

BIRMINGHAM CITY COUNCIL

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

18 APRIL 2018
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
TAKEN DURING FEBRUARY AND MARCH 2018**

1. Summary

- 1.1 This report advises the Committee of the outcomes of appeals against the Sub Committee's decision which was made to the Magistrates' Court, and any subsequent appeal made to the Crown Court, and finalised in the period mentioned above.
- 1.2 Any further appeals finalised in March 2018 will be reported to your Committee in June 2018.

2. Recommendation

- 2.1 That the report be noted.

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3. Summary of Appeal Hearings for February-March 2018

	Magistrates'	Crown
Total	1	1
Allowed		
Dismissed	1	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Withdrawn pre-Court		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 are set out in the appendix below.
- 4.2 In February-March 2018 costs have been requested to the sum of £1,053.20 with reimbursement of £878.20 (83.4%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2017 to March 2018, costs associated to appeal hearings have been requested to the sum of £28,306.25 with reimbursement of £21,762.50 (76.9%) 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 LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Jahangir Hussain	09.02.2018	Dismissed	£300	£125	On 1 November 2017, as the result of conviction for offences of plying for hire and using a vehicle while uninsured and resultant disqualification from driving for a period of 28 days following an exceptional hardship argument, Committee considered and resolved to depart from the usual policy which recommends revocation of the licence, and instead suspended the licence for a period of six months.

CROWN COURT – PRIVATE HIRE DRIVER LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Abdul Ghafoor	02.03.2018	Dismissed	£753.20	£753.20	On 2 October 2017, as the result of a complaint that children with special needs had been exposed to offensive images on Mr Ghafoor's mobile phone showing people being set fire to and burnt alive, the licence was revoked with immediate effect in the interests of public safety. Mr Ghafoor's appeal to the Magistrates' Court was dismissed on 24 November 2017 with costs of £300 being awarded to BCC. Mr Ghafoor's appeal to the Crown Court was heard before HHJ Parker QC and 2 lay magistrates. The Bench dismissed the appeal taking the opinion that "the images were grossly offensive" and he was "taking advantage of his employment to abuse his passengers. He was, therefore, not a fit and proper person to hold a licence."