

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 10 MARCH 2021 AT 10:30 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

A G E N D A

1 **NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **DECLARATIONS OF INTERESTS**

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 **APOLOGIES**

To receive any apologies.

1 - 18

4 **MINUTES**

To confirm and sign the public section of the Minutes of meetings held on 18 November, 2020, 18 December, 2020 and 13 January, 2021.

19 - 34

5 **1. LPPC 2020-21 BUDGET MONITORING REPORT – QUARTER 3**

The report of Interim Assistant Director of Regulation & Enforcement

35 - 42

6 **LPPC 2021-22 BUDGET REPORT**

The report of Interim Assistant Director of Regulation & Enforcement

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The report of Interim Assistant Director of Regulation & Enforcement
- 135 - 138** 12 **CHAIRS AUTHORITY REPORT – JANUARY 2021**
The report of Interim Assistant Director of Regulation & Enforcement
- 13 **DATE AND TIME OF NEXT MEETING**
To note the date and time of the next meeting.
- 14 **OTHER URGENT BUSINESS**
To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.
- 15 **AUTHORITY TO CHAIR AND OFFICERS**
Chair to move:-

'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.
- 16 **EXCLUSION OF THE PUBLIC**
That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 5 & 6

1 **MINUTES**

Item Description

2 **VERBAL UPDATE - JUDICIAL REVIEW OF THE STREET TRADING POLICY**

- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;

3 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
18 NOVEMBER, 2020**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 18 NOVEMBER, 2020 AT
1030 HOURS AS AN ONLINE MICROSOFT
TEAMS MEETING**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Olly Armstrong, Bob Beauchamp, Adam Higgs, ,
Mike Leddy, Mary Locke, Majid Mahmood, Mike Sharpe and
Martin Straker Welds.

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NOTICE OF RECORDING/WEBCAST

1308 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.civico.net/birmingham) and that members' of the press/public may record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

1309 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

APOLOGIES

1310 Apologies were received from Councillors Nicky Brennan and Simon Morrall for non-attendance.

MINUTES

1311 The public minutes of the meeting held on 30 September, 2020, having been previously circulated were confirmed and signed by the Chair.

The business of the meeting and all discussions in relation to individual reports are available for public inspection via the web-stream.

LICENSING AND PUBLIC PROTECTION – OUTTURN 2019/20

The following Report of the Interim Assistant Director of Regulation and Enforcement and Chief Financial Officer was submitted:-

(See document no. 1)

Councillor Majid Mahmood declared a non pecuniary interest in relation to the outturn report.

David Jones, Finance, made introductory comments relating to the report. Following questions from Councillor Majid Mahmood he informed that the site service Manager would be able to answer questions about the Proctor Street Site. Bereavement services was outside his remit.

Paul Lankester added that the additional spend for Handsworth Cemetery was not covered within this budget. Information for some of the details being requested by Councillor Majid Mahmood was not available to hand and would be followed up outside of the meeting. The Centre of Excellence was being progressed with 8 Authorities and will be reported to Cabinet. There was additional works going on with regard to Duty of Care visits. Paul Lankester could find out more information if the Committee required.

With regard to Proctor Street site Mark Croxford reported that the site was full but there had been a reduction in take up. Some people directed to Proctor Street had not taken up the opportunity. Another site was being considered for Aston.

The Chair requested that any other responses to Councillor Majid Mahmood's questions be sent to him as soon as possible.

1312

RESOLVED:-

- i. That the Licensing and Public Protection Committee note the revenue outturn overspend of £0.272m as detailed in Appendix 1;
- ii. note the expenditure on grant funded programmes in Appendix 2;
- iii. note the position on Capital projects, as detailed in Appendix 3; and
- iv. note the position on reserves, as detailed in Appendix 4.

LICENSING AND PUBLIC PROTECTION – REVENUE BUDGET 2020/21

The following report of Interim Assistant Director of Regulation and Enforcement and Chief Financial Officer was submitted:-

(See document no. 2)

Paul Lankester, Interim Assistant Director, Regulation made introductory comments relating to the report. In reply to Councillor Majid Mahmood, Paul Lankester clarified that the sum of £365K referred to in the report related to an emergency incident situation and was not related to the works at Handsworth Cemetery.

Councillor Majid Mahmood referred to the Environmental Food Programme and ensuring that budget cuts were sustainable in light of the pandemic. He also mentioned theft of converters in his Ward also whether resources could be allocated to ensure metal merchants were complying with the regulations.

Paul Lankester indicated that there were planned budget reductions to try to manage the budget. Time would tell if they were sustainable. The coroner's court had been replaced and the youth court and staff had been transferred. New procedures had been put in place for the service which was working under extreme pressure owing to a significant number of deaths.

In reply to Councillor Majid Mahmood there was no budget for payments to taxi drivers at the moment. If BCC chose to give £200 to each taxi driver it would cost £1M in total. Some of the Local Authorities referred to had received funding from the Government.

The good work carried out by Bereavement Services and the Registrars Office was highlighted.

1313

RESOLVED:-

- i. That the Licensing and Public Protection Committee note the 2020/21 Revenue Budget Changes as detailed in Appendix 1;
- ii. note the 2020/21 Service and Subjective Budget in Appendix 2;
- iii. note the Budget 2020/21 to 2023/24 in Appendix 3;
- iv. note the 2020/21 budgeted employee establishment as detailed in Appendix 4; and
- v. note the latest 2020/21 Reserves position as detailed in Appendix 5.

INTERIM STATEMENT OF LICENSING POLICY 2020 CONSULTATION REPORT

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document no. 3)

Emma Rohomon made introductory comments relating to the report during which she advised that the City Council is required to determine and publish its Statement of Licensing Policy at least every five years. The current policy was dated 2015. The review could not be carried out as planned this year owing to the pandemic and no response had been received in reply to the request to government to defer the policy. The Council's position was that the cumulative impact assessment had not been completed and could not be included. One response had been received from West Midlands Police and this had been included. The draft policy submitted was without the consultation results included. In order to take effect, the policy and scheme of delegations must be submitted to the City Council on 1 December, 2020 for approval.

The Chair added that that this was an Interim Step. He was happy to approve the interim policy as it was clear in terms of the process. Members discussed the suggestion of a 5th licensing objective to cover the Public Sector Equality Duty and Paul Lankester undertook to take this up.

1314

RESOLVED:-

That having undertaken a statutory consultation on the City Council's Statement of Licensing Policy for a 4 week period commencing on Friday 16th October 2020 and having regard to the responses received , The Committee having considered the draft Policy attached at Appendix 1 to this report and, subject to the matters detailed within the report commends the draft Interim Policy to City Council for approval on 1 December 2020.

DEPARTMENT FOR TRANSPORT STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS ACHIEVING COMPLIANCE

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document no. 4)

Emma Rohomon made introductory comments relating to the report during which she gave a summary of the proposed actions in order to bring the City Council into alignment with the statutory guidance. The Chair was happy to arrange for a separate meeting to be set up to discuss taxi hire issues.

The Chair advised that the issues raised by Councillor Majid Mahmood could be picked up in further discussions. Emma Rohomon said that with regard to the consultation for CCTV they needed to consider the adverse or negative effect and would include as many groups in the consultation as possible for example the police, victim support groups etc. There were some challenges in that some Local Authorities with CCTV being a requirement had their drivers obtaining licences from other LA's and then carrying on driving. Details of any working party set up will be notified to Members.

1315

RESOLVED:-

- i. That the report be noted.
 - ii. The actions identified within Appendix 2 be agreed.
 - iii. The action plan for compliance (Paragraph 8) be agreed.
 - iv. Officers to provide progress updates to the Licensing and Public Protection Committee as appropriate.
-

ENFORCEMENT POLICY REVIEW REGULATION AND ENFORCEMENT

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document no. 5)

Paul Lankester, Interim Assistant Director, Regulation and Enforcement made introductory comments relating to the report. In response to a question the prosecution strategy cases were based on their merits. Officers gave people a chance to get things right, however some licensing reviews had taken place and had led to licences being withdrawn and suspended or revoked. With food if there was an imminent risk on the public, immediate action was taken however that would not necessarily be enforcement action straight away. In reply to Councillor Majid Mahmood's comments about regular reports of fly-tipping but limited action being taken against the culprit for various reasons and whether resources could be allocated for this, Paul Lankester reported that Mark Croxford was leading on the strategy for Ambassadors or Marshalls for waste. Unless people were willing to give evidence prosecution was difficult.

Councillor Mary Locke indicated that there was a Housing and Neighbourhoods O & S working group on flytipping and the Committee will make recommendations to City Council in due course. The Chair spoke about problems with litter in his Ward. The Ward Councillors had issued a letter to residents and as a result people had joined the Housing Liaison Board.

1316

RESOLVED:-

That the Committee approve the Enforcement Policy attached at Appendix 1.

REGULATION AND ENFORCEMENT REPORT - SEPTEMBER 2020

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document no. 6)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report. In reply to Councillor Majid Mahmood he reported that there had been a number of complaints about food. The Director of Public Health had allocated resources for 8 Officers and they were looking to employ a further 12. With regard to the noise monitoring equipment, when the equipment was returned it was required to be cleaned before being reused. They could not always meet the number of requests for action.

With regard to Trading Standards and the Illegal Money Lending Team, Tony Quigley said that the increase of 11% in online activities was in part scams. They were conducting new awareness and introducing a live chat. There was a report on the Illegal Money Lending Team due in December or January.

Officers would find out information regarding the Community Project raised by Councillor Majid Mahmood. It was confirmed that pavement licences were across the City.

1317

RESOLVED:-

That the content of the report be noted.

FOOD ENFORCEMENT DURING COVID-19

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document no. 7)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report during which he indicated that the guidelines in the table stood until March and the Committee will be informed of progress with the Food Enforcement Plan. In reply to Councillor Majid Mahmood they were aware that some businesses such as restaurant and pubs were operating as food takeaways. They were given advice but were generally good at working with food. At present they had caught up with the inspections and were trying to support businesses. They were aware of some cases of Bird Flu but it was being monitored.

In reply to Councillor Mary Locke, if businesses were not normally food businesses and were now providing takeaways some required training. Businesses were trying to be compliant.

1318

RESOLVED:-

That the report be noted.

PROSECUTIONS AND CAUTIONS: APRIL, 2020 – AUGUST 2020

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document no. 8)

In reply to Councillor Majid Mahmood's comments about littering in particular used masks and gloves on the ground Paul Lankester, Interim Assistant Director, Regulation answered that they could direct litter patrols to the affected areas. Officers carrying out litter exercises in the City Centre were giving advice. Councillors should email Mark Croxford the details. Mark Croxford said signage was being used for Covid 19

1319

RESOLVED:-

That the report be noted.

ACTION TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE: SEPTEMBER, 2020

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document no. 9)

1320

RESOLVED:-

That the report be noted.

ENFORCEMENT POWERS PRESENTATION - NOVEMBER, 2020

The following report of the Interim Assistant Director of Regulation and Enforcement.

(See document no. 9)

Mark Croxford, Head of Environmental Health presented the report. Officers were thanked for the work carried out during the Pandemic.

In reply to Councillor Higgs the number of fines issued were 20 to 30. The powers being used was mostly closure powers. The police were responding to complaints and were able to issue fines for illegal gatherings. Some high profiled cases had taken place.

1321

RESOLVED:-

That the report be noted.

DATE OF NEXT MEETING

1322 The date of the next meeting to be held on Wednesday, 13 January, 2020 at 1030 hours was noted.

OTHER URGENT BUSINESS

1323 Paul Lankester advised that a meeting needed to be arranged to consider the Fees and Charges report which needed to be implemented by 1 April, 2020. As the closing date of the consultation ends in December a meeting date has been agreed for 18 December, 2020 to be confirmed.

Councillor Mike Leddy proposed and it was agreed that a vote of thanks be made to the 20,000 Birmingham City Council employees who had worked hard to keep the City functioning for the last 9 months. He also noted the diligent work of 2 senior officers and their teams included in a TV programme and agreed that they were great ambassadors.

AUTHORITY TO CHAIR AND OFFICERS

1324 **RESOLVED:-**

In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee.

EXCLUSION OF THE PUBLIC

1325 **RESOLVED:-**

That, in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-

Agenda Item etc.

Relevant Paragraph of Exempt
Information Under Revised
Schedule 12A of the Local
Government Act 1972

Public Health Update

6

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC
PROTECTION
COMMITTEE
18 DECEMBER, 2020**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE
HELD ON FRIDAY, 18 DECEMBER, 2020 AT
1400 HOURS AS AN ONLINE MICROSOFT
TEAMS MEETING**

PRESENT: - Councillor Mike Leddy in the Chair;

Phil Davis, Adam Higgs, Nagina Kauser, Mary Locke, Majid Mahmood, Chauhdry Rashid, Mike Sharpe and Martin Straker Welds.

(Councillor Phil Davis was unable to join the meeting at the start owing to technical issues and joined the meeting at 1414 hours.)

NOTICE OF RECORDING/WEBCAST

- 1328 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.civico.net/birmingham) and that members' of the press/public may record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 1329 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

APOLOGIES

- 1330 No apologies had been received for non-attendance.
-

The business of the meeting and all discussions in relation to individual reports are available for public inspection via the web-stream.

REVIEW OF STREET TRADING CONSENT FEES AND CHARGES 2021/22

The following Report of the Interim Assistant Director for Regulation and Enforcement was submitted:-

(See document no. 1)

Sajeela Nasser, Head of Licensing, Markets and Trading made introductory remarks in relation to the report during which she indicated that the following amendments should be made to the report:-

Paragraphs

1.4 – 3 responses had now been received.

2.2 - should read - as detailed section 4.7

4.7 - The penultimate paragraph – replace (10 -10 days) with (10-19 days)

Sajeela Nasser gave a summary of the report highlighting paragraph 3.3 the current fees for street trading consents and how it was implemented outlining paragraph 4.7 the proposed fees and charges for 2021/22.

In response to concerns from Councillor Mary Locke about difficulties faced by businesses owing to Covid 19 Sajeela Nasser informed that the only fees being requested at this stage for was the application fee £720 with the other fees being payable monthly in advance instead of annually in advance.

In response to Councillor Adam Higgs' comment that the wider Street Trading Policy was being challenged and his query as to whether any legal advice had been received relating to the fees, Sanjeev Bhopal, Committee Solicitor informed that the legal position was that any reference to the ongoing judicial review and any legal advice relating to that was very likely to be exempt information for the purposes of this meeting. Sajeela Nasser added that the current position was that no judicial review had been received to date. A confidential briefing could be held to discuss this. Paul Lankaster confirmed that legal advice had been received in relation to the fees put forward.

Following advice from the Committee Solicitor, at this point the Chairman, Councillor Mike Leddy said that the meeting should be adjourned to enable Members to fully understand their legal responsibilities with regard to the fees before making a decision.

Councillor Majid Mahmood made some points relating to paragraph 6.3 - breakdown of the costs of the policy and associated legal costs asking for clarification that the fees will be reduced going forward. Following some further comments from Councillor Majid Mahmood in relation to street trading and the increased costs, Sajeela Nasser said this was owing to this being the first year the policy was in place. Current street traders 21/22 would have a

presumption of renewal for the following year and would most highly likely benefit from any potential reduction in those fees.

With regard to illegal street trading, if the trader was on the highway action would be taken against them for illegal street trading as they were required to have the consent to do so. The Commonwealth Games had carried out a consultation and any trading on the street will need to be agreed by the Organising Committee.

Councillor Phil Davis stated that he had discussed this issue with officers. A system had been set up to allow officers to monitor and ensure the public were protected. As Chairman if there was an issue that needed to be addressed he could bring it back to the Committee.

Councillor Mike Leddy referred to the Peddlers Act which was enforced by the police noting that a lot of people in the City were purporting to be peddlers but were in fact street traders.

EXCLUSION OF THE PUBLIC

1331

RESOLVED:-

That, in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-

Agenda Item etc.

Relevant Paragraph of Exempt
Information Under Revised
Schedule 12A of the Local
Government Act 1972

5

The meeting adjourned at 1439 hours and resumed at 1453 hours.

It was

1332

RESOLVED:-

- i) That the introduction of a Street Trading consent application fee be approved to take effect from 19 December 2020 in relation to applications made to commence trading from 1 April 2021 as detailed in section 4.5; and
- ii) That the new street trading annual and occasional consent fees be approved to take effect from 19 December 2020 in relation to consents granted for any period from 1 April 2021 as detailed in section 4.5.

Councillor Adam Higgs voted against the decision.

DATE OF NEXT MEETING

1333 The date of the next meeting to be held on 13 January, 2021 at 1030 hours was noted.

It was requested that the meeting dates be reconsidered. .

OTHER URGENT BUSINESS

1334 There was no other urgent business.

AUTHORITY TO CHAIR AND OFFICERS

1335 **RESOLVED:-**

In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee.

The Chairman wished all those presents best wishes for the festive season and new year.

The meeting ended at 1459 hours.

.....
Chairman

BIRMINGHAM CITY COUNCIL

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|--|
| <p>LICENSING AND PUBLIC PROTECTION COMMITTEE 13 JANUARY, 2020</p> |
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 13 JANUARY, 2021 AT 1030
HOURS AS AN ONLINE MICROSOFT TEAMS
MEETING**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Bob Beauchamp, Neil Eustace, Adam Higgs,
Nagina Kauser, Mike Leddy, Mary Locke, Majid Mahmood,
Simon Morrall, Chauhdry Rashid, Mike Sharpe and Martin
Straker Welds.

NOTICE OF RECORDING/WEBCAST

1336 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.civico.net/birmingham) and that members' of the press/public may record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

1337 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

APOLOGIES

1338 An apology was received from Councillors Olly Armstrong for non-attendance.

The business of the meeting and all discussions in relation to individual reports are available for public inspection via the web-stream.

