

BIRMINGHAM CITY COUNCIL

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

18 JANUARY 2017
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS DURING
NOVEMBER 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 November 2016

	Magistrates'	Crown
Total	3	
Allowed		
Dismissed	3	
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Withdrawn pre-Court		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 in each case are set out in the appendix below.
- 4.2 In November 2016 costs have been requested to the sum of £3,079.62 with reimbursement of £2,829.62 (91.8%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2016 to November 2016, costs associated to appeal hearings have been requested to the sum of £16,464.57 with reimbursement of £14,685.57 (89.2%) 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.

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

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Mohammed Farooq	21.11.2016	Dismissed	£250	£0	On 20 September 2016, as the result of his licence having been endorsed with a total of eight points in a period of less than six weeks, none of which had been reported within seven days as required by his conditions of licence, Committee considered and resolved to suspend the licence for a period of two months. The Bench were satisfied that the decision of the Committee was correct on the basis of the information they had before them. However, in the circumstances given that the appellant had paid the issue fee and his solicitors costs were not minded to make any order as to costs, although indicated that it was proper for the City Council to have requested the £250 claimed.

MAGISTRATES' COURT – HACKNEY CARRIAGE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Sawarn Singh	11.11.2016	Dismissed	£300	£300	On 5 September 2016, as the result of his licence having been endorsed with a total of fourteen points in a period of less than nine months, although he had not been disqualified from driving and none of which had been reported within seven days as required by the Byelaws, Committee considered and resolved to suspend the licence for a period of four months.

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Shamas Mahmud (in respect of) Weoley Local, 159-161 Somerford Rd, Weoley Castle	28.11.2016	Dismissed	£2529.62	£2529.62	Committee considered and resolved to revoke the premises licence in order to promote the prevention of crime and disorder, public safety and the protection of children from harm objectives in the Act. On 29 June 2016, upon application by the Chief Officer of Weights and Measures for a review of the premises licence, following the seizure of significant amounts of illicit alcohol and counterfeit tobacco on 10 November 2015 and the seizure of further amounts of illicit alcohol on 3 February 2016, coupled with the breach of various conditions within the premises licence.