

**BIRMINGHAM CITY COUNCIL**

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

**23 OCTOBER 2017**  
**ALL WARDS**

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN  
DURING AUGUST 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.

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3. Summary of Appeal Hearings for July - August 2017

	Magistrates'	Crown
Total	4	
Allowed		
Dismissed	3	
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Withdrawn pre-Court	1	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 July and August 2017 costs have been requested to the sum of £4,126.60 with reimbursement of £4,126.60 (100%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2017 to August 2017, costs associated to appeal hearings have been requested to the sum of £20,038.55 with reimbursement of £16,345.30 (81.5%) 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	Bereket Deres	09.08.2017	Dismissed	£300	£300	On 9 May 2017, as the result of conviction for offences of plying for hire and invalidating his insurance, Committee considered and in line with the relevant policy resolved to revoke the licence.

**MAGISTRATES' COURT – LICENSING ACT 2003**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
2	Omer Zaman in respect of Moseley Wines, 44 St Mary's Row, Birmingham B13 8JG	17.08.2017	Dismissed	£2826.60	£2826.60	On 8 February 2017, as a result of two review applications being submitted by Trading Standards which were supported by West Midlands Police, Licensing Enforcement and Public Health following large quantities of illicit alcohol having been found at both premises on sale to customers, the Committee resolved to revoke both licences granted to Mr Zaman and to remove him as the Designated Premises Supervisor at both premises in order to promote the prevention of crime and disorder and public safety objectives in the Act.
3	Omer Zaman in respect of Woodbridge News, 38 Woodbridge Road, Birmingham B13 8EJ	29.08.2017				

4	Bow Leasehold Ltd in respect of The Arena, 18-19 Hack Street, Birmingham B9 4AH	31.07. 2017	Withdrawn	£1000.00	£1000.00	On 30 January 2017, as the result of a review of the premises licence requested by the West Midlands Police, licensable activities having taken place on 19 November 2016 in breach of the conditions attached to the licence, Committee considered and resolved to suspend the premises licence for 3 months and to remove the designated premises supervisor in order to promote the prevention of crime and disorder/public safety/the prevention of public nuisance objectives in the Act.
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