LPPC 2020-21 QUARTER 2 BUDGET REPORT

The following Report of the Interim Assistant Director for Regulation and Enforcement was submitted:-

(See document no. 1)

David Jones made introductory comments relating to the report giving a summary of the report and financial position. He outlined the main service areas under financial pressure owing to Covid related issues.

Councillor Mary Locke expressed concern regarding the rising number of Covid-19 cases and gave her thanks to all the staff involved who were all working extremely hard. Paul Lankester said that they were managing the budget as best as possible and seeking to reduce the budget deficit. Councillor Majid Mahmood sent the best wishes of the Committee to Councillor Olly Armstrong. With regard to the availability of PPE for front line staff, Paul Lankester said that the PPE budget was centrally managed. He was not aware of any difficulties with PPE as of 2 weeks ago. Mark Croxford would answer the questions relating to Pest Control. They were aware there would be a reduction in the costs of managing unauthorised encampments. Responsibility for some of the costs associated with Pest Control had moved to another service area. Managerial arrangements had been implemented to meet the budget requirements. No further changes had been suggested although there is a report on the next Cabinet agenda about City Council managerial changes.

The Mortuary service was being managed without any huge expenditure in the capital requirement for additional structure changes as it was possible that the location of the mortuary would change in the not too distant future. A Feasibility study had been undertaken into a Centre of Excellence.

With regard to Pest Control, Mark Croxford reported that during the lock down a lot of businesses had closed and officers had been transferred to other duties. The City Council were fully supported in relation to PPE and all of their orders were met. They had received support from the Government with regard to face masks.

1339

RESOLVED:-

- i) Note the latest Revenue budget position at the end of September 2020 (Quarter 2) including Forecast Outturn and COVID-19 response implications as detailed in Appendix 1;
- ii) Note the analysis of both COVID-19 and Non-COVID-19 related pressures as set out in Appendix 2;
- iii) Note the position for the Savings Programme for 2020/21 as detailed in Appendix 3;
- iv) Note the position on Capital projects, as detailed in Appendix 4; and

- v) Note the position on reserves and balances, as detailed in Appendix 5.
-

DELIVERY OF AN EU SETTLEMENT SCHEME CHECKING SERVICE BY BIRMINGHAM REGISTER OFFICE

The following report of Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document no. 2)

Paul Lankester, Interim Assistant Director made introductory comments relating to the report informing that Birmingham Register Office will offer an identification verification service to support EEA or Swiss citizens who need assistance to apply to the settlement scheme.

In reply to Councillor Majid Mahmood, Paul Lankester welcomed the comments about advertising and promotion of the service. More information will be available and in different languages. There will be a requirement to be able to speak English as part of the Citizens Award Scheme. The scale of EU settlers in Birmingham was large. In response to a comment by Councillor Mary Locke about lack of IT access for some people the Chair noted that the scheme was time limited and funded by the Government. Paul Lankester said that they would work with all agencies to meet the needs of the community. Regular updates will be given to the Committee.

1340

RESOLVED:-

That the delivery of the identification verification service by Birmingham Register Office to support EEA or Swiss citizens who need assistance to apply to the settlement scheme be approved to take effect from January 2021.

ILLEGAL MONEY LENDING TEAM UPDATE REPORT – DECEMBER 2020

The following report of the Interim Assistant Director for Regulation and Enforcement was submitted:-

(See document no. 3)

Tony Quigley, Head of Illegal Money Lending & Trading Standards presented the report and gave a summary of the contents. In response to comments from Members about loan sharks and the difference made by the Credit Unions. The work carried out by the team was praised and Tony Quigley said that those involved felt fully supported and undertook to pass on the comments made by Members. Examples of projects funded by proceeds of crime money since July 2019 were detailed at 13.1 of the report.

1341

RESOLVED:-

That the report be noted.

**REGULATION AND ENFORCEMENT ACTIVITY REPORT –
OCTOBER/NOVEMBER 2020**

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document no. 4)

Paul Lankester, Interim Assistant Director, Regulation made introductory comments relating to the report. Members were urged to let him know if they required any information in particular. In reply to Councillor Majid Mahmood Paul Lankester informed that the Covid related enforcement grant was ring-fenced and they were on course to spend the grant by February 2021. Mark Croxford added that more details will be available on the next report.

With regard to scrap metal issues Sajeela Nasser informed that there were 93 Licences for scrap metal. The grant was being used to look at illegal dealers. The incident with the converter reported by Councillor Majid Mahmood was a police matter as it was related to theft. Paul Lankester will discuss the issue with colleagues. Tony Quigley said that Members should report any issues with placarding so it could be dealt with.

RESOLVED:-

1342 That the content of the report be noted.

PROSECUTIONS AND CAUTIONS – SEPTEMBER AND OCTOBER 2020

The following report of the Interim Assistant Director for Regulation and Enforcement was submitted:-

(See document no. 5)

In reply to Councilor Majid Mahmood, Paul Lankester advised that owing to the lockdown there had been less enforcement action taking place. The one case with a taxi driver refusing transport to a person with a guide dog was one case too many. They have found that there has been a drop in standards by restaurants and cafes. Some were technical breaches. Businesses were encouraged to work with the service. Sajeela Nasser advised that a consultation would be carried out looking at all aspects of CCTV in taxis during the next few months.

1343 **RESOLVED:-**

That the report be noted.

CHAIRS AUTHORITY REPORT – OCTOBER AND NOVEMBER 2020

The following report of the Interim Assistant Director for Regulation and Enforcement was submitted:-

(See document no. 6)

In reply to Councillor Majid Mahmood, Sajeela Nasser indicated that she would report back to the Committee on the process used when taxi driver's were arrested. They were currently looking at a national revocations and refusals database.

1344 **RESOLVED:-**

That the report be noted.

DATE OF NEXT MEETING

1345 The meeting on 10 February, 2021 was cancelled. The date of the next meeting on 10 March, 2021 at 1030 hours was noted.

OTHER URGENT BUSINESS

1346 Sajeela Nasser updated that in relation to reporting taxi drivers arrests and convictions, owing to data protection Local Authorities were informed only when there was a conviction.

AUTHORITY TO CHAIR AND OFFICERS

1347 **RESOLVED:-**

In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee.

EXCLUSION OF THE PUBLIC

1348 **RESOLVED:-**

That, in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-

Agenda Item etc.

Relevant Paragraph of Exempt
Information Under Revised
Schedule 12A of the Local
Government Act 1972

Minutes

5 & 6

| | | |
|--------------------------|---|--|
| Report to: | LICENSING AND PUBLIC PROTECTION COMMITTEE | |
| Report of: | INTERIM ASSISTANT DIRECTOR REGULATION AND ENFORCEMENT AND INTERIM DIRECTOR FINANCE | |
| Date of Decision: | 10 MARCH 2021 | |
| SUBJECT: | LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2020/21 - QUARTER 3 | |
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| 1. Purpose of Report: |
| <p>1.1 This report sets out the position on the Licensing and Public Protection Committee's Revenue and Capital Budgets at the end of December 2020 (Quarter 3) and the forecast position for the year end. It highlights any issues that have arisen and informs the Licensing and Public Protection Committee of any action being taken to contain spending within the approved cash limits.</p> <p>1.2 The report also details the latest performance within the Licensing and Public Protection Committee including progress against the approved Savings Programme for 2020/21.</p> <p>1.3 The report is in line with the current City Council established financial monitoring framework to ensure that expenditure is managed within cash limits.</p> |

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| 2. Decision(s) Recommended: |
| <p>The Licensing and Public Protection Committee is requested to:</p> <p>2.1 Note the latest Revenue budget position at the end of December 2020 (Quarter 3) including Forecast Outturn and COVID-19 response implications as detailed in Appendix 1.</p> <p>2.2 Note the analysis of both COVID-19 and Non-COVID-19 related pressures as set out in Appendix 2</p> <p>2.3 Note the position for the Savings Programme for 2020/21 as detailed in Appendix 3.</p> <p>2.4 Note the position on Capital projects, as detailed in Appendix 4.</p> <p>2.5 Note the position on reserves and balances, as detailed in Appendix 5.</p> |

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| Lead Contact Officer(s): | David Jones, Finance Manager – Services Finance |
| Telephone No: | 0121 675 0580 |
| E-mail address: | david.jones@birmingham.gov.uk |

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| 3. Consultation |
| <p>3.1 <u>Internal</u></p> <p>The financial position on the revenue and capital budget is reported on a monthly basis to the Management Team and the Interim Assistant Director of Regulation and Enforcement is briefed on the major financial issues, as required in line with the Council's framework.</p> <p>3.2 <u>External</u></p> <p>There are no additional issues beyond consultations carried out as part of the budget setting process for 2020/21.</p> |

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| 4. Compliance Issues: |
| <p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The budget is integrated within the Council's Financial Plan 2020+, and resource allocation is directed towards policy priorities.</p> <p>4.2 <u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p>The Licensing and Public Protection Budget Monitoring 2020/21 - Quarter 3 report provides details of monitoring of service delivery within available resources.</p> <p>4.3 <u>Legal Implications</u></p> <p>Section 151 of the 1972 Local Government Act requires the Interim Director of Finance (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Management Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.</p> <p>4.4 <u>Public Sector Equality Duty</u></p> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p> |

5. Relevant Background/Chronology of Key Events:

Revenue Budget 2020/21

5.1 The City Council approved the overall budget on 25 February 2020. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £6.471m (as detailed in Appendix 1) on 18 November 2020.

5.2 There were two key adjustment to budgets in Quarter 2

| | £m |
|--|--------------|
| Budget at Start of Year | 6.471 |
| Centralisation of budgets (and charges) for internally recharged services | (0.258) |
| Restructure of posts within Regulation and Enforcement (Assistant Director Post) | (0.046) |
| Budget as at 31 December 2020 | 6.167 |

5.3 The current approved budget for this Committee therefore is £6.167m.

5.4 The City Council has well-established arrangements for monitoring spending against the cash limited budgets allocated to Directorates and Committees.

5.5 Reports are presented to Cabinet on a quarterly basis on the overall city-wide financial position. The Licensing and Public Protection Committee will normally receive quarterly financial performance reports during the financial year. For the 2020/21, due to COVID-19 restrictions the Quarter 1 and Quarter 2 reports are being combined.

Revenue – Financial Review and Year End Projections (Appendix 1)

5.6 An overall year end net pressure of £1.336m is being forecast formally.

5.7 Of this forecast pressure £1.203m is directly attributable to the COVID-19 responses of these service areas. These COVID related costs re reported corporately through the response cells and the costs incurred are expected to be funded centrally using Central Government grant resources.

5.8 Mitigating action has been implemented in most service areas – including additional contract work that has been delivered by Pest Control. All COVID-19 pressures reported here are also included in the corporate reporting of the overall Council responses.

5.9 Budgets continue to be managed rigorously. Any changes will be reported in future reports.

5.10 The table below sets out a high-level summary of the projected year end overspend by service (details in Appendix 1) and how this is comprised of over the savings programme and base budget pressures.

| Forecast Year End Variations – Quarter 3 | | | | |
|--|--------------------------|-----------------------------------|------------------------------|-----------------------|
| Budget Head | Savings Programme £'m | COVID-19 Related Pressures £'m | Base Budget Pressures £'m | Total Pressure £'m |
| Environmental Health | 0.000 | 0.206 | (0.138) | 0.068 |
| Pest Control | 0.000 | 0.100 | 0.000 | 0.100 |
| Register Office | 0.000 | 0.627 | 0.000 | 0.627 |
| Coroners | 0.000 | 0.120 | 0.124 | 0.244 |
| Trading Standards | 0.000 | 0.150 | 0.000 | 0.150 |
| Licensing | 0.000 | 0.000 | 0.147 | 0.147 |
| TOTAL | 0.000 | 1.203 | 0.133 | 1.336 |

The key components of the projection include:

- **Environmental Health (£0.068 pressure)**

Environmental Health are under a net pressure of £0.200m due to restrictions on enforcement work with the focus on Brexit support as well as COVID-19 pandemic responsibilities. Plus, additional purchases of Personal Protective Equipment (PPE) for use by Directorate Staff. This is partly mitigated by managed savings on employees and supplies of £0.138m

- **Pest Control (£0.100m pressure)**

The Pest Control team were unable to deliver commercial contract work for most of the early part of 2020/21 and are currently expected to be without a significant source of income during that time. This is a noticeable improvement on the previous quarter forecast and similar mitigating activity continues to be progressed.

- **Registration Service (£0.627m pressure)**

The Registration Service has played a key role in COVID responses with death registrations continuing throughout the pandemic. Additional hours have had to be contracted from staff. Equipment and infrastructure have been installed to enable public access to the building.

In addition, the service has suffered a reduction in income from cancelled and re-configured weddings that would have been a major income source over the summer.

However, results in the last six months have led to an improved forecast position with higher than anticipated income being drawn through the Search Room service and from most statutory services being reinstated after the first lockdown period.

- **Licensing and Street Trading (£0.147m pressure)**

Licensing and Street Trading services operate as ring fenced accounts where actual income generated is only used to cover the reasonable costs of providing that specific service.

There are some minor structural budget issues that whilst not compromising the operation of the ring fence, would cause a reported variation against budget at year end and so this is being addressed as part of the budget process.

Savings Programme

5.11 The Committees Savings Programme is £0.202m for 2020/21

- The savings targets have already been achieved at this point in the year.

Mitigations and Management Actions 2020/21

- Managers of services reporting to this committee are involved in a number of actions this financial year to mitigate budget pressures for current and future financial years.
- Coroners - pressures relating to need to provide additional courtrooms has been mitigated following the conversion of council premises at Margaret Street.
- The service continues to progress with longer term property options seeking to accommodate the whole service in one location.

COVID-19 Compliance and Enforcement

- Environmental Health are coordinating a council-wide compliance and enforcement programme including Business Improvement Districts, Parks, Universities and faith groups.
- The programme is funded through a specific ring-fenced grant of £0.889m which has been received in advance by the City council.

Capital (Appendix 4)

5.12 The Capital programme for security and essential health and safety works in the mortuary including ventilation solutions is being reviewed and updated.

5.13 A short-term solution involving temporary air conditioning is in place and has been further extended whilst the longer-term structure and location of the Mortuary service is being reviewed.

6. Grant Funded Programmes

6.1 Within Regulatory Services, there are two grant funded programmes: Illegal Money Lending and Regional Intelligence Team.

Illegal Money Lending

- 6.2 The Illegal Money Lending Team (IMLT) England investigates and takes action against Illegal Money Lending or “Loan Shark” perpetrators across the whole of England.
- 6.3 The project is funded through specific grant from HM Treasury, with resources of up to £4.150m in 2020/21.
- 6.4 The expenditure at the end of December 2021 was £2.661m (64%) this is a reasonable level for half-way through the year - and it is anticipated that the programme will fully spend the grant allocated and has a good track record of achieving this.

Regional Intelligence Team

- 6.5 The Regional Intelligence Team (Scambusters) investigates and takes action against fraudsters operating across council boundaries in the central region.
- 6.6 Funding has been confirmed at £0.485m for 2020/21. This includes three elements: Main Regional Intelligence Team Grant £0.303m, one-off £0.020m for 2020/21 only to fund the purchase of vehicles, and also £0.162m in relation to the separate Operation Beorma counterfeiting operations.
- 6.7 The expenditure at the end of December 2020 was £0.250m (53%). It is anticipated that the programme will fully spend the grant allocated and has a good track record of achieving this.

7. Proceeds of Crime Act

- 7.1 Regulatory Services secures funding through the Proceeds of Crime Act 2002 (PoCA) in response to financial investigations undertaken following sentencing by the courts.
- 7.2 PoCA monies are held by the Local Authority and ring-fenced for expenditure on community and crime prevention projects
- 7.3 Expenditure specifically recorded as planned PoCA items will be funded routinely through a combination of appropriations from PoCA reserves and income received during the year.
- 7.4 For Birmingham Trading Standards the balances brought forward were £0.470m. Expenditure at Quarter 3 is £0.127m, income received in year totals £0.038m. The current balance remaining is £0.381m
- 7.5 For England Illegal Money Lending the balances brought forward were £0.830m. Expenditure at Quarter 3 is £0.153m, income received in year totals £0.092m. The current balance remaining is £0.769m.

8. Balances and Reserves:

- 8.1 The reserves at Quarter 3 are shown in Appendix 5. These currently total £1.140m and are ring-fenced.
- 8.2 All planned income and expenditure on reserves will be reported to this Committee.

Licensing Ring Fenced Reserves:

8.3 The current balance for Hackney Carriage and Private Hire is deficit £0.317m and it is anticipated that at least 1/3rd of this value will be incorporated into the fee calculations for 2021/22

9. Evaluation of Alternative Option(s):

9.1 During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary.

10. Reasons for Decision(s):

10.1 The Report informs the Licensing and Public Protection Committee of the Revenue and Capital Budget for 2020/21, and the forecast outturn, including COVID-19 response financial implications for Quarter 3.

10.2 The latest position in respect of the Licensing and Public Protection Committee's use of reserves, Savings Programme and risks are also identified.

