

BIRMINGHAM CITY COUNCIL

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

18 NOVEMBER 2015
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
AUGUST AND SEPTEMBER 2015

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 and September 2015

	Magistrates'	Crown
Total	4	1
Allowed		
Dismissed	3	1
Appeal lodged at Crown		
Upheld in part		
Withdrawn	1	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 August and September 2015 costs have been requested to the sum of £1,623 with reimbursement of £1,353 (83.4%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2014 to September 2015, costs associated to appeal hearings have been requested to the sum of £15,007.65 with reimbursement of £13,847.65 (92.3%) 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1	Khalid Mushtaq	14.08.2015	Withdrawn 12.08.2015	£200	£200	On 4 March 2015, in line with the policy relating to a private hire driver who has been convicted for plying for hire and using a vehicle while uninsured – in Mr Mushtaq's case his third such conviction (2007, 2011 and 2014) – Committee considered and resolved to revoke the licence. The Court awarded costs against Mr Mushtaq because he withdrew his appeal only two working days before the hearing.
2	David Tanser	19.08.2015	Dismissed	£300	£300	On 23 June 2015, in line with the policy relating to a private hire driver who has been convicted for plying for hire and using a vehicle while uninsured, Committee considered and resolved to revoke the licence.
3	Sahair Hussain	01.09.2015	Dismissed	£270	£150	On 6 July 2015, as the result of convictions for offences of violence, Committee considered and resolved to refuse to grant a licence.
4	Mohammed Riaz	18.09.2015	Dismissed	£300	£150	On 4 March 2015, as the result of conviction for a public order offence, Committee considered and resolved to revoke the licence.

CROWN COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Sarwar Khan	04.09.2015	Dismissed	£553	£553	On 4 March 2015, as the result of conviction for a public order offence, Committee considered and resolved to revoke the licence. The appeal to the Magistrates' Court was dismissed on 15 May 2015 with costs of £180 being awarded.