

BIRMINGHAM CITY COUNCIL

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

12 April 2017
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
February 2017

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 2017

	Magistrates'	Crown
Total	4	
Allowed		
Dismissed	3	
Appeal lodged at Crown		n/a
Upheld in part		
Withdrawn pre-Court	1	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 2017 costs have been requested to the sum of £2170.45 with reimbursement of £1695.45 (78.1%) ordered by the Courts.

4.3 For the fiscal year thus far, April 2016 to February 2017, costs associated to appeal hearings have been requested to the sum of £26158.27 with reimbursement of £25158.27 (96.2%) 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.

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	Qurban Hussain	24.02.2017	Dismissed	£1570.45	£1195.45	On 5 October 2016, as the result of a complaint regarding the driver's behaviour and standard of driving, during which the complainant received injuries, Committee considered and resolved to suspend the licence for a period of two months. Mr Hussain had originally stated he would appeal to Crown Court; he has now confirmed he will not.
2	Tamiz Uddin Younus	20.02.2017	Dismissed	£300.00	£300.00	On 28 November 2016, as the result of a number of relevant convictions recorded against the applicant's name, Committee considered and resolved to refuse the grant of a licence.
3	Bahadur Singh	24.02.2017	Dismissed	£300.00	£200.00	On 13 December 2016, as the result of numerous motoring convictions recorded against the applicant's name, which had previously resulted in the revocation of a licence, Committee considered and resolved to refuse the grant of a licence.
4	Sabir Hussain	n/a	Withdrawn pre-Court	n/a	n/a	On 9 December 2016, as the result of the driver having been disqualified from driving, the licence was suspended under delegated authority by the Principal Licensing Officer. The appeal was withdrawn following appearance before the Sub Committee in February 2017, when a differing period of suspension was imposed.