Signatures

Paul Lankester
Interim Assistant Director Regulation and Enforcement

Rebecca Hellard
Interim Director of Finance

Date

List of Background Documents used to Compile this Report:

Licensing & Public Protection - Revenue and Capital Budget 2020/21 – 18 November 2020
Licensing & Public Protection – Budget Monitoring 2020/21 – Quarter 2 – 13 January 2021

List of Appendices accompanying this Report (if any):

Appendix 1 - Financial Performance, Forecast Outturn and comparison of Quarter 2 and 3
Appendix 2 - Details of COVID-19 and non-COVID-19 Financial pressures
Appendix 3 - Savings Programme 2020/21
Appendix 4 - Capital Programme 2020/21
Appendix 5 - Ring-Fenced Balances and Reserves

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| Report Version | 3.0 | Dated | 24 February 2021 |
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Licensing and Public Protection - Financial Summary

Quarter 3

Total Budget and Forecast Outturn per Service Area (divided COVID-19/Non-COVID-19)

| High Level Summary | Quarter 3 | | | | | Quarter 2 | | | Movement Quarter 2 to 3 | | |
|-------------------------------|---------------------------|-----------------------------|---|---|------------------------------------|---|--|---|--|--|--|
| | A | B | C | D | E | F | G | H | I | J | K |
| | Current Budget £'000's | Forecast Outturn £'000's | COVID-19 Financial Impact Included £'000's | Over/(Undr) spend Non-COVID-19 costs £'000's | Total Over/(Undr) Spend £'000's | COVID-19 Financial Impact Included Quarter 2 £'000's | Over/(Under) spend Non-COVID-19 costs Quarter 2 £'000's | Total Over/(Under) Spend Quarter 2 £'000's | Movement in COVID-19 Costs from Quarter 2>3 £'000's | Movement in Non-COVID-19 Costs from Quarter 2>3 £'000's | Movement in Total Over/(Under) Spend from Quarter 2>3 £'000's |
| Environmental Health | 3,095 | 3,163 | 206 | (138) | 68 | 206 | 0 | 206 | 0 | (138) | (138) |
| Pest Control | 274 | 374 | 100 | 0 | 100 | 400 | 0 | 400 | (300) | 0 | (300) |
| Registration Service | 715 | 1,342 | 627 | 0 | 627 | 854 | 0 | 854 | (227) | 0 | (227) |
| Coroners Courts | 1,519 | 1,763 | 120 | 124 | 244 | 0 | 0 | 0 | 120 | 124 | 244 |
| Trading Standards | 954 | 1,104 | 150 | 0 | 150 | 0 | 0 | 0 | 150 | 0 | 150 |
| LPPC - NON RING FENCED | 6,557 | 7,746 | 1,203 | (14) | 1,189 | 1,460 | 0 | 1,460 | (257) | (14) | (271) |
| Licensing Hackney Carriage | (92) | (74) | 0 | 18 | 18 | 0 | 18 | 18 | 0 | 0 | 0 |
| Licensing Entertain/General | (68) | 7 | 0 | 75 | 75 | 0 | 75 | 75 | 0 | 0 | 0 |
| Licensing Street Trading | (148) | (94) | 0 | 54 | 54 | 0 | 54 | 54 | 0 | 0 | 0 |
| Illegal Money Lendin | (31) | (31) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Scambusters RIT | (2) | (2) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Proceeds of Crime Ac | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| LPPC - RING FENCED | (341) | (194) | 0 | 147 | 147 | 0 | 147 | 147 | 0 | 0 | 0 |
| Public Rights Of Way | 49 | 49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Highway Licences | (42) | (42) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NRSWA Licences | (56) | (56) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| HIGHWAYS | (49) | (49) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total LPPC | 6,167 | 7,503 | 1,203 | 133 | 1,336 | 1,460 | 147 | 1,607 | (257) | (14) | (271) |
| Financial Position as at Q2 | 6,471 | 8,358 | 1,460 | 147 | 1,607 | | | | | | |
| Movement from previous Q2 | (304) | (855) | (257) | (14) | (271) | | | | | | |

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|---------------------------|-----|------|------|------|------|
| Movement from previous Q2 | -5% | -10% | -18% | -10% | -17% |
|---------------------------|-----|------|------|------|------|

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APPENDIX 2

Licensing and Public Protection - Financial Summary

Quarter 3

Analysis of Non-COVID-19 pressure faced by each service area

| Service | Non Delivery of Savings £'000's | Expenditure Variations £'000's | Income Variations £'000's | one-off Mitigations £'000's | Non-COVID19 Financial Impact Included £'000's |
|-------------------------------|------------------------------------|-----------------------------------|------------------------------|--------------------------------|--|
| Environmental Health | 0 | (138) | 0 | 0 | (138) |
| Pest Control | 0 | 0 | 0 | 0 | 0 |
| Registration Service | 0 | 0 | 0 | 0 | 0 |
| Coroners Courts | 0 | 124 | 0 | 0 | 124 |
| Trading Standards | 0 | 0 | 0 | 0 | 0 |
| LPPC - NON RING FENCED | 0 | (14) | 0 | 0 | (14) |
| Licensing Hackney Carriage | 0 | 0 | 18 | 0 | 18 |
| Licensing Entertain/General | 0 | 0 | 75 | 0 | 75 |
| Licensing Street Trading | 0 | 0 | 54 | 0 | 54 |
| Illegal Money Lending | 0 | 0 | 0 | 0 | 0 |
| Scambusters RIT | 0 | 0 | 0 | 0 | 0 |
| Proceeds of Crime Account | 0 | 0 | 0 | 0 | 0 |
| LPPC - RING FENCED | 0 | 0 | 147 | 0 | 147 |
| Public Rights Of Way | 0 | 0 | 0 | 0 | 0 |
| Highway Licences | 0 | 0 | 0 | 0 | 0 |
| NRSWA Licences | 0 | 0 | 0 | 0 | 0 |
| HIGHWAYS | 0 | 0 | 0 | 0 | 0 |
| Total LPPC | 0 | (14) | 147 | 0 | 133 |

Analysis of COVID-19 pressure faced by each service area

| Service | Non Delivery of Savings £'000's | Expenditure Variations £'000's | Income Variations £'000's | one-off Mitigations £'000's | COVID19 Financial Impact Included £'000's |
|-------------------------------|------------------------------------|-----------------------------------|------------------------------|--------------------------------|--|
| Environmental Health | 0 | 6 | 200 | 0 | 206 |
| Pest Control | 0 | 0 | 100 | 0 | 100 |
| Registration Service | 0 | 151 | 476 | 0 | 627 |
| Coroners Courts | 0 | 120 | 0 | 0 | 120 |
| Trading Standards | 0 | 0 | 150 | 0 | 150 |
| LPPC - NON RING FENCED | 0 | 277 | 926 | 0 | 1,203 |
| Licensing Hackney Carriage | 0 | 0 | 0 | 0 | 0 |
| Licensing Entertain/General | 0 | 0 | 0 | 0 | 0 |
| Licensing Street Trading | 0 | 0 | 0 | 0 | 0 |
| Illegal Money Lending | 0 | 0 | 0 | 0 | 0 |
| Scambusters RIT | 0 | 0 | 0 | 0 | 0 |
| Proceeds of Crime Account | 0 | 0 | 0 | 0 | 0 |
| LPPC - RING FENCED | 0 | 0 | 0 | 0 | 0 |
| Public Rights Of Way | 0 | 0 | 0 | 0 | 0 |
| Highway Licences | 0 | 0 | 0 | 0 | 0 |

| | | | | | |
|----------------|---|-----|-------|---|-------|
| NRSWA Licences | 0 | 0 | 0 | 0 | 0 |
| HIGHWAYS | 0 | 0 | 0 | 0 | 0 |
| Total LPPC | 0 | 277 | 926 | 0 | 1,203 |
| Total LPPC | 0 | 263 | 1,073 | 0 | 1,336 |

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Licensing and Public Protection - Savings

Quarter 3

| | | | 2020/21 | | | | |
|-------------------|----------------------|--|-----------------|--------------|----------|----------|----------|
| Savings Reference | Sponsor/saving owner | Savings Description | Budgeted Saving | Blue | Green | Amber | Red |
| | | | £'000 | £'000 | £'000 | £'000 | £'000 |
| PL126d 19+ | Paul Lankester | Review of managerial arrangements across Regulation & Enforcement (LPPC element) | (102) | (102) | 0 | 0 | 0 |
| WOC1d | Paul Lankester | Allocation of Workforce Savings across Regulation & Enforcement (LPPC element) | (100) | (100) | 0 | 0 | 0 |
| | | | | | | | |
| | | | | | | | |
| | | Total Savings | (202) | (202) | 0 | 0 | 0 |

Colour Coding / Categorisations:

| | |
|-------|-----------------|
| Blue | Fully Delivered |
| Green | On Track |
| Amber | AT Risk |
| Red | Non Delivery |

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Capital Programme 2020/21

| | 2020/21 Quarter 3 | | | |
|-------------------|-------------------------|---------------------|----------------|----------|
| | Budget at Start of Year | Budget at Quarter 3 | Actual Outturn | Variance |
| | £'000 | £'000 | £'000 | £'000 |
| | | | | |
| Mortuary/Coroners | 235 | 234 | 41 | (193) |
| | | | | |
| Net Expenditure | 235 | 234 | 41 | (193) |

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Reserves 2020/21

| Balances & Reserves | Licensing | | External Grant Funded Services | | Proceeds of Crime Act 2002 | | | Total Ringfenced Reserves |
|--|----------------------------|---------------------------------|--------------------------------|-----------------|----------------------------|-----------------|-----------------------|---------------------------|
| | Entertain - ment & General | Hackney Carriage & Private Hire | Illegal Money Lending | RIT Scambusters | Trading Standards | RIT Scambusters | Illegal Money Lending | |
| | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 | £'000 |
| Reserves at 01 April 2020 | - | 317 | (284) | (22) | (470) | (1) | (830) | (1,290) |
| Use of Reserves Apr-Dec 2020 | - | - | - | - | 127 | - | 153 | 280 |
| Additional Contributions to Reserves Apr-Dec | - | - | - | - | (38) | - | (92) | (130) |
| Reserves at 31 December 2020 | - | 317 | (284) | (22) | (381) | (1) | (769) | (1,140) |
| Estimated Use of Reserves during 2020/21 | - | (110) | - | 22 | 71 | - | 219 | 202 |
| Estimated Reserves at 31 March 2021 | - | 207 | (284) | - | (310) | (1) | (550) | (938) |

Notes

Reserves are strictly ringfenced to the service areas to which they relate.

Proceeds of Crime Act reserves can only be used at a local level to support crime fighting services and community projects.

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| Report to: | LICENSING AND PUBLIC PROTECTION COMMITTEE | |
| Report of: | INTERIM ASSISTANT DIRECTOR REGULATION AND ENFORCEMENT AND INTERIM DIRECTOR FINANCE | |
| Date of Decision: | 10 MARCH 2021 | |
| SUBJECT: | LICENSING AND PUBLIC PROTECTION REVENUE BUDGET 2021/22 | |
| | | |

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| 1. Purpose of Report: |
| <p>1.1 This report sets out the Licensing and Public Protection Committee's Revenue Budget for the 2021/22 financial year.</p> <p>1.2 The report also details the approved savings programme for 2021/22.</p> <p>1.3 The report is in line with the current City Council established financial budgetary framework.</p> |

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| 2. Decision(s) Recommended: |
| <p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Note the 2021/22 Revenue Budget Changes as detailed in Appendix 1.</p> <p>2.2 Note the 2021/22 Service and Subjective Budget in Appendix 2.</p> <p>2.3 Note the Budget 2021/22 to 2024/25 in Appendix 3.</p> <p>2.4 Note the latest 2021/22 Reserves position as detailed in Appendix 4.</p> |

| | |
|---------------------------------|--|
| Lead Contact Officer(s): | David Jones, Finance Manager – Services Finance |
| Telephone No: | 0121 675 0580 |
| E-mail address: | david.jones@birmingham.gov.uk |

3. Consultation

3.1 Internal

The 2021/22 Revenue Budget has been reported to the Place Senior Management Team and the Interim Assistant Director of Regulation and Enforcement. Legal and Finance have also been consulted as required in line with the Council's framework.

3.2 External

There are no additional issues beyond consultations carried out as part of the Public Budget Consultation that was completed for 2021/22.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

The budget is integrated with the Council Plan and Budget 2021+ and resource allocation is directed towards policy priorities.

4.2 Financial Implications (Will decisions be carried out within existing finances and Resources?)

This report sets out the revenue budget available, to deliver services which are the responsibility of Licensing and Public Protection Committee, during the 2021/22 financial year.

Budget monitoring reports, detailing financial performance against cash limits and any required actions, will be brought to Licensing and Public Protection Committee at regular intervals in 2021/22.

4.3 Legal Implications

Section 151 of the 1972 Local Government Act requires the Corporate Director Finance and Governance (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Leadership Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.

4.4 Public Sector Equality Duty

There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.

5. Relevant Background/Chronology of Key Events:

Revenue Budget 2021/22

- 5.1 The City Council approved the overall budget on 23 February 2021. The Licensing and Public Protection Committee should note the original net revenue budget allocation of **£6.445m** (as detailed in Appendices 1, 2 and 3) and summarised below.
- 5.2 The City Council's Budget Strategy for 2021/22 is based on the following principles:
- There is no provision for pay award from April 2021.
 - General inflation on income budgets is 2% from April 2021. This relates to the budgetary position and does not enforce a 2% increase in individual fees and charges themselves.
 - The revenue and financial implications from capital expenditure programmes and equal pay are reflected in the long-term budget.
- 5.3 Changes from 2020/21 Quarter 3 (also reported to Committee 10 March 2021) to Original 2021/22 are summarised in the table below:

| | £'m |
|---|--------------|
| Revenue Budget 2020/21 (as at Quarter 3) | 6.167 |
| <u>Changes to Existing Savings, Pressures and Use of Resources</u> | |
| <u>Full-year effect of previous year Savings and New Pressures</u> | |
| Training for Food Team (2020/21 only) | (0.025) |
| Increase in BCC Budget provision to reflect tapering down of external funding for Coroners Investigator posts | 0.080 |
| <u>Budget Plan 2020+</u> | |
| Pay award and Net Price Inflation | 0.057 |
| <u>Technical Adjustments</u> | |
| Provision for Trading Standards to reduce external funding | 0.060 |
| Adjustment to Licensing to balance income within ring fence | 0.050 |
| Additional provision to reflect pressures in Street Trading | 0.056 |
| Approved Budget 2021/22 | 6.445 |

- 5.4 Service implications and subjective budget details are analysed in Appendices 1 and 2.
- 5.5 The budget from 2021/22 to 2023/24 is analysed in Appendix 3.

Grants

- 5.6 Within Regulatory Services, there are two grant funded programmes: Illegal Money Lending and Regional Intelligence Team (RIT) (Scambusters).
- 5.7 The funding for Illegal Money Lending Team is £4.150m in 2020/21 and for RIT it is £0.320m and is currently expected to continue at these or similar levels. This will be confirmed in the early part of 2021/22.

Reserves

- 5.8 The reserves are all ring-fenced and are expected to commence 2021/22 with a total £0.938m, as summarised in Appendix 4.
- 5.9 This is currently estimated for a net total of £0.350m of this balance to be utilised in 2021/22.

6. Evaluation of Alternative Option(s):

- 6.1 During the course of 2021/22 the financial position will be closely monitored and reported, options identified to resolve budgetary pressures as necessary, and alternative savings proposals developed to meet new and emerging pressures.

7. Reasons for Decision(s):

- 7.1 This report informs the Licensing and Public Protection Committee of the Revenue and Budget for 2021/22.
- 7.2 The position in respect of the Licensing and Public Protection Committee's Savings Programme and the present risks identified in its delivery.

Signatures

Paul Lankester
Interim Assistant Director Regulation and Enforcement

Rebecca Hellard
Interim Director of Finance

Date

List of Background Documents used to Compile this Report:

Licensing & Public Protection - Revenue and Capital Budget 2020/21 – 18 November 2020
Licensing & Public Protection – Budget Monitoring 2020/21 – Quarter 2 – 13 January 2021
Licensing & Public Protection – Budget Monitoring 2020/21 – Quarter 3 – 10 March 2021

List of Appendices accompanying this Report (if any):

Appendix 1 – Analysis Revenue Budget Changes 2020/21 (Quarter 3) to 2021/22
Appendix 2 – Service and Subjective Analysis of 2021/22 Budgets
Appendix 3 – Budget 2021/22 to 2023/24
Appendix 4 – Reserves

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|-----------------------|-----|--------------|------------------|
| Report Version | 3.0 | Dated | 26 February 2021 |
|-----------------------|-----|--------------|------------------|

**Licensing and Public Protection Committee
Revenue Budget 2021/22**

Analysis of Budget Changes 2020/21 to 2021/22

| Service | Current Budget 2020/21 Quarter 3 | Existing Step-ups approved in previous years | Pressures and Growth Adjustments | Pay and Superannuation Adjustments | Income / Fees Inflation | Original Budget 2020/21 |
|--|--|--|--|--|----------------------------|----------------------------|
| | £'000s | £'000s | £'000s | £'000s | £'000s | £'000s |
| Environmental Health | 3,095 | (25) | 0 | 35 | (14) | 3,091 |
| Pest Control | 274 | 0 | 0 | 9 | (11) | 272 |
| Register Office | 715 | 0 | 0 | 28 | 0 | 743 |
| Coroners (excluding Mortuary) | 1,520 | 80 | 0 | 13 | (12) | 1,601 |
| Trading Standards | 954 | 0 | 60 | 9 | (5) | 1,018 |
| Illegal Money Lending | (33) | 0 | 0 | 0 | 0 | (33) |
| Scambusters | (2) | 0 | 0 | 0 | 0 | (2) |
| Licensing and Enforcement (including Street Trading) | (307) | 0 | 106 | 12 | 0 | (189) |
| Total Regulatory Services | 6,216 | 55 | 166 | 106 | (42) | 6,501 |
| Public Rights of Way | 49 | 0 | 0 | 0 | 0 | 49 |
| Highway Licences | (42) | 0 | 0 | 0 | (5) | (47) |
| NRSWA Licences (Highways) | (56) | 0 | 0 | 0 | (2) | (58) |
| Total Highways | (49) | 0 | 0 | 0 | (7) | (56) |
| TOTAL LPPC 2020/21 Structure | 6,167 | 55 | 166 | 106 | (49) | 6,445 |

