

**BIRMINGHAM CITY COUNCIL**

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

**13 March 2019**  
**ALL WARDS**

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:**  
**January 2019**

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 2019

	Magistrates'	Crown
Total	2	1
Allowed		
Dismissed	2	1
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court		
Consent Order		

### 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 2019 costs have been requested to the sum of £1713.70 so far with reimbursement of £1588.70 so far (92.7%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2018 to January 2019, costs associated to appeal hearings have been requested to the sum of £14347.31 so far with reimbursement of £12572.91 so far (87.6%) ordered by the Courts.
- 4.4 For the fiscal year thus far, April 2018 to January 2019, costs contra Birmingham City Council associated to appeal hearings have been requested and awarded in excess of £10483.

### 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.

## **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	Mohammed Rahman	21.01.2019	Dismissed	£250.00	£125.00	The appeal was against the Sub Committee decision to refuse to grant a private hire driver's licence to Mr Rahman due to convictions recorded against him. After hearing submissions and evidence on oath from Mr Rahman the magistrates dismissed the appeal indicating that in view of the nature and gravity of his previous convictions they were not satisfied that the Committees decision was wrong. Although an application for costs was made in the sum of £250 in view of his limited financial means they awarded a contribution of £125 to be paid by way of interparty costs.

**MAGISTRATES' COURT – PRIVATE HIRE OPERATOR'S LICENCE**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
	Mohammed Rashid	28.01.2019	Dismissed	£806.00	£806.00	The appeal was against the Sub Committee decision to refuse to grant a private hire operator's licence to Mr Rashid under the trading name of TOA Cars. The appeal was dismissed at court, costs were awarded in the sum of £806.00

**CROWN COURT – PRIVATE HIRE DRIVER’S LICENCE**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Tariq Hussain	11.01.19	Dismissed	£657.70	£657.70	The appeal was against the Sub Committee decision to revoke the private hire driver’s licence previously issued to Mr Hussain, following convictions for plying for and no insurance. Far from being wrong, the court found that the original decision of the local authority was right. The appeal was dismissed. Costs were awarded in full in the sum of £657.70