

**BIRMINGHAM CITY COUNCIL**

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

**16 MARCH 2016**  
**ALL WARDS**

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

Contact Officer: Chris Neville, Head of Licensing  
Telephone: 0121 303 6920  
E-mail: [chris.neville@birmingham.gov.uk](mailto:chris.neville@birmingham.gov.uk)

### 3. Summary of Appeal Hearings for January 2016

	Magistrates'	Crown
Total	5	1
Allowed	1	
Dismissed	4	1
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court		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 January 2016 costs have been requested to the sum of £1,424 with reimbursement of £924 (64.8%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2015 to January 2016, costs associated to appeal hearings have been requested to the sum of £30,018.48 with reimbursement of £28,108.48 (93.6%) 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	Khalid Din	08.01.2016	Dismissed	£250	0	On 27 October 2015, as the result of a conviction for plying for hire and using a vehicle while uninsured, Committee considered and, in line with the relevant policy, refused the renewal of a licence. An application for costs was made but in view of Mr Din's financial circumstances the Magistrates did not order any costs. Mr Din has indicated he will appeal to Crown Court.
2	Abdul Ghafoor	11.01.2016	Dismissed	£250	0	On 21 October 2015, as the result of a conviction for plying for hire and using a vehicle while uninsured, Committee considered and, in line with the relevant policy, revoked the licence. Although an application for costs was made the magistrates, mindful of the fact that he had four dependent children and would lose his job, determined that in the circumstances it would not be appropriate to make any order for costs.
3	Mohammed Miah	18.01.2016	Dismissed	£250	£250	On 27 October 2015, as the result of a conviction for benefit fraud and failure to report the conviction for over a year, Committee considered and resolved to refuse the renewal of a licence. Mr Miah has indicated he will appeal to Crown Court.
4	Qadeer Ahmed Hussain	27.01.2016	Dismissed	£350	£350	On 23 October 2015, as the result of information and a CCTV recording received from British Transport Police of an incident of severe violence at Sutton Coldfield Rail Station, the Chair of your Committee considered in consultation with the Licensing Manager and resolved that the licence be revoked with immediate effect. Although the CPS dropped the prosecution after Mr Hussain apologised to the victim, Mr Hussain admitted to the offence at the appeal hearing, and the Magistrates upheld the Chair's decision.

5	Shoket Ali	29.01.2016	Allowed	0 (contra BCC)	0	On 30 September 2015, as the result of a complaint from a hackney carriage driver alleging plying for hire on the part of Mr Ali, Committee considered and resolved to refuse the renewal of a licence. The appeal was allowed because of the submission of fresh evidence, which had not been available to Committee.
---	------------	------------	---------	----------------------	---	--

#### **CROWN COURT – PRIVATE HIRE DRIVER’S LICENCE**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Mohammed Riaz	08.01.2016	Dismissed	£324	£324	On 4 March 2015, as the result of a conviction for the offence of affray, whereby members of the public were subjected to assault, Committee considered and resolved to revoke the licence. The appeal to the Magistrates’ Court was dismissed on 18 September 2015 with costs of £150 being ordered.