Licensing and Public Protection Committee

Revenue Budget 2021/22

Service and Subjective Analysis of 2021/22 Budget

| Commitment Item | Environmental Health | Pest Control | Register Office | Coroners | Trading Standards | Illegal Money Lending | Scambusters | Licensing | Regulatory Budget | Highways Regs | NRSWA | Public Rights of Way | Total LPPC Budget |
|-------------------------------|----------------------|--------------|-----------------|--------------|-------------------|-----------------------|--------------|----------------|-------------------|---------------|-------------|----------------------|-------------------|
| | £'000s | £'000s | £'000s | £'000s | £'000s | £'000s | £'000s | £'000s | £'000s | £'000s | £'000s | £'000s | £'000s |
| Employees | 3,486 | 853 | 2,645 | 1,352 | 883 | 3,445 | 230 | 1,884 | 14,778 | | | | 14,778 |
| Premises | 95 | 0 | 289 | 87 | 165 | 74 | 2 | 201 | 913 | 2 | | | 915 |
| Transport | 10 | 113 | 1 | 5 | 14 | 77 | 2 | 21 | 243 | | | | 243 |
| Supplies and Services | 376 | 81 | 93 | 774 | 224 | 431 | 71 | 581 | 2,631 | 189 | 22 | 49 | 2,891 |
| Capital Financing | 21 | 0 | 104 | 0 | 31 | 50 | 0 | 0 | 206 | | | | 206 |
| Recharge Expenditure | 0 | 0 | 0 | 0 | 0 | 90 | 21 | 634 | 745 | | | | 745 |
| Total Expenditure | 3,988 | 1,047 | 3,132 | 2,218 | 1,317 | 4,167 | 326 | 3,321 | 19,516 | 191 | 22 | 49 | 19,778 |
| Grants | 0 | 0 | 0 | 0 | 0 | (4,150) | (320) | 0 | (4,470) | | | | (4,470) |
| Fees and Charges | (720) | (568) | (2,267) | (616) | (246) | 0 | (8) | (3,510) | (7,935) | (238) | (80) | | (8,253) |
| Miscellaneous Income | 0 | (207) | (18) | (1) | 0 | 0 | 0 | 0 | (226) | | | | (226) |
| Recharge Income | (156) | 0 | 0 | 0 | (22) | 0 | 0 | 0 | (178) | | | | (178) |
| Total Budgeted Income | (876) | (775) | (2,285) | (617) | (268) | (4,150) | (328) | (3,510) | (12,809) | (238) | (80) | 0 | (13,127) |
| Asset Revenue Manager | (21) | 0 | (104) | 0 | (31) | (50) | 0 | 0 | (206) | 0 | 0 | 0 | (206) |
| Planned Use of Reserves | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Net Provisional Budget | 3,091 | 272 | 743 | 1,601 | 1,018 | (33) | (2) | (189) | 6,501 | (47) | (58) | 49 | 6,445 |

APPENDIX 2

Licensing and Public Protection Committee
Revenue Budget 2021/22

Budget 2021/22 to 2024/25

| Ref | | 2021/22 £'000s | 2022/23 £'000s | 2023/24 £'000s | 2024/25 £'000s |
|--------|--|-------------------|-------------------|-------------------|-------------------|
| | LPPC Current Budget 2020/21 Quarter 3 | 6,167 | 6,167 | 6,167 | 6,167 |
| | Pressures | | | | |
| NEP003 | Reduction down from initial £0.300m representing £0.025m relating to first year training pressure for the new intake of EHOs | (25) | (25) | (25) | (25) |
| NEP028 | Mortuary and Coroners Service tapering pressure from WMPolice TUPE Funding | 80 | 80 | 170 | 170 |
| | Sub-Total Pressures | 55 | 55 | 145 | 145 |
| | Existing Savings (full year effect of savings agreed in previous years) | | | | |
| WOC1 | Allocation of workforce savings | 0 | 0 | 0 | 0 |
| PL126 | Review of Managerial Arrangements Across the Directorate | 0 | 0 | 0 | 0 |
| | Sub total Savings | 0 | 0 | 0 | 0 |
| | Pay Award and Price Inflation | 106 | 106 | 106 | 106 |
| | Trading Standards | 60 | 60 | 60 | 60 |
| | Street Trading | 56 | 56 | 56 | 56 |
| | Licensing Adjustment | 50 | 50 | 50 | 50 |
| | Inflation of Fees and Charges Income | (49) | (49) | (49) | (49) |
| | Total | 223 | 223 | 223 | 223 |
| | LPPC Budget 2021/22 - 2024/25 | 6,445 | 6,445 | 6,535 | 6,535 |

Licensing and Public Protection Committee Revenue Budget 2021/22

Estimated Reserves 2021/22

| Balances & Reserves | Licensing | | External Grant Funded Services | | Proceeds of Crime Act 2002 | | | Total Ringfenced Reserves £'000 |
|---|-------------------------------------|--|--------------------------------|--------------------------|----------------------------|--------------------------|--------------------------------|------------------------------------|
| | Entertain - ment & General £'000 | Hackney Carriage & Private Hire £'000 | Illegal Money Lending £'000 | RIT Scambusters £'000 | Trading Standards £'000 | RIT Scambusters £'000 | Illegal Money Lending £'000 | |
| Reserves and Balances Brought Forward at 01 April 2021 | - | 317 | (284) | (22) | (470) | (1) | (830) | (938) |
| Estimated Contribution to or Use of Reserves during 2021/22 | - | (106) | - | 22 | 157 | - | 277 | 350 |
| Estimated Reserves at 31 March 2022 | - | - | - | - | - | - | - | - |

Notes

Reserves are strictly ringfenced to the service areas to which they relate.

Proceeds of Crime Act reserves can only be used at a local level to support crime fighting services and community projects.

BIRMINGHAM CITY COUNCIL

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

10 MARCH 2021
ALL WARDS

REGULATION & ENFORCEMENT ACTIVITY REPORT
DECEMBER 2020 & JANUARY 2021

1. Summary
 - 1.1 Birmingham City Council's Regulation and Enforcement Division covers range of statutory functions including enforcement activities.
 - 1.2 The purpose of this report is to provide the Committee with information as to the scale and type of activities that have been ongoing in the current financial year. This period covers the month of December 2020 and January 2021.

2. Recommendation
 - 2.1 That the content of the report be noted.

Contact Officer: Paul Lankester, Interim Assistant Director Regulation & Enforcement
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E-mail: paul.lankester@birmingham.gov.uk

3.0 Background

3.1 The range of functions exercised by officers on behalf of the City Council are varied and occur across all parts of the city. The overview of activities in December 2020 and January 2021 is set out in the Appendix to this report.

4. Consultation

4.1 No public consultation has taken place, as this is an information report.

5. Implications for Resources

5.1 None

6. Implications for Policy Priorities

6.1 None

7. Public Sector Equality Duty

7.1 No further equality issues have been identified, as all enforcement activities are carried in accordance with the adopted enforcement policy, which was the subject of an equalities impact assessment.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

REGULATION & ENFORCEMENT ACTIVITY REPORT
DECEMBER 2020 & JANUARY 2021

Introduction

The way the Council enforces its regulatory activities under the terms of the relevant legislation has altered significantly since the outbreak of Covid 19. Changes have been made to comply with national guidance and the introduction of new legislation. This report provides a snapshot of enforcement activity for the services in Regulation and Enforcement since lockdown. While services are seeking to enter the recovery phase, many services are reliant on changes to Government legislation and guidance.

Detailed Action

The table below sets out the activities undertaken in Q1 (April to June); Q2 (July to September) Q3 (October to December) and January 2021

Environmental Health, Licensing and Trading Standards

| Activity | Env. Health | | | | Trading Standards | | | |
|-------------------------------|-------------|--------|--------|--------|-------------------|----|----|--------|
| | Q1 | Q2 | Q3 | Jan 21 | Q1 | Q2 | Q3 | Jan 21 |
| Prosecution agreed | 57 | 76 | 75 | 69 | 7 | 7 | 1 | 2 |
| Simple Cautions | 4 | 4 | 3 | 1 | | | 3 | |
| Statutory Notices served | 26 | 58 | 44 | 74 | | | | |
| Coronavirus Enforcement | 254 | 1,709 | 2,142 | 1,225 | | | | |
| Licence applications | | | | | 126 | | | |
| Licence sub-committees | | | | | 17 | | | |
| Requests for Actions Received | 10,946 | 13,617 | 10,248 | 3,938 | 1,114 | | | |
| Requests for Actions closed | 10,307 | 12,687 | 9,123 | 3,038 | 1,251 | | | |

Activity Table for Environmental Health and Trading Standards

Environmental Health

| | Q1 | Q2 | Q3 | | Jan 2021 | | Year Total |
|------------------------|---------------|---------------|---------------|---------------|--------------|---------------|---------------|
| Work type | RFA Total | RFA Total | RFA Total | PI Target met | RFA Total | PI Target met | RFA Total |
| Accidents | 92 | 109 | 76 | 76 | 23 | 23 | 300 |
| Dogs | 415 | 549 | 487 | 484 | 172 | 169 | 1,623 |
| Infectious Disease | 122 | 169 | 159 | 151 | 45 | 44 | 495 |
| Pest Control | 4,159 | 5,292 | 3,514 | 3,475 | 1,147 | 1,136 | 14,112 |
| Request for Assistance | 6,158 | 7,498 | 6,012 | 4,327 | 2,551 | 2,106 | 22,219 |
| Total | 10,946 | 13,617 | 10,248 | 8,513 | 3,938 | 3,478 | 38,473 |

Analysis of Requests for Assistance (RFA)

The analysis of the types of activity in Environmental Health is shown above.

The Service continues to undertake inspections and provide advice on Covid compliance. Through monies provided by the Director of Public Health we are recruiting 8 extra officers solely focused on Covid compliance checks.

Additionally, the Government has announced nationally the investment of £30m for increased Enforcement and Compliance checks. Birmingham's share of this is £889k to be spent in the four months ending February 2021.

The Environmental Health Covid Response Team (Enforcement, compliance, outbreaks and contact tracing) consists of Enforcement Officers and Covid Marshals. The Compliance and Enforcement Grant (Government Covid grant monies) has financed 32 Covid Marshals, three Covid Marshal supervisors, two business support staff and an additional three Enforcement Officers. These additional temporary staff have complimented the Environmental Health substantive Covid response team and management.

From March 2021 The Compliance and Enforcement programme is due to cease and at present there is no indication from Government as to whether further funding will be allocated to continue this service.

Since November 2020, 14,500 city businesses have been checked for compliance by the Marshals and Covid Enforcement Officers

Covid Marshals

The Covid Marshals are the non-regulatory, customer facing Covid service of the City Council. This uniformed service provides advice, support, mitigations, encouragement and a presence to residents, visitors and Birmingham businesses.

Their day to day role includes patrolling the streets of Birmingham- Covid Marshal have been deployed in 100% of City Wards since their introduction- particularly in high footfall areas and where the infection rate is highest. Such areas include shopping centres, parades, internal shopping malls; school gates and similar parent waiting areas in response to requests from School Heads for assistance. The work undertaken is to encourage the wearing of face coverings; informing and discussing with businesses Covid mitigations and controls; sharing of good practice from one business to another; assisting with social distancing for queuing outside businesses such as food banks, click and collect stations and latterly at surge testing sites.

Since November 2020 the Covid Marshals have assisted 3,040 business and fielded 3,728 queries from members of the public whilst on patrol. The service is a 6-day service (Monday to Saturday).

Where compliance cannot be secured through informal means, non-compliance intelligence is forwarded to the Enforcing Officers. Recently, the Covid Marshals have been involved with a supermarket compliance project. They have handed out face coverings to shoppers who had forgotten their own as well as auditing the shopping experience by looking at signage, hygiene stands and the usage of customer

messages on social distancing and face coverings. This has improved engagement by some stores in trying to manage their own Covid security.

In Birmingham Covid Marshals offer and distribute face protection to anyone not found to be wearing it. Since December 18,000 face masks have been given out to members of the public by the Covid marshals. If each was used in three shops on average on that day, this equates to 54,000 encounters where it is less likely the virus would have been spread. This was particularly important around the Christmas shopping season and latterly within businesses that can legally remain open.

In the Covid Marshal team are three Covid supervisors providing support to the Marshals. These are pivotal roles which set patrols, maintain marshal bubbles, provide training and supervisory health and safety cover for staff and deal with issues arising from their work. Each supervisor acts as an enforcement officer, when necessary.

Covid Marshals in Parks

Birmingham Parks deployed eight Covid Marshals to help alleviate some problems Birmingham's parks experienced throughout the early part of the pandemic. There were groups of people drinking and partying in parks. These became large gatherings during lockdowns, necessitating Police attendance on multiple occasions.

Two Covid Marshals were placed in the north of the city focusing on Sutton Park and other neighbouring parks. Sutton Park had been one of the sites disproportionately affected over the summer of 2020 with significant mass gatherings and very little social distancing. The other six Covid Marshals have provided a mobile task force which have covered other locations across the whole of the city.

Despite parks being quieter than at their peak in the summer months there has still been an increase in footfall compared to the same time last year. The Parks Covid Marshals have targeted those parks where there have been issues with gatherings and poor social distancing. The Park Covid Marshals provide a visible presence in parks, deterring poor adherence to current Covid guidance or making visitors think about their behaviours a little more. The Covid Marshals have been on hand to give advice, advise parks visitors of the current Covid guidelines, advise on where and how visitors can get tested, and to hand out masks to visitors where appropriate and needed. In the few months the Covid Marshals have been operational they have had over 300 interactions with park visitors giving advice and ensuring visitors stay safe. As the weather warms up and parks once again come into greater demand the work the Covid Marshals have been undertaking will become more essential.

Covid Enforcement officers.

The 10 officers provide a range of roles to complement the substantive Environmental Health Service Covid response. Each officer is authorised under the control of disease legislation and health and safety legislation (for powers of entry). They investigate Covid complaints and whistleblowing enquiries. Many of these complaints relate to face coverings and the lack of their use. In addition, we respond to complaints about businesses that have remained open and should be closed. They also look at business risk assessments to ensure the workers are safe and or customers.

Enforcement Officers play a pivotal role, through patrols, with encouraging compliance with business restrictions. These patrols are often with W.M Police and it means that we can tackle both business and individual compliance. A patrol is usually made up of two Police and two Enforcement Officers and last for four to five hours. They focus on large shopping areas and high streets, particularly the arterial routes. This means they can be looking at 400 to 500 businesses, albeit a lot of these are assessments to ensure they are closed in accordance with lockdown. These patrols are now directed to the wards with the highest incidence of Covid per 100k population. A total of 112 joint enforcement patrols have been undertaken

Covid Enforcement Officers have been obtaining and assessing risk assessments for businesses. Lots of premises are compliant but they often find that the non-work areas (such as break-out areas, kitchens and smoking areas) have no supervision and control. Advising business owners on where to be vigilant is also a valuable contribution to avoid spread and lost trading days.

The enforcement officers are now being deployed in outbreak investigations and latterly provided support for contact tracing especially non-responsive (to telephone contact) and potentially non-isolating positive cases.

1,795 enforcement actions have been taken by Covid Enforcement Team, including 1,369 compliance visits following complaints from members of the public. Enforcement officers are seeing a reduction in compliance due to fatigue in the population and are now stretched in delivering their services.

A fuller report on this and further projects undertaken through these monies will be provided at a future committee.

The courts are now sitting, and hearing submitted prosecution cases and the City Council is again looking to submit cases rather than deal with matters via simple cautions in-line with our enforcement policy.

The service has been successful in agreeing a Primary Authority Partnership with Marks & Spencer PLC covering food safety, food hygiene and food standards. This adds to the current partnership with the company covering health & safety at work.

Inspections of food businesses continue in accordance with guidance from the Food Standards Agency. Inspections have been prioritised and include manufacturers and those where a complaint has been made, in addition to appropriate follow up activities including revisits. Officers are also providing substantial support to businesses to enable them to continue trading safely at this time.

The food statistics for December and January are:

- Programmed Inspections completed 166
- Enforcement revisits undertaken 54
- Ratings revisits requested and carried out 11
- Food business closures 2
- Statutory notices served 52
- Allergen stop requirements issued 62
- Business supported to ensure compliance 119

The service has provided an officer to support health and safety compliance, including Covid compliance, at the Birmingham Wholesale Market. The officer is undertaking individual health and safety and covid assessments at business units, in addition to reviewing site management practices covering Covid security, traffic management, waste collection services and pedestrian site access. This activity is reported through the Director of Neighbourhoods to the Wholesale Markets Board.

Animal Welfare

The interest in buying puppies during lockdown has been widely reported and has resulted in high prices being sought and paid. This has led to an increase in dog breeding and on-line puppy sales. Officers have noticed an increase in welfare complaints in relation to puppies being bred in poor conditions. Officers provide advice to hobby breeders and have identified some that have required licensing. Advice is also provided to consumers on how to buy a puppy responsibly.

The owner and manager of a licensed pet shop was successfully prosecuted following an inspection of the premises revealed offences under the Animal Welfare Act 2006, the Pet Animals Act 1951 and the Wildlife and Countryside Act 1981. Each were disqualified from keeping any animal for a period of 10 years and ordered to pay costs of £2,815 costs. A subsequent appeal was dismissed; however, one defendant had his ban reduced from 10 to 7 years.

Officers continue to deal with the emergency boarding of animals, where an animal's owner has been taken to hospital or detained under the Mental Health Act. This included dealing with a variety of animals including cats, dogs, rabbits, birds and also a corn snake brought into a hospital's accident and emergency department by its owner who was suffering from mental health issues. This continues to be a challenging area of work due to the complexity of cases and diverse types of animals encountered

Regional Mortuary

Following the peak in Covid cases through December and January there was a significant increase in deaths across the seven metropolitan authority areas, (Wolverhampton to Coventry) and Warwickshire County Council. As a result, a decision was made by the authorities' Chief Executives to re-open the temporary mortuary at Birmingham Airport. Your officers are responsible for ensuring compliance with the Human Tissue Authority licence conditions. The team pulled together to reopen the facility within 48 hours. The operational side is run by Coventry Hospital and Birmingham Central Mortuary staff and West Midlands Police leading on security and control of access to the facility. The three partners have worked together extremely well to ease the pressures on the NHS mortuaries and any funeral directors who were finding difficulty in looking after bodies prior to funerals.

