

BIRMINGHAM CITY COUNCIL

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

14 SEPTEMBER 2016
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE
DECISIONS DURING JULY 2016**

1. **Summary**

- 1.1 This report advises the Committee of the outcome of an appeal against the Sub Committee's decisions made to the Magistrates' 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 2016

	Magistrates'	Crown
Total	1	
Allowed		
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Withdrawn pre-Court	1	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 July 2016 costs have been requested to the sum of £979.90 with reimbursement of £729.90 (74.5%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2015 to July 2016, costs associated to appeal hearings have been requested to the sum of £8,607.50 with reimbursement of £7,895.50 (91.7%) ordered by the Courts.
- 4.4 Despite the appeal being withdrawn before the Court hearing, officers and Counsel had still prepared for the hearing and as such, costs had been incurred. An application was made to the Court for costs. The Crown Court was sympathetic to the application and ordered the appellant to contribute £729.90 towards the costs claimed in the sum of £979.90. He has been given six months to pay given he has lost his employment.

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.

APPENDIX**CROWN COURT – PRIVATE HIRE DRIVER'S LICENCE**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Khalid Din	n/a	Abandoned pre-Court	£979.90	£729.90	On 27 October 2015, as the result of conviction for plying for hire and using a vehicle while uninsured, Committee considered and resolved to refuse the renewal of the licence. The appeal to the Magistrates' Court was dismissed on 8 January 2016 and although costs of £250 were requested, because of the appellant's financial circumstances no costs were awarded by the Magistrates. Mr Din further appealed to the Crown court, albeit this appeal was withdrawn just days prior to the hearing. Costs were sought at Crown Court in respect of the case. The Crown Court was sympathetic to the application and ordered the appellant to contribute £729.90 towards the costs claimed in the sum of £979.90. He has been given six months to pay given he has lost his employment.