

**BIRMINGHAM CITY COUNCIL**

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

**15 March 2017**

**ALL WARDS**

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:  
January 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 January 2017

	Magistrates'	Crown
Total	2	
Allowed		
Dismissed		
Appeal lodged at Crown		n/a
Upheld in part		
Withdrawn pre-Court	1	
Mutually agreed consent order	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 January 2017, costs have been requested to the sum of £8150 with reimbursement of £7825 (96%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2016 to January 2017, costs associated to appeal hearings have been requested to the sum of £23987.82 with reimbursement of £23462.82 (97.8%) 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 OPERATOR REQUEST FOR EXEMPTION**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Jacqueline Markham t/a Star Cars	04.01.2017	Consent order agreed by both parties	Star Cars agreed to contribute £7500 towards the costs of Birmingham City Council		On 15 June 2016 the Licensing & Public Protection Committee refused an application from Star Cars for an exemption from a condition in our standard private hire operator conditions. Star Cars' appeal to the Magistrates' Court was heard on 4 January 2017. It was resolved by a Consent Order agreed by both parties under which the appellant will be allowed a licence containing the exemption for 12 months, during which time the effects of the exemption can be monitored.

**MAGISTRATES' COURT – LICENSING ACT 2003**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Sheldon Inns Ltd t/a The Acorn	n/a	Withdrawn	£650	£325	On 17 August 2016, at a review of the premises licence requested by West Midlands Police following an incident at the premises on 6 June 2016, Committee considered the supervisory management arrangements at the premises to be wholly inadequate and incapable of promoting the licensing objectives relating to crime and disorder, public nuisance and public safety, and resolved to revoke the licence. The appeal was withdrawn following a successful application for the grant of a premises licence in respect of another party.