Licensing

Activity in the Licensing Service has increased of late and the service is close to returning to 'business as usual', though lockdown restrictions do impact on this extensively. Activity in Licensing Sub Committees did increase following the opening of the hospitality sector.

In total 140 matters have been finalised through the delegated process, which would have ordinarily come before the sub-committee. 29 of which were finalised in December /January.

During January 2021 no Summary / Expedited Review applications were submitted by West Midlands Police.

| Activity | Licensing | | | | | | | |
|---|-----------|------|------|--------|---------|-----|-----|--------|
| | HCPH* | | | | General | | | |
| | Q1 | Q2 | Q3 | Jan 21 | Q1 | Q2 | Q3 | Jan 21 |
| Prosecution agreed | 8 | 1 | 1 | | | 1 | 2 | |
| Simple Cautions | 16 | 3 | 3 | | | | 1 | |
| Statutory Notices served | | | | | | | | |
| Coronavirus Enforcement | | | | | 33 | | | |
| Licence applications | 195 | 512 | 661 | 122 | 196 | 397 | 383 | 84 |
| Licence sub-committees | | | | | 14 | 31 | 21 | 8 |
| Of which were reviews: Interim steps | | | | | | | | |
| Expedited | | | | | 1 | 1 | 5 | 0 |
| Standard | | | | | 2 | 1 | 3 | 0 |
| | | | | | 3 | 0 | 0 | 1 |
| Licence renewals | 343 | 1538 | 1717 | 635 | 9 | 26 | 52 | 14 |
| Requests for Actions Received | 166 | 315 | 417 | 187 | | | | |
| Requests for Actions closed | 287 | 268 | 390 | 206 | | | | |

Analysis of RFAs

The breakdown of types of Requests For Assistance in Licensing is shown below.

| | Q1 | | Q2 | | Q3 | | January 2021 | |
|-------------------------------|------------|------------|------------|------------|------------|------------|--------------|------------|
| | Received | Closed | Received | Closed | Received | Closed | Received | Closed |
| Total | 166 | 287 | 315 | 268 | 417 | 390 | 187 | 206 |
| Hackney Carriage | 4 | 22 | 24 | 19 | 20 | 22 | 6 | 9 |
| Private Hire | 104 | 190 | 206 | 175 | 319 | 297 | 171 | 168 |
| Licensing Act 2003 | 51 | 64 | 76 | 63 | 64 | 58 | 8 | 26 |
| Gambling Act 2005 | 0 | 3 | 0 | 0 | 1 | 0 | 0 | 0 |
| Scrap Metal Dealers | 7 | 7 | 7 | 9 | 9 | 10 | 1 | 2 |
| Sexual Entertainment Venues | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Massage & Special Treatments | 0 | 0 | 2 | 2 | 1 | 2 | 0 | 1 |
| Charitable Street Collections | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| Street Trading | 0 | 0 | 0 | 0 | 3 | 0 | 1 | 0 |

Scrap Metal Dealers

There are currently 94 licences issued in Birmingham under the Scrap Metal Dealers Act 2013. The breakdown of licences issued is as follows:

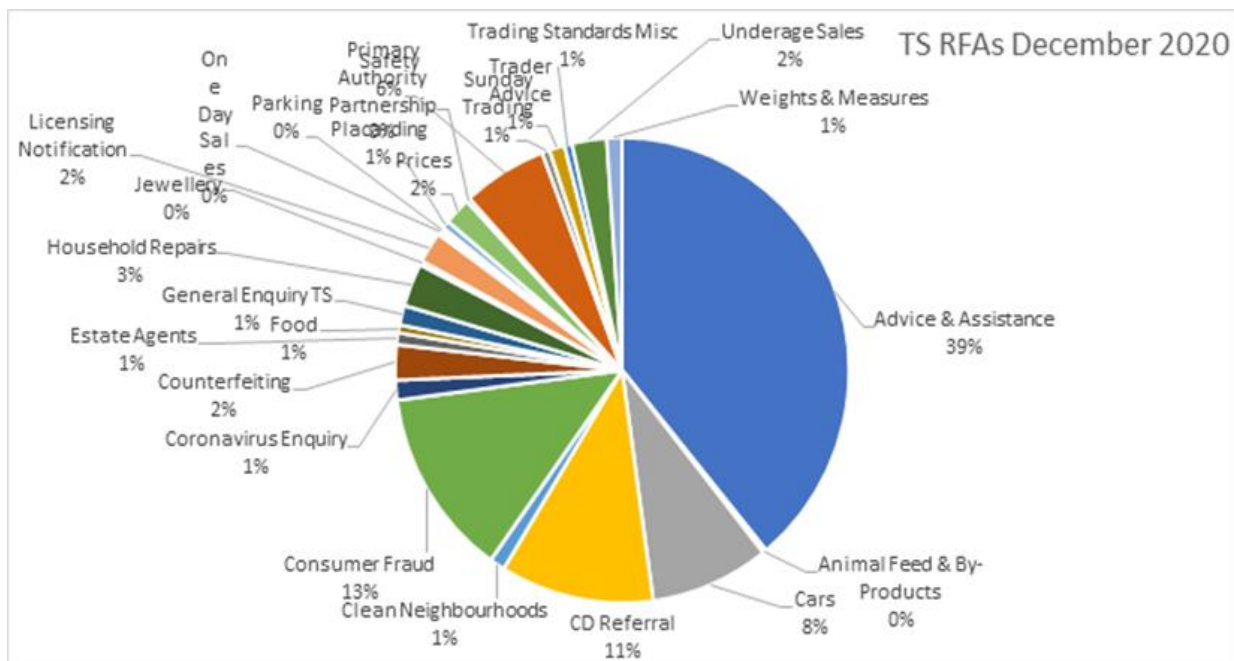
| Type of Licence | Number of active licences |
|--------------------------------|---------------------------|
| Scrap Metal Site Licences | 46 |
| Scrap Metal Collector Licences | 48 |

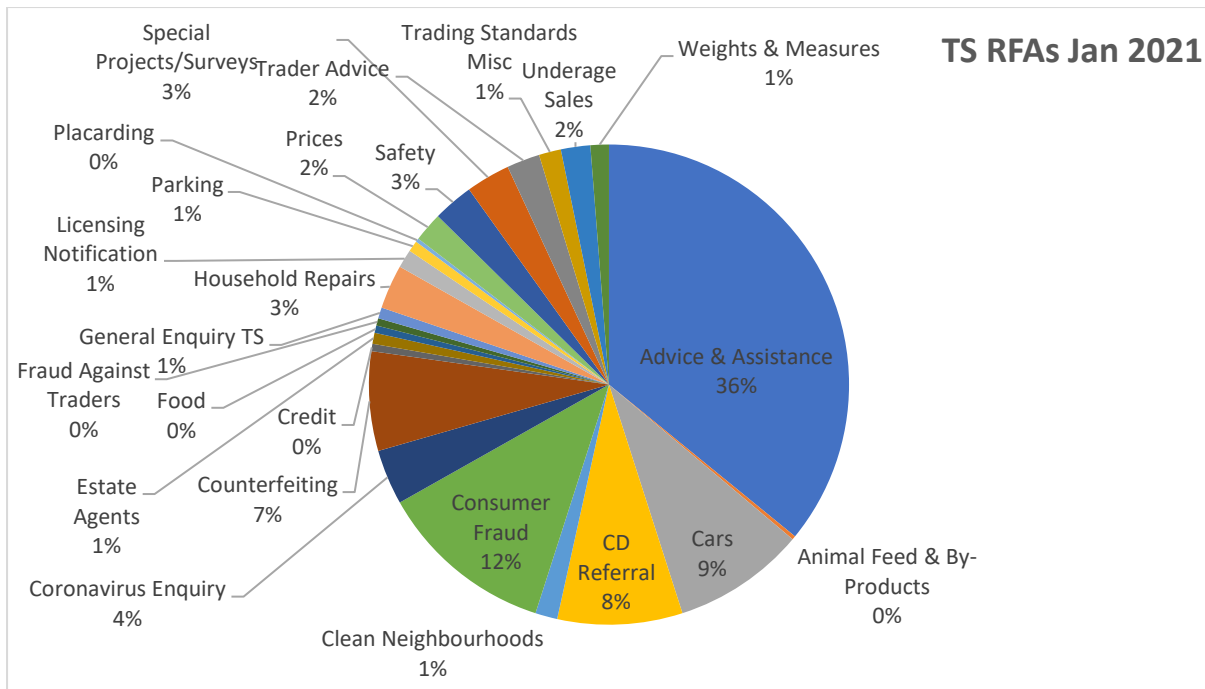
There has been the following enforcement action with regards to Scrap Metal Site licences:

| Type of Enforcement | October | November | December | January 2021 |
|---------------------|---------|----------|----------|--------------|
| Complaints | 1 | 0 | 1 | 0 |
| Inspections | 3 | 4 | 3 | 3 |

Trading Standards – December 2020 and January 2021

The pie charts below show an analysis of the requests for assistance for the Trading Standards service per month.





December 2020 and January 2021 RFAs

Trading Standards received 366 Requests for Assistance (RFA) in December, a reduction on the month of November, but likely due to the holiday period. 404 Requests for Assistance were received in January 2021.

Coronavirus RFAs decreased to five enquiries in December but then increased to 15 in January. One request related to concerns about the NIA testing site, which was referred to the Environmental Health service.

Dealing with safety matters

During the course of the pandemic there have been various issues regarding PPE and sanitisers. Officers have served a number of suspension notices to remove potentially unsafe products from sale.

Hand sanitisers are used intensively throughout this pandemic and consumers need to have confidence that the products they use are legal safe and authorised to be sold. On 11 December 2020 officers visited a wholesaler in the city and the use of 48,000 hand sanitisers were suspended, as the labelling failed to meet the requirements of the Biocidal Regulations. There is no evidence to show the active ingredients have been approved and licensed for use in this manner. The Suspension Notice remains in place, so the wholesaler cannot move, sell or dispose of the items without the written consent of the Trading Standards Service.

Core TS Activities

The core Trading Standards activities continue largely consistent in demand, but complaints about consumer fraud have increased from 8% to 15% from December to January. The main issues reported were scam websites and telephone calls / text messages and doorstep selling. It appears residents are starting to see an increase

in tradespeople going door-to-door offering their goods and services. Complaints about car sales have reduced back to previous levels; however, in December complaints about car sales and product safety did slightly increase.

Operational Activity

On 28 January 2021 Trading Standards working with the Federation Against Copyright Theft (FACT), BT and West Midlands Police executed a warrant at a residential address where the occupant was suspected of breaching the Copyright, Designs and Patents Act 1988 by distributing software over the internet which allowed users to access pay-per-view/ subscription content. Financial checks show that the value of criminality is suspected to be hundreds of thousands of pounds. Digital devices were seized during the search which have been sent for examination.

Tobacco & Alcohol advisory visits

During January 2021 TS carried out advisory visits to business premises, the details are as follows: -

- Nine advisory visits in the Balsall Heath Area following a Police/ Councillor request covering illicit tobacco and alcohol.
- Four premises were advised as part of Operation Choke programme.
- Three further visits were carried out in response to complaints about underage sales of tobacco.

Financial Investigation

The service's two Financial Investigators (FIs) continue to assist the City Council's audit, procurement and finance teams in vetting suppliers in relation to Covid activities, grant applications and potentially fraudulent grant applications.

A school recently fell victim to a scam involving building work. A large sum of money was transferred to an account that has now been frozen by the FI's and the scam is being investigated. A full restraint order, preventing the funds from being dissipated is in process and the potential account holder will be interviewed in due course.

Investigations continue into a Birmingham-based business owner, who is suspected of fraudulently obtaining business grants for a significant number of small businesses.

On 10 December 2020, at Birmingham Crown Court, a Birmingham landlord was ordered to repay £29,648 in proceeds of crime after a planning enforcement conviction for an unauthorised extension to a house in multiple occupation in Selly Oak. The sum represented 12 months' rental payments, charged up-front to international students.

On 9 December, at Warwick Crown Court, a father and son were ordered to repay approximately £200,000 each from their illicit car clocking activities. Birmingham's FIs assisted Sandwell's Trading Standards in securing this order, £190,000 of which will be repaid to the victims of the crimes, who live in the West Midlands area and beyond.

Trading Standards cases

An unreported matter was heard on the 29 October 2020. The Director pleaded guilty and was fined £435 with £1000 costs awarded in respect of underage sales of knives.

The Magistrates took into account it was a new business and that trading had been difficult. However, they also noted that a pack had been delivered in January and the offence took place a month later. Forfeiture and destruction of knife was also ordered.

Regional Investigation Team

On 2 December the Birmingham City Council hosted Regional Investigation and Illegal Money Lending Teams, led on a multi-agency exercise in relation to a large-scale counterfeit clothing factory in Leicester. Three separate units were identified in the same building, and £5 million worth of counterfeit products were seized, including around 500,000 loose labels waiting to be attached to blank products. The seizure is believed to have been the largest of its kind for a decade.

In another exercise on 19 December 2020, the team seized approximately 2,000 items of counterfeit products (clothing, perfumes and accessories) from a supplier who was on his way to a market. The market value of the goods seized is estimated at approximately £30,000. The case is ongoing.

In December; a trader from Handsworth, pleaded guilty to 26 offences under the Trade Marks Act 1992 at Birmingham Crown Court in relation to his manufacturing of counterfeit clothing from his unit in Park Road, Handsworth. The defendant admitted to having been manufacturing counterfeit clothing for over two years, claiming that he had fallen on hard financial times. The team had found thousands of items of counterfeit clothing as well as approximately 40,000 loose labels waiting to be applied to 'blank' items.

The trader is due to be sentenced at Birmingham Crown Court in February 2021.

Redress achieved for consumers

Two significant cases involved the purchase of cars. A consumer purchased a car from a Birmingham trader prior to lockdown. The trader would not allow a test drive prior to purchase and subsequently the trader delivered it to the consumer's home. Upon receipt the consumer noted several faults and the car broke down requiring a mobile assistance. The trader refused to provide a refund, but after a Trading Standards Officer contacted the trader and reminded him of his obligations under the Consumer Rights Act the trader collected the vehicle and a £2,500 refund was given.

In another matter, a consumer purchased a car online and after delivery various faults were identified. The seller told the consumer to get repairs done via the warranty. After Trading Standards intervened, the consumer received a full refund of £7,000.

England Illegal Money Lending Team (IMLT)

In December 2020, the Illegal Money Lending Team received a total of 35 reports of illegal money lending, a decrease of four reports from the previous month, and an increase of four reports from the previous year.

The majority of reports were generated from information provided by caller/source with 12 reports each. This was followed by victims with four reports, housing services and Trading Standards with two reports each.

24 new illegal lenders were identified during the month of December 2020.

Warrants were executed by the IMLT during of December 2020 under Operation Mamore at two addresses in Oldham. Searches were carried out at the properties and electronic devices were seized. Three people have been charged with offences of illegal money lending, money laundering and fraud by false representation. The suspects, two men aged 31, 33 and a 32-year-old woman have been released on bail to appear at Tameside Magistrates' Court. This operation was the outcome of extensive enquiries by IMLT in partnership with Oldham Council and Greater Manchester Police.

Stop Loan Sharks Week

The IMLT launched a new campaign in December aimed at tackling illegal money lending on the internet and warning of the dangers of online loan sharks in the run up to Christmas. The theme was developed, after 1 in 5 of the victims the team supported in the first half of 2020 met the loan shark online. The hashtag #sharkfreesurfing was used with graphics and video for partners to promote. The team did a Facebook Live session with staff from money advice at Newcastle University Student's Union. In terms of social media metrics, the early results of the campaign were:

- Website- Visits 3,700- up 78%
- Website- Bounce rate has dropped 20.7% – visitors spent more time on the website
- Facebook- People reached 51,202 – up 463%
- Facebook- 2,814 video views – up 1,185%
- Twitter- 122,000 tweet impressions – up 364.6%
- Twitter- 5,005 profile visits - up 233.7%

As part of the week, the Team launched a short story competition “7 days of sharks”. Seven winners had their stories recorded and launched as podcasts.

Overall, during 2020 as part of the IMLT's focus on delivering online messages during the Covid-19 pandemic the Stop Loan Shark website has seen a 74% increase compared to the previous year with 92% being new visitors.

IM LT POCA Projects

Interactive educational theatre projects have been delivered to schools in Stoke and Sandwell, targeting both Primary schools (7-11 year olds) and Secondary schools (12-16 year olds). These are designed to look at the options available to young people, to start saving and highlighting how to avoid the traps and pitfalls of illegal money lending later in life. Each session has been designed using real life stories from IMLT victims.

Work has been conducted to create a “Sharks ‘N Ladders” game to be installed in the children’s play area at Handsworth Park. The design captures the original children’s game with a shark twist, and include the IMLT logo and reporting helpline number.

