

**BIRMINGHAM CITY COUNCIL**

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

**20 APRIL 2016**  
**ALL WARDS**

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

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 February 2016

	Magistrates'	Crown
Total	10	1
Allowed	3	
Dismissed	6	
Appeal lodged at Crown		
Upheld in part	1	
Withdrawn pre-Court		1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 February 2016 costs have been requested to the sum of £3,753 with reimbursement of £2,610 (69.5%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2015 to February 2016, costs associated to appeal hearings have been requested to the sum of £31,268.48 with reimbursement of £28,868.48 (92.3%) ordered by the Courts.
- 4.4 In February 2016 costs to the sum of £240 have been ordered by the Courts against Birmingham City Council.

### 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	Sahibdial Singh Dhillon	01.02.2016	Allowed	0 (contra BCC)	0	On 20 July 2015, as the result of information received from the Traffic Commissioner to the effect that the VOSA operator licence issued to Status AtoZ Cars had been revoked and other concerns regarding falsified record keeping investigated by the Licensing Enforcement Section, Committee considered and resolved to revoke the private hire operator's licence and the private hire driver licence. Mr Dhillon was the licensed operator as well as a manager and a licensed driver. No appeal was lodged against the revocation of the operator licence.
2	Iftekhhar Ahmed	05.02.2016	Dismissed	£250	£100	On 27 October 2015, as the result of conviction for offences of plying for hire and using a vehicle while uninsured, Committee considered and in line with the relevant policy revoked the licence. Full costs as requested were not awarded because the appellant "had no other prospects of employment".
3	Shujaat Hussain	08.02.2016	Dismissed	£250	£250	On 23 November 2015, as the result of conviction for offences of plying for hire and using a vehicle while uninsured, Committee considered and in line with the relevant policy revoked the licence. Mr Hussain has indicated the possibility of appealing to Crown Court.
4	Mohammad Jahanshahi	08.02.2016	Dismissed	£250	£250	On 11 November 2015, as the result of a recent conviction for an offence of violence, Committee considered and resolved to refuse the grant of a licence.
5	Waqas Ul-Haq	12.02.2016	Dismissed	£250	£250	On 3 November 2015, as the result of information received from the West Midlands Police to the effect that Mr Ul-Haq had been charged with two offences of conspiracy to supply Class A drugs and was awaiting trial, the licence was revoked with immediate effect in consultation with the Chair of the Licensing and Public Protection Committee, such revocation being deemed necessary in the interests of public safety.

6	Mohammed Rashid	12.02.2016	Dismissed	£250	£250	On 23 November 2015, as the result of a complaint from a member of the public regarding intimidating behaviour on the part of a private hire driver, Committee considered and resolved to suspend the licence for a period of two months.
7	Ashfaq Rasul	22.02.2016	Dismissed	£250	0	On 14 September 2015, as the result of a complaint of assault from a member of the public, for which Mr Rasul also received a caution from the West Midlands Police, Committee considered and resolved to refuse the renewal of the licence. No costs were ordered because "he loses his job as a result of the decision".

### MAGISTRATES' COURT – HACKNEY CARRIAGE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Ashok Kumar Madahar	01.02.2016	Allowed	0 (contra BCC)	0	On 20 July 2015, as the result of information received from the Traffic Commissioner to the effect that the VOSA operator licence issued to Status AtoZ Cars had been revoked and other concerns regarding falsified record keeping investigated by the Licensing Enforcement Section, Committee considered and resolved to revoke the licence. Mr Madahar was a manager of the company and a licensed hackney carriage driver.
2	Asif Mahmood	26.02.2016	Allowed in part	£1000	£760	On 6 July 2015, as the result of a behavioural incident near St Andrew's Stadium in February 2015, Committee considered and resolved to suspend the licence for a period of six months. The appeal was partially allowed and the suspension period was reduced because the Magistrates considered the sanction of six months "was too harsh".
3	Abid Mahmood	26.02.2016	Allowed	£240 (contra BCC)	£240	On 6 July 2015, as the result of a behavioural incident near St Andrew's Stadium in February 2015, Committee considered and resolved to suspend the licence for a period of three months. The appeal was allowed because the Magistrates considered the sanction of three months "was too harsh".

## CROWN COURT – PRIVATE HIRE DRIVER’S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Shazad Zafar	05.02.2016 (listed for hearing)	Abandoned on or about 04.02.2016	£1253	£750	On 2 February 2015, as the result of conviction for offences of plying for hire and using a vehicle while uninsured, Committee considered and in line with the relevant policy revoked the licence. Costs were requested and awarded because the hearing had already been adjourned twice, each time at the appellant’s instigation. The appeal to the Magistrates’ Court was dismissed on 22 June 2015 with costs of £300 being awarded. The appeal to Crown was abandoned as the result of another potential prosecution.