

BIRMINGHAM CITY COUNCIL

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

17 July 2019
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
May 2019

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 May 2019

	Magistrates'	Crown
Total		3
Allowed		
Dismissed		2
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court		1
Consent Order		

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 May 2019 costs have been requested to the sum of £1296.00 so far with reimbursement of £1100.00 so far (84.87%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2019 to May 2019, costs associated to appeal hearings have been requested to the sum of £1706.00 so far with reimbursement of £1510.00 so far (88.51%) ordered by the Courts.
- 4.4 For the fiscal year thus far, April 2019 to May 2019, costs contra Birmingham City Council associated to appeal hearings, £0.00.

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.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Prosecution files and computer records in Legal Proceedings team.

CROWN COURT – PRIVATE HIRE DRIVER’S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1 & 2	Tanvir Hussain t/a Broad Street Cars	02.05.2019	Both Dismissed	£900.00	£900.00	The appeal was against the Sub Committee decision to revoke the private hire operator licence and private hire driver licence issued to Mr Hussain on 31.01.2018, following complaints regarding his behaviour received from members of the public and a conviction and caution for breaches of legislation. Mr Hussain’s appeal to Magistrates Court was dismissed on 25.07.2018. The appeal was dismissed at Crown Court.
3	Mohammed Akhlaq	n/a	Withdrawn pre-Court	£396.00	£200.00	The appeal was against the Sub Committee decision to revoke Mr Akhlaq’s private hire driver licence on 16.07.2018, following convictions for plying for hire and no insurance. Mr Akhlaq’s appeal to Magistrates Court was dismissed on 26.11.2018. The appeal was listed before HHJ Montgomery QC at Birmingham Crown Court on 24.05.2019 for mention. Mr Akhlaq abandoned his appeal and was subsequently ordered to pay a £200 contribution towards costs (requested £396.00).

CROWN COURT – PRIVATE HIRE OPERATOR’S LICENCE

See 1 & 2 above