Registration Service

Death Registrations

The service is processing death registrations in line with the Coronavirus Act and the direction of the General Register Office (GRO). In late March 2020 a new process for registering was enacted and the service implemented this and honed the processes to improve performance. The table below shows the level of death registration for April 2020 to January 2021 compared to the same period in 2019-20.

| Deaths | 2019/20 | 2020/21 | % change |
|---------------------|----------------|----------------|-----------------|
| April 2020 | 819 | 2260 | +176 |
| May | 863 | 983 | +13.9 |
| June | 762 | 767 | +0.65 |
| July | 802 | 800 | -0.25 |
| August | 793 | 714 | -9.95 |
| September | 802 | 804 | +0.25 |
| October | 878 | 904 | +2.96 |
| November | 844 | 1132 | +34.11 |
| December | 896 | 1134 | +32.15 |
| January 2021 | 1159 | 1564 | +34.95 |
| Year to date | 8618 | 11062 | +28.36 |

Birth Registrations

The Government reintroduced the registration of births in June, with an optional alternative procedure, both procedures require face to face meetings. For operational reasons the service followed the standard process and was fully operational from mid-June. As at 27 January there were 2,592 outstanding birth registrations, of which 794 were over the statutory 42 days registration period- this is a continued reduction on previous months. The table below shows the level of birth registrations for June 2020 through to January 2021 compared to the same period in 2019-20.

| Birth Registrations | 2019/20 | 2020/21 | % change |
|----------------------------|----------------|----------------|-----------------|
| June | 1,819 | 543 | -70.15 |
| July | 1,880 | 2,820 | +50 |
| August | 1,647 | 2,045 | +24.2 |
| September | 1,956 | 2,376 | +21.5 |
| October | 2,284 | 2,464 | +7.89 |
| November | 2,004 | 2,542 | +26.85 |
| December | 1,546 | 1,950 | +26.15 |
| January 2021 | 2069 | 1864 | -9.91 |
| Running Total | 15205 | 16604 | +9.2 |

Ceremonies

Following the first national lockdown, the Government announced the taking of notices of marriage and civil partnership, and ceremonies could recommence in Covid 19 secure venues from July 2020. In line with national guidance the Register Office implemented measures to recommence ceremonies from 4 July. During the second national lockdown, marriage and civil partnership ceremonies were suspended from 5 November to 2 December. Marriages and Civil Ceremonies were again suspended in January 2021 unless there were exceptional circumstances. Citizenship ceremonies were delivered remotely. The tables below show the level of ceremonies and notices from July 2020 to January 2021 compared to the same period in 2019-20.

| Ceremonies | 2019/20 | 2020/21 | % change |
|----------------------|----------------|----------------|-----------------|
| July | 188 | 45 | -76.1 |
| August | 224 | 63 | -72.75 |
| September | 150 | 121 | -19.35 |
| October | 164 | 123 | -20 |
| November | 140 | 12 | -91.40 |
| December | 125 | 94 | -24.8 |
| January 2021 | 97 | 5 | -96 |
| Running Total | 1088 | 463 | -42.55%` |

| Notice of Marriage and Civil Partnership | 2019/20 | 2020/21 | % change |
|---|----------------|----------------|-----------------|
| July | 610 | 430 | -29.95 |
| August | 522 | 365 | -30.1 |
| September | 621 | 373 | -39.95 |
| October | 566 | 478 | -15.5 |
| November | 620 | 518 | -16.45 |
| December | 473 | 461 | -2.55 |
| January 2021 | 621 | 405 | -34.8 |
| Running Total | 4,033 | 3,030 | -24.87% |

| Citizenship Ceremonies | 2019/20 | 2020/21 | % change |
|-------------------------------|----------------|----------------|-----------------|
| July | 268 | 156 | -41.75 |
| August | 199 | 246 | +33.2 |
| September | 281 | 170 | -39.45 |
| October | 273 | 214 | -21.65 |
| November | 220 | 203 | -7.75 |
| December | 207 | 338 | +63.30 |
| January 2021 | 327 | 168 | -48.7 |
| Running Total | 1,775 | 1,495 | -15.8% |

City Centre Operations - Temporary Pavement Licences

The table below shows the activity that has taken place from when the temporary pavement licences were introduced to the end of January 2021.

Note – **New** equates to number of applications received where the applicant did **not** previously hold a Street Café Licence (Highway Act).

Current equates to number of applications received where the applicant previously held a Street Café Licences (Highway Act).

| Month | Received | Approved | Refused/Rejected/Withdrawn | New | Current | City Centre | Local Centres |
|----------------------|-----------------|-----------------|-----------------------------------|------------|----------------|--------------------|----------------------|
| July | 3 | 2 | 1 | 2 | 1 | 3 | 0 |
| August | 33 | 28 | 5 | 21 | 12 | 29 | 4 |
| September | 8 | 7 | 1 | 4 | 4 | 6 | 2 |
| October | 7 | 6 | 1 | 6 | 1 | 4 | 3 |
| November | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| December | 1 | 1 | 0 | 0 | 1 | 1 | 0 |
| January | 1 | 1 | 0 | 0 | 1 | 0 | 1 |
| TOTAL TO DATE | 53 | 45 | 8 | 33 | 20 | 43 | 10 |

1 March 2021

Paul Lankester
Interim Assistant Director Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

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

10 MARCH 2021
ALL WARDS

REVIEW OF LICENSING SERVICE FEES AND CHARGES 2021/2022

1. Summary

- 1.1 The Corporate Charging Policy and Financial Regulations require that fees and charges levied by the Licensing and Public Protection Committee be reviewed on an annual basis to ensure the continued full recovery of costs.
- 1.2 It should be noted that some of the fees relating to areas which come within your Committee's remit are set nationally through statute, and these cannot be varied by your Committee.
- 1.3 The report covers the following Fees and Charges:
 - a) Hackney Carriage & Private Hire Licences.
 - b) Sex Establishment Licences
 - c) Massage and Special Treatment Licences
 - d) Skin Piercing Registrations.
 - e) Gambling Act 2005 (Statutory Maximum and Prescribed).
 - f) Licensing Act 2003 (Prescribed).

2. Recommendations

- 2.1 That the changes to the Licensing Service fees and charges as detailed in Appendix 1(a-e) be approved to take effect from 5th April 2021.
- 2.2 That the new Private Hire Operator Licence Fees detailed in Paragraph 4.1 and Appendix 1a be agreed and, subject to the statutory advertising process as outlined in Paragraph 6, to take effect from 5th April 2021.
- 2.3 That the Prescribed fees detailed in Appendix 1(e) and (f) be noted.

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3. Background

- 3.1 The City Council's Corporate Charging Policy and Financial Regulations require that Chief Officers, at least annually, report to and seek approval from Committee on a review of all fees and charges levied for services provided. This report also takes account of the legal framework within which certain licence fees must be set.
- 3.2 The Licensing service receives no corporate budget allocation and as such must meet any and all expenditure from within its own income. The level of income is entirely dependent upon the number of licences applied for, issued or renewed in a particular year.
- 3.3 In order to ensure the fees accurately reflect the true cost of administering and processing the licences the fee calculations are based on the finalised accounts from 2019/20. This is more reliable than trusting in projections and estimates and is accepted as best practice in fee calculations of this kind.
- 3.4 Members will note a blanket percentage change has not been applied, but that each fee has been reviewed to take into account the use of carry forward balances (where applicable), changes in overhead costs, processing times and also the cost of physical items such as badges/plates.
- 3.5 The time taken to process and administer each licence type is verified each year to ensure the calculations are accurate. Costs for peripheral items such as vehicle plates, badges, semi-permanent door signs, meter testing etc. are added in after the time is calculated, as is any restitution of carry forward balances. This accounts for the variance in cost between the different types of vehicle licence. Any carry forward amounts would only be utilized in the calculation of renewals.
- 3.6 Notwithstanding the need to consider the carry forward balances in fee calculations, it is also necessary to ensure the carry forward balance is attributed proportionately to the different types of licence. Historically, carry forward balances, be they surplus or deficit, were amalgamated into one figure. In order to ensure any surplus or deficit is properly recorded, it is necessary to apportion the balance correctly.
- 3.7 The fees proposed in this report are calculated to recover the full cost of carrying out the service. This includes all administrative costs, any recharge of officers' time in appropriate cases when carrying out inspections of premises and other compliance duties (where applicable).
- 3.8 The fees proposed fulfil the main requirement of assuring that full costs are recovered from the income generated wherever possible.

3.9 The legal requirement for a Licensing Service to recover only “reasonable costs” takes precedence over the City Council’s Corporate Charging Policy and the requirement to maximise income. Licence fees prescribed by statute also take precedence over the Corporate Charging Policy.

3.10 In setting the fees we have also taken account of the various precedents set by case law in the various area of licensing. A summary of these cases is provided at Appendix 2

4. The Proposed Fees:

4.1 Hackney Carriage and Private Hire: Drivers, Vehicles and Operators.

4.1.1 The Hackney Carriage and Private Hire Team has had to make significant changes to the method of service delivery in response to the COVID-19 pandemic. These include a total shift from paper applications and face to face visits, to a hybrid email system. Whilst not perfect it does afford significant advantages in flexibility and will lead to greater efficiency going forward once some technical issues can be resolved.

4.1.2 These efficiencies will not be reflected in the closed accounts ordinarily used to calculate licence fees, but cannot be ignored. The introduction of the new licensing system in the coming year will lead to further rationalisation of the processes and will only lead to further improvements for the service and service users alike.

4.1.3 Having regard to the near future, as well as having regard to the devastating impacts of the worldwide pandemic on the licensed trades it is proposed that the existing fees remain unchanged for the coming year. Calculations indicated the fees should actually increase slightly based on the previous year’s accounts, but, as explained in 4.1.2, it is important to remain pragmatic and not increase fees if it is reasonably believed they will not reflect the future expenditure.

4.1.4 When reviewing the times spent on each licence type it has become increasingly apparent that the private hire operator licence fee structure requires revision in order to remain equitable. In previous years a ‘small operator’ fee was introduced to reflect those businesses which operate with a minimal fleet. Changes in the trade have led to more ‘large’ operators and even ‘very large’ fleets.

4.1.5 As can be seen from Appendix 1(a) there are two further operator fees included in the proposed fees to reflect this. These new fees will be required to be advertised in the press for 28 days before they can take effect. As detailed in paragraph 6 below, fees which remain unchanged will not have to be advertised.

4.2. Sex Establishments.

Sex Shops, Sex Cinemas and Sexual Entertainment Venues (SEV's)

- 4.2.1 In setting fees for Sexual Entertainment Venues, Sex Shops and Sex Cinemas we have taken note of the relevant case law. Most notably the 'Hemming' case.
- 4.2.2 Members should note that sex establishment fees in Birmingham have been reviewed annually by the Licensing and Public Protection Committee and that as it has not been necessary for officers to take enforcement action against an unlicensed sex establishment our fees have not included the cost of enforcement, other than the cost of achieving compliance amongst licensed businesses.
- 4.2.3 Schedule 3 to the 1982 Local Government (Miscellaneous Provisions) Act states that an applicant for the grant, renewal, variation or transfer of a sex establishment licence shall pay a **reasonable fee** determined by the appropriate authorities but does not expand on what would be considered to be reasonable. Case law relating to fee levels in various licensing cases has agreed a general principle that licensing fees should not be used as a method of creating revenue, nor as a deterrent to particular types of business.
- 4.2.4 The relevant fees are listed at Appendix 1b
- 4.2.5 The proposed fees are lower than previous years thanks to greater efficiencies in the manner in which the service is processing and administering the licences.

4.3. Birmingham City Council Act 1990 Massage and Special Treatment

- 4.3.1 This local legislation requires a licence to be granted in order to carry out certain activities such as provision of massage, or other treatments such as radiant heat or light treatment. The fee relates solely to this Act and does not relate to any other regulation the business may be subject to - such as health and safety or legislation controlling the use of sunbeds etc.
- 4.3.1 The fees are listed at Appendix 1c
- 4.3.2 The proposed fees reflect increases in the average time required to process and administer these licences.

4.4. Local Government (Miscellaneous Provisions) Act 1982
Skin Piercing (tattooists, piercers etc)

4.4.1 This legislation requires those wishing to carry out skin piercing activities to register with the Local Authority. This is a registration, not a licence or a permit. The fee relates solely to this registration and does not relate to any other regulation the business may be subject to - such as health and safety requirements.

4.4.2 The relevant fee is listed at Appendix 1d.

4.4.3 The proposed fee represents a minor increase in the average time required to process and administer these licences.

4.5 The Gambling Act 2005 –
Statutory Maximum Fees.

4.5.1 Some fees for the Gambling Act 2005 are determined by Licensing Authorities subject to Government prescribed *maximum limits*. These fees are listed at Appendix 1e.

4.5.2 The other fees listed in Appendix 1(e) were set by Government in 2007 and we are not aware of any proposals to increase them.

4.6. The Licensing Act 2003 – Statutory Fees

4.6.1 The fees for this licensing regime are set nationally by the Government and are detailed at Appendix 1f we are not aware of any proposals to increase them, despite them having been set in 2005.

4.6.2 It is important to note, the majority of the work of the General Licensing Team is Licensing Act 2003 matters. The fees still do not accurately reflect the costs associated with this work.

4.7. Services for which no fee can be levied:
Charitable Street Collections, House to House Collections.

4.7.1 House to House Collections are regulated by the House to House Collections Act 1939 and the House to House Collection Regulations 1947. The object of the Act is to provide for the regulation of house to house collections for charitable purposes. The legislation does not allow the Local Authority to charge a fee for processing these licences.

4.7.2 Likewise, charitable street collections are regulated by The Police, Factories etc. (Miscellaneous Provisions) Act 1916. The Act requires collectors to obtain a permit from the Licensing Authority. The legislation does not allow the Local Authority to charge a fee for processing these permits.

5. Coronavirus /Covid19 and lockdown restrictions

- 5.1 Officers have had many queries from different aspects of the licensed trades asking if they are entitled to a refund or discount on their licence fee as they have not had the opportunity to trade as they normally would.
- 5.2 As explained in paragraph 3 above, the fees are set on a cost recovery basis in order to ensure the cost of administering the applications and licences is met. The fees relate to work which, by the time the licence is issued, will have already been carried out. There is no scope to offer any kind of discount or refund on this work.
- 5.3 Wherever possible, officers have sought to introduce mitigation measures to try and assist licence holders such as those already agreed by your Committee in 2020 concerning late renewal of certain licences.

6. Consultation

- 6.1 Under Section 70(2) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 76), a Local Authority is required to advertise changes to certain fees and charges in respect of hackney carriage and private hire vehicles by placing an advert in a local newspaper for 28 days before it can apply the new fees and it must consider any objections. Although it must consider them it does not have to vary the proposal as a result of them. There is no requirement upon the Local Authority to advertise an alteration to driver fees. Should any objections be received within that time, they must be considered by your Committee, thereby potentially delaying the date of implementation for the revised fees for the Licensing Service as set out in this report.

7. Implications for Resources

- 7.1 The proposals are consistent with the proposed budget for 2021/22 for the Licensing and Public Protection Committee that will be reported to you in March, subject to prior approval by City Council. This will ensure that the services continue to be managed within the approved cash limits and in line with the financial regulations relating to these services.
- 7.2 The fees and charges proposed within this report are calculated based on historic income and expenditure for 2019/20 (in line with previous practice) and include the direct costs of the delivery of services and a proportion of indirect central business support costs e.g. Human Resources, Legal, IT, Finance, Procurement and Democratic costs.

- 7.3 It should be noted that fees and charges are reviewed annually and that they may increase or decrease depending on the cost of delivering the service in the previous year and any carry forward balances.
- 7.4 Further to the right to object as detailed in 6.1 above, there are three possible ways in which the fees could be challenged:
- Judicial review of the Council decision based on the decision being Ultra Vires or considered to be unreasonable or irrational (known as Wednesbury Principles).
 - Through the District Auditor – if a Birmingham resident objects to the Local Authority accounts on the grounds that an item is contrary to law or
 - If the Council proposes to set an unlawful fee. This must be reported to and considered by the Monitoring Officer.
- 7.5 The proposed fees have been calculated having regard to finalised accounts in accordance with best practice advice and also with regard to significant case law. There is no statutory method in which to calculate the fees.
- 7.6 Any decision to set fees otherwise than in accordance with the proposals within this report without appropriate justification is likely to increase the risk of challenge.

8. Future Financial Plan

- 8.1 In 2020 the Licensing Service relocated to alternative office accommodation, and made more significant progress towards replacing the licensing software systems (SOPRA & MAPSS) and sourcing an online application system for licences. This project has been much slower than anticipated but is still progressing. It is anticipated to be effected before the end of 2021.
- 8.2 Although fees are calculated using historic accounts, it is important to also have regard to the future. The costs of replacing the licensing system have yet to be fully realised, although it is hoped a new system will lead to more opportunities for efficiency and flexibility for the service.

9. Implications for Policy Priorities

- 9.1 The recommendations are in accordance with Financial Regulations and budget requirements.
- 9.2 The legal requirement for a Licensing Service to recover only “reasonable costs” takes precedence over the City Council’s Corporate Charging Policy and the requirement to maximise income. Licence fees prescribed by statute also take precedence over the Corporate Charging Policy.

