

BIRMINGHAM CITY COUNCIL

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

16 DECEMBER 2016
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
SEPTEMBER AND OCTOBER 2015**

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 September and October 2015

	Magistrates'	Crown
Total	3	
Allowed		
Dismissed	2	
Appeal lodged at Crown		
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Withdrawn pre-Court	1	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 September and October 2015 costs have been requested to the sum of £12,524.83 with reimbursement of £12,274.83 (98%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2015 to October 2015, costs associated to appeal hearings have been requested to the sum of £27,532.48 with reimbursement of £26,122.48 (94.8%) 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.

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1	Raja Asif Adnan	09.10.2015	Withdrawn pre-Court	£180	£180	On 8 June 2015, as the result of convictions including two disqualifications from driving, one of which had been received since revocation of his previous licence in September 2011, Committee considered and resolved to refuse the application as he was not considered a fit and proper person. The appeal was withdrawn pre-Court with costs agreed by both parties.
2	Nasser Khan	12.10.2015	Dismissed	£250	0	On 8 June 2015, in line with policy relating to a private hire driver who has been convicted of plying for hire and using a vehicle while uninsured, Committee considered and resolved to revoke the licence. Although costs were requested, none were awarded as the Magistrates took account of the defendants means.

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Vauxhall Social Club, Revesby Walk, Nechells	28.09.2015	Dismissed	£12,094,83	£12,094.83	On 7 April 2015, as the result of an application by Environmental Health for a review of the licence on grounds of breaches of the premises licence, Committee considered and resolved to revoke the premises licence in order to promote the prevention of public nuisance objective in the Act. No action had been taken to implement solutions to control loud music from the premises and several instances occurred when regulated entertainment continued beyond the hours permitted by the licence.