considered and resolved in line with the relevant policy to revoke the licence.

MAGISTRATES' COURT – HACKNEY CARRIAGE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Mohammed Ali	12.08.2016	Dismissed	£373.40	£373.40	On 8 June 2016, as the result of a complaint from a fare-paying passenger regarding inappropriate and abusive behaviour, Committee considered and resolved to refuse the renewal of the licence for a period of six months. Mr Ali has indicated an appeal to the Crown Court.

CROWN COURT – PRIVATE HIRE DRIVER’S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Paul Grindrod	26.08.2016	Dismissed	£470.75	£470.75	On 19 January 2016, as the result of conviction for the offences of plying for hire and using a vehicle while uninsured, Committee considered and in line with the relevant policy revoked the licence. The appeal to the Magistrates’ Court was dismissed on 23 May 2016 with costs of £350 being ordered.