10. Public Sector Equality Duty

- 10.1 The fees that are proposed in this report will relate to all licence holders and applicants for licences regardless of their protected characteristics. The fees are calculated on the cost of delivering the service or are prescribed by regulation, and consequently an Equalities Assessment has not been undertaken.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers:

Birmingham City Council – Corporate Charging Policy

The Proposed Fees

- 1a HACKNEY CARRIAGE AND PRIVATE HIRE**
- 1b LOCAL GOVERNMENT (MISC. PROVISIONS) ACT 1982 - SEX ESTABLISHMENTS**
- 1c BIRMINGHAM CITY COUNCIL ACT 1990- MASSAGE AND SPECIAL TREATMENTS**
- 1d LOCAL GOVERNMENT (MISC. PROVISIONS) ACT 1982 – Skin Piercers**
- 1e GAMBLING ACT 2005**
- 1f- LICENSING ACT 2003 - PRESCRIBED FEES**

1a – HACKNEY CARRIAGE AND PRIVATE HIRE

| Transaction | current | proposed 21-22 Fee | Variation from current |
|---|---------|-----------------------|------------------------------|
| Hackney Carriage Driver grant 1 yr | £183 | £183 | £0 |
| Hackney Carriage Driver grant 2 yr | £217 | £217 | £0 |
| Hackney Carriage Driver grant 3 yr | £250 | £250 | £0 |
| Hackney Carriage Driver renewal 1 year | £133 | £133 | £0 |
| Hackney Carriage Driver renewal 2 years | £167 | £167 | £0 |
| Hackney Carriage Driver renewal 3 years | £200 | £200 | £0 |
| Hackney Carriage Driver Late Renewal 1 yr | £183 | £183 | £0 |
| Hackney Carriage Driver Late Renewal 2 yr | £217 | £217 | £0 |
| Hackney Carriage Driver Late Renewal 3 yr | £250 | £250 | £0 |
| Hackney Carriage Vehicle | £124 | £124 | £0 |
| Hackney Carriage Vehicle renewal | £107 | £107 | £0 |
| Hackney Carriage Vehicle late renewal | £124 | £124 | £0 |
| Private Hire Driver grant 1 year | £161 | £161 | £0 |
| Private Hire Driver grant 2 year | £195 | £195 | £0 |
| Private Hire Driver grant 3 year | £228 | £228 | £0 |
| Private Hire Driver renewal 1 year | £111 | £111 | £0 |
| Private Hire Driver renewal 2 years | £145 | £145 | £0 |
| Private Hire Driver renewal 3 years | £178 | £178 | £0 |
| Private Hire Driver late renewal 1 year | £161 | £161 | £0 |
| Private Hire Driver late renewal 2 year | £195 | £195 | £0 |
| Private Hire Driver late renewal 3 year | £228 | £228 | £0 |
| Private Hire Vehicle | £128 | £128 | £0 |
| Private Hire Vehicle renewal | £128 | £128 | £0 |
| Private Hire Vehicle Late Renewal | £128 | £128 | £0 |
| Private Hire Operator 1-5 Vehicles only | £628 | £628 | £0 |
| Private Hire Operator 1-5 Vehicles only (5yr) | £2,232 | £2,232 | £0 |
| Private Hire Operator 1-5 Vehicles only renewal | £578 | £578 | £0 |
| Private Hire Operator 1-5 Vehicles only renewal (5yr) | £2,182 | £2,182 | £0 |
| Private Hire Operator (standard) | £895 | £895 | £0 |
| Private Hire Operator (standard) (5yr) | £3,569 | £3,569 | £0 |
| Private Hire Operator (standard) renewal | £845 | £845 | £0 |
| Private Hire Operator(standard) renewal (5yr) | £3,519 | £3,519 | £0 |

| | | | |
|--|---------------|-----------|-----|
| Private Hire Operator (large) large = >500 drivers | n/a | £4,246 | n/a |
| Private Hire Operator (large) (5yr) | n/a | £20,420 | n/a |
| Private Hire Operator (large) renewal | n/a | £4,208 | n/a |
| Private Hire Operator(large) renewal (5yr) | n/a | £20,382 | n/a |
| Private Hire Operator (v large) = >1000 drivers | n/a | £8,289 | n/a |
| Private Hire Operator (v large) (5yr) | n/a | £40,637 | n/a |
| Private Hire Operator (v large) renewal | n/a | £8,251 | n/a |
| Private Hire Operator(v large) renewal (5yr) | n/a | £40,599 | n/a |
| Amendments to Private Hire Operator Trading Name/Address | £84 | £84 | £0 |
| Replacement/Lost/Stolen Vehicle Identity Plate/Door Plates | £33 | £33 | £0 |
| Replacement/Lost/Stolen Driver Identity Badge | £33 | £33 | £0 |
| Replacement/Copy Paper Licence | £33 | £33 | £0 |
| Replacement/Transfer of Vehicle Licence* | £100 | £100 | £0 |
| Hackney Carriage Knowledge Test Folder | £33 | £33 | £0 |
| Hackney Carriage Knowledge Test | £100 | £100 | £0 |
| Hackney Carriage Written/Verbal Test | £49 | £49 | £0 |
| photocopying | 20p/ sheet | 20p/sheet | nil |

1b- LOCAL GOVERNMENT (MISC. PROVISIONS) ACT 1982 - SEX ESTABLISHMENTS

| Licence Type | application fee | licence fee | total amount payable | current fee | difference |
|-------------------------------|-----------------|-------------|----------------------|-------------|--------------|
| Sex Shop/Sex Cinema GRANT** | £4,433 | £125 | £4,557 | £5,368 | -£811 |
| renewal | £2,492 | £125 | £2,617 | 3083 | -£466 |
| Transfer of ownership | £1,442 | £107 | £1,549 | £1,699 | -£150 |
| Variation | £1,887 | £107 | £1,994 | £2,223 | -£229 |
| Sexual Entertainment Venues** | £4,611 | £178 | £4,789 | £5,641 | -£852 |
| renewal | £2,519 | £160 | £2,679 | £3,156 | -£477 |
| Transfer | £1,433 | £178 | £1,611 | £1,688 | -£77 |
| Variation | £2,448 | £178 | £2,626 | £2,883 | -£257 |

1c BIRMINGHAM CITY COUNCIL ACT - MASSAGE AND SPECIAL TREATMENTS

| Licence Type | application fee | licence fee | total amount payable | current fee | difference |
|---------------------------------------|-----------------|-------------|----------------------|-------------|------------|
| Massage and Special Treatment | | | | | |
| - 1 level of treatment | £137 | £53 | £190 | £161 | £29 |
| renewal | £107 | £53 | £160 | £126 | £34 |
| - 2+ levels of treatment | £160 | £62 | £223 | £189 | £34 |
| renewal | £142 | £62 | £205 | £168 | £37 |
| Transfer of Ownership | £62 | £27 | £89 | £30 | £59 |
| Application for additional treatments | £62 | £18 | £80 | £73 | £7 |

1d -LOCAL GOVERNMENT (MISC. PROVISIONS) ACT 1982 – Skin Piercers

| Licence Type | application fee | licence fee | total amount payable | current fee | difference |
|------------------------------|-----------------|-------------|----------------------|-------------|------------|
| Skin Piercers (registration) | £41 | £0 | £41 | £46 | -£5 |

1e- Gambling Act 2005

GAMBLING ACT FEES (Figures in Brackets show maximum fee limit)

| Premises Type | New Licence | 1 st Annual Fee | Annual Fee | Variation | Transfer | Re-instatement | Provisional Statement | Licence Application (Provisional) | Copy Licence | Change Notification |
|-------------------------------------|-------------|----------------------------|------------|-----------|----------|----------------|-----------------------|-----------------------------------|--------------|---------------------|
| Casinos | | | (£3,000) | (£2,000) | (£1,350) | (£1,350) | N/A | N/A | (£25) | (£50) |
| Current fee | £2,498 | £382 | £500 | £2,000 | £834 | £834 | £2,409 | £1,469 | £25 | £50 |
| proposed fee | £2,118 | £324 | £424 | £1,695 | £707 | £707 | £2,042 | £1,245 | £25 | £50 |
| difference | -£380 | -£58 | -£76 | -£305 | -£127 | -£127 | -£367 | -£224 | £0 | £0 |
| Bingo Clubs | (£3,500) | | (£1,000) | (£1,750) | (£1,200) | (£1,200) | (£3,500) | (£1,200) | (£25) | (£50) |
| Current fee | £2,498 | £382 | £500 | £1,750 | £834 | £834 | £2,498 | £1,200 | £25 | £50 |
| proposed fee | £2,118 | £324 | £424 | £1,483 | £707 | £707 | £2,118 | £1,017 | £21 | £42 |
| difference | -£380.47 | -£58.18 | -£76.15 | -£266.54 | -£127.03 | -£127.03 | -£380.47 | -£182.77 | -£3.81 | -£7.62 |
| Adult Gaming Centre | (£2,000) | | (£1,000) | (£1,000) | (£1,200) | (£1,200) | (£2,000) | (£1,200) | (£25) | (£50) |
| Current fee | £2,000 | £294 | £406 | £1,000 | £465 | £465 | £2,000 | £795 | £25 | £50 |
| proposed fee | £2,000 | £249 | £344 | £848 | £394 | £394 | £1,695 | £674 | £25 | £50 |
| difference | £0.00 | -£44.78 | -£61.84 | -£152.31 | -£70.82 | -£70.82 | -£304.62 | -£121.09 | £0.00 | £0.00 |
| Race Tracks | (£2,500) | | (£1,000) | (£1,250) | (£950) | (£950) | (£2,500) | (£950) | (£25) | (£50) |
| Current fee | £2,500 | £382 | £500 | £1,250 | £950 | £950 | £2,500 | £950 | £25 | £50 |
| proposed fee | £2,500 | £324 | £424 | £1,060 | £805 | £805 | £2,119 | £805 | £25 | £50 |
| difference | £0 | -£58 | -£76 | -£190 | -£145 | -£145 | -£381 | -£145 | £0 | £0 |
| Family Entertainment Centres | (£2,000) | | (£750) | (£1,000) | (£950) | (£950) | (£2,000) | (£950) | (£25) | (£50) |
| Current fee | £2,000 | £294 | £406 | £1,000 | £465 | £465 | £2,000 | £950 | £25 | £50 |
| proposed fee | £2,000 | £249 | £323 | £1,000 | £370 | £370 | £2,000 | £950 | £25 | £50 |
| difference | £0.00 | -£44.78 | -£83.05 | £0.00 | -£95.11 | -£95.11 | £0.00 | £0.00 | £0.00 | £0.00 |
| Betting Premises | (£3,000) | | (£600) | (£1,500) | (£1,200) | (£1,200) | (£3,000) | (£1,200) | (£25) | (£50) |
| Current fee | £3,000 | £294 | £406 | £1,500 | £465 | £465 | £3,000 | £795 | £25 | £25 |
| proposed fee | £3,000 | £249 | £344 | £1,272 | £394 | £394 | £2,543 | £674 | £25 | £25 |
| difference | £0.00 | -£44.78 | -£61.84 | -£228.46 | -£70.82 | -£70.82 | -£456.93 | -£121.09 | £0.00 | £0.00 |
| Temporary Use Notice | (£500) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | (£25) | N/A |
| Current fee | £325 | | | | | | | | £25 | |
| proposed fee | £275 | | | | | | | | £25 | |
| difference | -£49.50 | | | | | | | | £0.00 | |

GAMBLING ACT 2005 – PRESCRIBED FEES

These fees were set nationally by Government in 2007 and may not be changed. There are no proposals from Government to revise these fees.

Alcohol Licensed Premises

| | |
|---|-------------|
| Notification of up to 2 machines | £50 |
| Permit for 3 or more machines (transitional) | £100 |
| New Permit for 3 or more machines | £150 |
| Variation | £100 |
| Transfer of permit | £25 |
| New name to be substituted | £25 |
| Copy permit | £15 |
| 1 st Annual fee (3 or more machines) | £50 |
| Annual fee (3 or more machines) | £50 |

Club Gaming and Machine Permits

| | |
|----------------------------|-------------|
| Renewal and Transitional | £100 |
| New | £200 |
| Renewal after 10 years | £200 |
| Variation | £100 |
| Copy permit | £15 |
| 1 st Annual fee | £50 |
| Annual fee | £50 |

Unlicensed Family Entertainment Centres

| | |
|----------------------------|-------------|
| Transitional | £100 |
| New | £300 |
| Renewal after 10 years | £300 |
| New name to be substituted | £25 |
| Copy permit | £15 |

Lotteries

| | |
|------------|------------|
| New | £40 |
| Annual Fee | £20 |

1f- LICENSING ACT 2003 - PRESCRIBED FEES

These fees were set nationally by Government in 2005 and can only be changed by national legislation.

Application Fee

| Rateable Value | Premises Value | Published |
|----------------------------|--------------------------------|-----------------|
| | | 21 January 2005 |
| A | No rateable value up to £4,300 | £100 |
| B | £4,301 to £33,000 | £190 |
| C | £33,001 to £87,000 | £315 |
| D | £87,001 to £125,000 | £450 |
| E | £125,001 and above | £635 |
| D primarily alcohol | 2 x multiplier | £900 |
| E primarily alcohol | 3 x multiplier | £1,905 |

Annual Charge

| Rateable Value | Premises Value | Published |
|----------------------------|--------------------------------|-----------------|
| | | 21 January 2005 |
| A | No rateable value up to £4,300 | £70 |
| B | £4,301 to £33,000 | £180 |
| C | £33,001 to £87,000 | £295 |
| D | £87,001 to £125,000 | £320 |
| E | £125,001 and above | £350 |
| D primarily alcohol | 2 x multiplier | £640 |
| E primarily alcohol | 3 x multiplier | £1,050 |

Other Fees

| | |
|---|---------------|
| Personal Licence (grant) | £37 |
| Temporary Event Notice (TEN) | £21 |
| Theft/loss of premises licence/club certificate, summary, personal licence or TEN | £10.50 |
| Provisional Statement | £315 |
| Change of name, address, club rules | £10.50 |
| Personal Licence Change of details. | £10.50 |
| Variation of DPS | £23 |

| | |
|---|------------|
| Transfer of premises licence | £23 |
| Interim Authority Notice | £23 |
| Right of Freeholder notification | £21 |
| Minor Variation | £89 |
| Variation to include alternative condition (no DPS) | £23 |

Summary of Relevant Case Law

R (on the application of Carl Cummings and others) v The County Council of the City of Cardiff [2014] EWHC 2544 (Admin)

The Claimants challenged successfully the lawfulness of the taxi and private hire fees set by Cardiff City Council, resulting in the refund of some £1.2 million to the taxi trade in respect of overpaid fees. This case was a Judicial Review of a Cardiff City Council decision. The court found that the Council had not been properly accounting and keeping record of any surplus or deficit dating back to 01 May 2009, and that the fees that had been set over the subsequent years had therefore been set without taking into account any such surplus or deficit. These surpluses and deficits can only be accounted for and taken into account within the specific regime that they cover (either hackney carriage or private hire), and surpluses from one regime cannot be used to offset deficits in the other regime. In other words, Councils are required to keep separate accounts for both the hackney carriage regime and the private hire regime, and must ensure that one is not supporting the other financially. Councils ought to separate out the five streams of taxi licensing (comprising vehicles, drivers and operators) when collecting their licence fees, to ensure no cross-subsidy within these streams. Moreover, Councils must not use the licensing fees as an income generating scheme.

R (on the application of Abdul Rehman on behalf of the Wakefield District Hackney Carriage and Private Hire Association) v Wakefield District Council and the Local Government Association (intervener) [2019] EWCA Civ 2166

This case, known as Rehman v Wakefield Council, was a Court of Appeal matter which clarified the law on taxi and private hire enforcement costs. Wakefield Council had imposed the cost of enforcement activity in relation to drivers onto the vehicle licence fees. Wakefield's Taxi and Private Hire Association challenged this, on the basis that Wakefield's calculations were unlawful because it was a form of cross-subsidising fees. The case clarified the correct procedure that councils must apply when setting taxi and private hire fees – namely that costs associated with monitoring and enforcing driver conduct must be factored into to driver licensing fees under s53 LG(MP)A 1976, and not vehicle licence fees under s70 (as had been the practice in Wakefield). The case therefore reaffirmed the principle that cross-subsidisation of taxi and private hire fees is not permitted in law.

R v Manchester City Council ex parte King (89 LGR 696 [1991]; The Times, 3 April 1991)

This was a street trading case that established that local authorities may only charge reasonable fees for licences and cover the Council's costs in the administration of

those application types and issue costs - but not use them to raise revenue. The Council had set licence fees at a commercial rate, considering that the calculation of a 'reasonable fee' was a matter for their own discretion. But the court held that the fees must be related to the street trading scheme, and the costs of operating that scheme. The Council could therefore charge such fees as it reasonably considered would cover the total cost of operating the street trading scheme (or such lesser part of the cost of operating the street trading scheme as they considered reasonable). NB – this does not mean that any surplus revenue makes the fee structure invalid. The original position will remain valid provided that it can be said that the Council reasonably considered such fees would be required to meet the total cost of operating the scheme, even if the fees levied turn out to exceed the cost of operating the scheme.

R v Westminster City Council ex parte Hutton (1985) 83 LGR 516

This case was tried and reported with R v Birmingham City Council, Ex p Quietlynn Ltd (1985) 83 LGR 461, 517 and confirmed the principle that licensing fees may lawfully include amounts calculated to cover the cost to the licensing authority of regulation and enforcement. Hutton challenged the fee set for applying for a licence to operate a sex shop, on the basis that the administrative costs on which the fee was based included a sum representing the supposed shortfall in fee income against administrative costs in the previous year. The court held that the fee could reflect not only the processing of applications, but also 'inspecting premises after the grant of licences and for what might be called vigilant policing ... in order to detect and prosecute those who operated sex establishments without licences'. The Council was free to fix fees reflecting those necessary elements on a rolling basis, without adjusting surpluses and deficits in each year. This was on the basis that the statutory accounts of local authorities are structured such that shortfalls in one year must be carried into the next year's accounts. The court accepted Westminster's contention that when a charge is based on an annual budget, which must be concerned with situations which themselves will not be verifiable until after the end of the year in question, the only sensible way to fix the level of the charge is to take one year with another.

R (on the application of Hemming (t/a Simply Pleasure Ltd) and others) v Westminster City Council [2015] - 29th April 2015; [2015] UKSC 25, [2015] BLGR 753, [2015] PTSR 643, [2015] WLR(D) 193, [2015] AC 1600, [2015] 3 CMLR 9, [2015] LLR 564, [2015] 2 WLR 1271, UKSC 2013/0146

The Hemming case was a Supreme Court decision which overturned a Court of Appeal decision which had in turn upheld the decision of the lower court. Many commentators feel that the Supreme Court decision "restored common sense to the question of what licensing and other regulatory fees can lawfully include". The Supreme Court affirmed the principle in ex p. Hutton – namely that licensing fees

may lawfully include amounts calculated to cover the cost to the licensing authority of regulation and enforcement.

Hemming's argument was that the approach approved 30 years before in *ex p. Hutton* was no longer lawful due to the effect of an EU Directive which had been implemented into domestic law under Regulations. Hemmings asserted that the Directive and Regulations precluded Westminster from including costs of enforcement activities against unlicensed operators in determining the licence fees payable by licensed operators; he felt that these costs should be covered by revenue from Council Tax and business rates. The huge importance of the case, not only to all other Council licensing departments but also to other (entirely unrelated) regulatory bodies, was such that when the case came before the Supreme Court there were nine Interveners before the Court - including the Architects Regulation Board, the Solicitors Regulation Authority, the Bar Standards Board, the Local Government Association and HM Treasury.

