

BIRMINGHAM CITY COUNCIL

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

13 DECEMBER 2017
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
TAKEN DURING OCTOBER 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.

Contact Officer: Chris Neville, Head of Licensing
Telephone: 0121 303 6111
E-mail: chris.neville@birmingham.gov.uk

3. Summary of Appeal Hearings for October 2017

| | Magistrates' | Crown |
|------------------------|--------------|-------|
| Total | 3 | |
| | | |
| Allowed | | |
| Dismissed | 2 | |
| Appeal lodged at Crown | | n/a |
| Upheld in part | 1 | |
| Withdrawn pre-Court | | |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 October 2017 costs have been requested to the sum of £2,234 with reimbursement of £1,934 (86.6%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2017 to October 2017, costs associated to appeal hearings have been requested to the sum of £24,472.55 with reimbursement of £20,329.30 (83.1%) 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 | Zulfiqar Ali | 06.10.2017 | Dismissed | £300 | 0 | On 26 July 2017, as the result of conviction for offences of plying for hire and using a vehicle while uninsured, Committee considered and resolved that in line with relevant Committee policy, the licence be revoked. |
| 2 | Hafeez Ahmed | 20.10.2017 | Allowed in part | Contra BCC – amount not known | | On 22 May 2017, as the result of conviction for refusing to carry a passenger accompanied by an assistance dog, Committee considered and resolved to revoke the licence. The appeal was allowed in part: the Magistrates considered revocation of the licence to be “disproportionate” and substituted revocation by one month’s suspension. Costs were awarded to the appellant, although the amount is not yet known. |

MAGISTRATES' COURT – LICENSING ACT 2003

| | Name | Date Case Heard | Result | Costs Requested | Costs Ordered | Comments |
|---|--|-----------------|-----------|-----------------|---------------|--|
| 1 | Hamidreza Taghizadeh Sardeh in respect of A G Convenience, 182 Brighton Rd, Balsall Heath, B12 8QN | 10.10.2017 | Dismissed | £1934 | £1934 | On 16 May 2017, as the result of an application for a review of the premises licence by Trading Standards Officers and West Midlands Police, large quantities of illicit tobacco and alcohol products having been found within a van parked at the premises and on open sale behind the counter, all of which failed to promote the prevention of crime and disorder, public safety, and the protection of children from harm objectives in the Act, Committee considered and resolved that the premises licence be revoked. |