

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2016
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
SEPTEMBER 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 September 2016

	Magistrates'	Crown
Total	3	1
Allowed		
Dismissed	2	1
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Withdrawn pre-Court		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 September 2016 costs have been requested to the sum of £1,067 with reimbursement of £700 (65.6%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2016 to September 2016, costs associated to appeal hearings have been requested to the sum of £11,994.10 with reimbursement of £10,915.10 (91%) 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	Wiad Rehman	28.09.2016	Dismissed	£567	£200	On 5 July 2016, as the result of his driving history since becoming licensed as a private hire driver, and previous, shorter periods of suspension having had no effect, Committee considered and resolved to suspend and refuse the renewal of the licence for a total period of six months. Mr Rehman has indicated the likelihood of an appeal to Crown Court.

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Mrs Baljinder Sangha (in respect of) Tower Ballroom, 101 Reservoir Road, Edgbaston	05.09.2016 and 17.10.2016	Allowed with conditions	£8,668	Nil	On 16 February 2016, as the result of an application for the review of the premises licence following receipt of complaints of noise nuisance emanating from the premises to the detriment of local residents, Committee considered and resolved to revoke the premises licence. The court considered that the Committee had not given sufficient consideration to reducing the licensing hours. It placed conditions on the licence to require the premises to put in place an effective plan to control parking, for all doors and windows to remain closed and for licensable activity to cease by 22.15 hrs and for the premises to be closed by 22.45hrs.

2	Mrs Baljinder Sangha (in respect of) Mount Pleasant Working Men's Club	05.09.2016	Dismissed	£3,742	£3,742	On 16 February 2016, as the result of an application for the review of the premises licence following receipt of complaints of noise nuisance emanating from the premises to the detriment of local residents, Committee considered and resolved to revoke the premises licence.
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CROWN COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Iftekhhar Ahmed	23.09.2016	Dismissed	£500	£500	On 27 October 2015, as the result of conviction for offences of plying for hire and using a vehicle while uninsured, Committee considered and in line with the relevant policy, revoked the licence. The appeal to Magistrates' Court was dismissed on 5 February 2016 with costs of £250 being requested but £100 ordered.