The decision was that the Directive and Regulations were solely concerned with ensuring that the costs charged for authorisation procedures (ie the clerical and administrative aspects of authorisation) were reasonable and proportionate to the actual costs of those procedures; they in no sense precluded licensing authorities from also including the costs of regulatory and enforcement activities in the total licence fees payable by licensed operators. The court saw no reason why the fee should not be set at a level enabling the authority to recover from licensed operators "the full cost of running and enforcing the licensing scheme, including the costs of enforcement and proceedings against those operating sex establishments without licences." Likewise, with regard to other areas of licensable activity (where licensing authorities are empowered by domestic legislation to recover the costs of enforcement activity through licence fees) and regulated activity (e.g. practising as an architect, barrister or solicitor) - the decision of the Supreme Court has made clear that the Directive and Regulations do not preclude licensing authorities, or other regulatory bodies, from continuing to recoup their enforcement costs through fees charged to licensed operators or certified practitioners.

There is a related point - the Supreme Court said that one aspect should be referred to the European Court of Justice, namely Westminster's chosen method of exercising its right to recover the costs of enforcement. Westminster charged all applicants for sex establishment licences a fee that included both a sum to cover the cost of administering the application and a sum representing a contribution towards Westminster's costs of enforcement. The latter sum was refunded to unsuccessful applicants, whilst the former sum was not.

The Supreme Court asked the ECJ to determine whether that particular method of charging, which effectively deprives unsuccessful applicants of the use of the latter sum whilst their application is being considered, fell foul of the Directive (as opposed to an alternative method of charging only the successful applicants with the contribution towards the costs of enforcement).

In its judgment the ECJ concluded that the Directive must be interpreted as precluding a requirement for the payment of a fee, at the time of submitting an

application for the grant or renewal of authorisation, part of which corresponds to the costs relating to the management and enforcement of the authorisation scheme concerned, even if that part is refundable if that application is refused. The citation of this ECJ decision is: Hemming (Judgment) [2016] EUECJ C-316/15 (16 November 2016): [2017] 3 WLR 317, [2017] LLR 189, [2016] WLR(D) 608, [2017] PTSR 325, ECLI:EU:C:2016:879, [2018] AC 650, [2017] CEC 920, EU:C:2016:879, [2016] EUECJ C-316/15

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

10 MARCH 2021
ALL WARDS

**REVIEW OF LICENSING AND PUBLIC PROTECTION
FEES AND CHARGES 2021/2022**

1. Summary

- 1.1 The Corporate Charging Policy and Financial Regulations require that fees and charges levied by the Licensing and Public Protection Committee be reviewed on an annual basis to ensure the continued full recovery of costs.
- 1.2 It should be noted that some of the fees relating to areas which come within your Committee's remit are set nationally through statute, and these cannot be varied by your Committee. These are indicated in the report.
- 1.3 All fees and charges have been set to with the objective of maximising income so far as is possible within legal constraints.
- 1.4 This report deals with all fees and charges within the control of your committee other than the fees charged by the Licensing Service, which are considered in a separate report.

2. Recommendations

- 2.1 That the changes to the fees and charges for Trading Standards Services, as detailed in Appendix 1, are approved to take effect from 1 April 2021.
- 2.2 That the changes to the fees and charges for Environmental Health Services, as detailed in Appendix 2(a), are approved to take effect from 1 April 2021.
- 2.3 That the changes to the fees and charges for Animal Welfare Services, as detailed in Appendix 2(b), are approved to take effect from 1 April 2021.
- 2.4 That the changes to the fees and charges for Environmental Health Fixed Penalty Notices, as detailed in Appendix 2(c), are approved to take effect from 1 April 2021.

- 2.5 That the changes to the fees and charges for Pest Control Services, as detailed in Appendix 2(d), are approved to take effect from 1 April 2021.
- 2.6 That the changes to the fees and charges for Register Office Services, as detailed in Appendix 3, are approved to take effect from 1 April 2021.
- 2.7 That the statutorily set charges for the Register Office, as detailed in Appendix 3(a) be noted.
- 2.8 That the changes to the fees and charges for Coroner's Services as detailed in Appendix 4, are approved to take effect from 1 April 2021.
- 2.9 That the changes to the fees and charges for Birmingham Account Team (Acivico-Building Consultancy) as detailed in Appendix 5, are approved to take effect from 1 April 2021.
- 2.10 That the changes to the fees and charges for Highways Services as detailed in Appendix 6 are approved to take effect from 1st April 2021.
- 2.11 That authority be delegated to the Interim Assistant Director of Regulation and Enforcement and Heads of Service to authorise the negotiation of variations to the fees and charges identified in this report, in the interests of commercial flexibility.

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3. Background

3.1 The City Council's Corporate Charging Policy and Financial Regulations require that Chief Officers, at least annually, report to and seek approval from Committee on a review of all fees and charges levied for services provided.

3.2 Tables with greyed out boxes indicates the fee is set in statute and is for noting only.

4. Proposals

4.1 The fees proposed in this report are calculated to maximise income and recover the full cost of carrying out the various services in line with City Council policy. This includes all overheads, administrative costs, expenses and any appropriate recharge of officers' time.

4.2 The areas covered are as follows:

- Appendix 1 – Review of Charges for Trading Standards.
- Appendix 2(a) – Review of Charges for Environmental Health
- Appendix 2(b) – Review of Animal Welfare charges
- Appendix 2(c) – Review of Charges for FPNs issued by Environmental Health
- Appendix 2(c) – Review of Charges for Pest Control
- Appendix 3 – Review of Charges for Register Office.
- Appendix 3(a) – Register Office statutorily set fees.
- Appendix 4 – Review of Charges for the Coroner's Service
- Appendix 5 – Review of charges for Birmingham Account Team (Acivico-Building Consultancy) (formerly Surveying Services)
- Appendix 6 – Review of Highway Services Charges

4.3 Where fees in any service area are not covered by the appendices or a recovery of monies is to be levied then the full recharge will be based on the following table. The hourly rate by grade (includes full overhead recovery and central support costs) is broken down by the seven salary grading bands the Local Authority appoints its officers under. The hourly rate for officers has reduced by around £1 per hour due to improved efficiencies leading to the central support costs being reduced. These hourly rates are a corporate calculation.

| OFFICER SALARY GRADE | CHARGEABLE HOURLY RATE 2020/21 | CHARGEABLE HOURLY RATE 2021/22 |
|-----------------------------|---------------------------------------|---------------------------------------|
| Grade 2 | £38 | £37 |
| Grade 3 | £51 | £50 |
| Grade 4 | £65 | £65 |
| Grade 5 | £83 | £82 |
| Grade 6 | £107 | £105 |
| Grade 7 | £143 | £141 |

4.4 In carrying out this annual review of charges reference has been made to the requirements of the Corporate Charging Policy. Particular attention has been paid to the need to ensure that income is maximised insofar as possible.

4.5 With regard to matters which relate to trading in the open market consideration has been given to competitors pricing and what the market can sustain. Where a fee has been proposed that does not achieve full cost recovery (for instance due to the need to compete with alternative providers), it has been indicated in the relevant appendix.

4.6 During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary and alternative savings proposals developed to meet new and emerging pressures.

5. Consultation

5.1 This report will be appended to a wider reaching City-wide Fees and Charges report to full Cabinet at the end of February 2021.

6. Implications for Resources

6.1 The proposals represent an increase to budgeted income for 2021/22. The proposed increases are in line with the budget strategy for 2019/20 and 2020/21.

7. Implications for Policy Priorities

7.1 The recommendations are in accordance with Financial Regulations, budget requirements and the Corporate Charging Policy.

8. Public Sector Equality Duty

8.1 There are no specific implications identified.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Birmingham City Council – Corporate Charging Policy

REVIEW OF TRADING STANDARDS CHARGES 2019/20

- 1.1 Due to the ongoing pandemic and the pressure this has put on small Birmingham based businesses, it is proposed that the fees for 2021/22 do not include any increases from those applied in 2020/21. This should help support the sector through this difficult and uncertain time.

Measuring Instruments for Measuring Liquid Fuel or Lubricants or Mixtures Thereof

| | |
|---|---------|
| Weights and Measures | 2021/22 |
| Un-subdivided container types | £102.00 |
| 1 meter tested | £127.00 |
| 2 meters tested | £207.00 |
| 3 meters tested | £290.00 |
| 4 meters tested | £365.00 |
| 5 meters tested | £437.00 |
| 6 meters tested | £533.00 |
| 7 meters tested | £608.00 |
| 8 meters tested | £671.00 |
| All other Weights and Measures on site - charge per hour | £83.00 |
| Measuring Instruments off-site within BCC boundary hourly rate + mileage | £83.00 |
| Measuring Instruments on-site outside BCC boundary hourly rate + mileage + 10 % for other overheads | £83.00 |
| | |
| Duplicate certificates or duplicate statements of accuracy (each) | £24.00 |
| Work outside of normal Office Hours, hourly rate will be subject to a 50% increase | |
| Metrology minimum charge for cancelled appointment | £83.00 |

1.3 Bespoke seminars/training

A charge for businesses or trade sectors expressing an interest in a bespoke seminar or training on Trading Standards legislation relevant to that business or trade sector; this would include certification of Weighbridge Operators. It is proposed that the charge is £92 + VAT per attendee for a day course and £58 +VAT for half day course (minimum of 10 attendees) remains unchanged.

1.4 Primary Authority Partnership

This is part of a national programme to enable local authorities and businesses to work together to help improve consistency in regulation. The programme is overseen by the Better Regulation Delivery Office and enables local authorities to recharge for the time spent on servicing the partnership. Primary Authority Partnerships are agreed on a cost recovery basis.

The current charging arrangements which have already been agreed with our current partners are based on an officer's hourly rate. The proposed charge, therefore, reflects the 2021/2022 Grade 5 Officer hourly rate of £83 plus expenses.

1.5 Business Support

Where Businesses request business support but without entering into a Primary Authority Agreement, the local Authority would seek cost recovery and charge at Grade 5 Officer hourly rate of £83.

| Head Office | 2020/21 |
|---|---|
| Primary Authority Partnerships (cost recovery only) | £83.00 |
| Primary Authority Partnership (PAP) - hourly rate | £83.00 |
| Business Advice outside/without PAP Agreement | £83.00 |
| Accredited Financial investigations for partner local authorities or other internal services. | £200 initial assessment. £83 per hour or ½ of any subsequent POCA ARIS incentivisation |

1.6 Private Hire Access to Knowledge Course

This course is available to potential drivers in relation to preparation for the Licensing Private Hire Knowledge Test. It is proposed that the charge is £39 per attendee in 2019/20 remains the same as Trading standards have managed to slightly decrease costs for this event.

| | 2019/20 | 2020/21 |
|--|---------|---------|
| Private Hire Knowledge | | |
| Private Hire Access to Knowledge Course Fee per attendee | £39.00 | £39.00 |

1.7 Financial Investigations

Accredited Financial Investigators within Trading Standards are able to provide financial investigation services to both internal and external (public sector) clients. It is proposed that where services are provided outside Birmingham Trading Standards that the charge be at a GR5 hourly rate of £83.00 plus expenses. Any incentivisation money resulting from a Proceeds of Crime Act 2002 investigation will be shared according to the Home Office incentivisation scheme. The current Home Office Asset Recovery Incentivisation Scheme (ARIS) stipulates:

- Under the Home Office Asset Recovery Incentivisation Scheme (ARIS) 50% of the monies recovered from a particular defendant is given to the Home Office and the remaining 50% is distributed amongst the agencies involved in the Confiscation.

These agencies will receive the appropriate share (of the 50%) from their asset recovery activities allocated as follows:

Confiscation order receipts

Criminal Justice Service Ministers have agreed that confiscation order receipts will be split three ways thus:

- Investigation (Local Authority) – 18.75%;
- Prosecution (Local Authority) – 18.75% and
- Enforcement (Her Majesty's Court Service) – 12.5%.

Cash Forfeitures

The ARIS 'rules' for cash forfeitures are different in that the agency seizing the cash receives 50% share of the forfeited amount. If the offender has the ability to pay prosecution costs after the 'confiscation proceedings' have concluded these are also recoverable.

Providing Service to other Local Authorities

It is proposed that where the services of the Accredited Financial investigator are provided by Birmingham Trading Standards on behalf of another local authority and this has resulted in cash forfeiture, then 25% of the total forfeited amount will be retained by Birmingham Trading Standards.

It is proposed that where the services of the Accredited Financial Investigator have resulted in a successful confiscation order receipt the 18.75% investigation allocation will be retained by Birmingham Trading Standards.

Regional Investigations Team

The Regional Investigations Team is hosted by Birmingham Trading Standards. The grant agreement requires that 50% of the any ARIS payment awarded and received by the hosting Local Authority is returned to National Trading Standards (NTS). It is, therefore, proposed that any successful financial investigation undertaken on behalf of this team will result in the retention of 25% of the remaining ARIS money after payment is made to the NTS. This amounts to 9.375% of the total amount of a confiscation order and 12.5% of total cash forfeiture.

Negotiation

Financial investigation is a growing service within the public sector and many local authorities are now offering these services. There are many different charging policies and in some circumstances it may be beneficial to have the ability to negotiate the charges with the client to secure the job. The Director of Regulation and Enforcement and the Head of Trading Standards have the discretion to agree any negotiated changes to the proposed fees and charges relating to financial investigations.

1.7 Trading Standards Fixed Penalty Notice and Penalty Charge Tariffs

All of the tariffs in the table below are set by statute except for the tariff for early payment discount in respect of nuisance parking and it is not proposed to change that tariff.

| Fixed Penalty Notices | 2021/22 |
|--|----------------|
| Nuisance Parking (s6(1) Clean Neighbourhoods and Environment Act) | £100 |
| Energy Performance Certificates - Duty to Provide to Prospective Buyers (Energy Performance of Buildings (England & Wales) Regulations 2012) | £200 |
| Energy Performance Certificates - Duty to Display (Energy Performance of Buildings (England & Wales) Regulations 2012) - 14(3)(a) | £1,000 |
| Energy Performance Certificates - Duty to Display (Energy Performance of Buildings (England & Wales) Regulations 2012) - 14(3)(b) | £500 |
| Energy Performance Certificates - Duty of Controllers of Air conditioning Systems (Energy Performance of Buildings (England & Wales) Regulations 2012) - 18(1), 20, 21 | £300 |
| Redress Schemes (requirement of Estate Agents to belong to scheme) | £1,000 |
| Minimum Efficiency Standards for buildings (from April 2018) - £5,000 to £10,000 or 10%-to-20% of rateable value | |

**REVIEW OF CHARGES – ENVIRONMENTAL HEALTH
AND PEST CONTROL 2021/2022**

- 2.0 In reviewing these fees and charges, officers from the Directorate have considered:
- the budget strategy for 2021/22, which is for a 2% income where it is sustainable.
 - the need to ensure that relevant expenditure and income targets are met and full cost recovery achieved.
 - fees and charges levied by neighbouring districts and similar providers.

2.0.1 The non-statutory fees and charges have been set in accordance with the above considerations.

2.0.2 For 2021/2022 Environmental Health have again used the rationale of maximising income, based on market forces, to assist in meeting the corporately set income targets and fees inflation for the sections.

2.1 Issuing of Food Condemnation/Surrender Notes by Environmental Health Officers

It is proposed that the fee for issuing condemnation/surrender notes for freezer breakdowns and for similar insurance purposes be increased to £118 per hour (from £115). This is based on the hourly rate for a GR5 officer plus administration support cost. (Non-Business activity VAT exempt (Tax Code A8 applies))

2.2 Provision of Food Export Certificates

It is proposed not to increase these charges as this will support businesses that have been affected by Covid restrictions as well as those that need to complete new export forms following Brexit changes.

It is proposed that where an inspection of the premises is required, this will be subject to a minimum of £160 (current charge £160) plus an administrative charge of 10%. Inspections that are longer than one hour will be charged at an hourly rate for a GR5 Officer per hour or part of an hour thereafter. (Non-Business activity VAT exempt (Tax Code A8 applies)).

Where no visit is required it is proposed that the fee increase will be £105 (current charge £105) for the certificate. (Non-Business activity VAT exempt (Tax Code A8 applies)).

Where Export Certificates have been produced and are no longer required, there will be a charge of £30 (current charge £30) cancellation fee for each certificate produced.

2.3 Food Hygiene Rating Scheme revisits

It is proposed to increase the charge for all FHRS revisits that are requested by businesses to obtain a new food hygiene score to £200 (currently £195). These requests are received following a programmed inspection that gave a lower score than a business would like to trade under and is additional work over and above our statutory duty for food interventions. As this only applies to businesses that are not compliant with relatively simple requirements for hygiene and operation it is not proposed to hold the fees the same as last year.

Summary

| Food Condemnation / Export / Hygiene matters | 2020/21 | 2021/22 |
|--|---------|---------|
| Food Condemnation / Surrender Notes | £115 | £118 |
| Provision of Food Export Certificates | £160 | £160 |
| Provision of Food Export Certificates where no visit required | £105 | £105 |
| Food Export Certificates where produced but no longer required | £30 | £30 |
| FHRS Revisit to obtain new Food Hygiene Score | £195 | £200 |

2.4 Health and Safety

On occasions solicitors request copies of health and safety accident reports. The Health and Safety at Work etc. Act 1974, Section 28, sub-section 9, allows a disclosure by an authorised officer of a “written statement of relevant facts observed by him” (Employment Protection Act 1975). It is proposed to make a minimum charge of £166 (two hours at GR5) plus the hourly rate of £83 per hour or part hour thereafter. (Current charge is £166 and £83 per hour). VAT will be applied at its appropriate rate, in addition to this cost.

2.5 Your officers can deliver a range of bespoke training courses specifically for other local authority officers for example on practical incident investigation. This service assists other local authorities who have less experience and smaller health and safety teams. It is proposed that the charge is increased to £92 per delegate for one day’s training [including any refreshments] with a minimum number of ten delegates per course (currently £90). (VAT exempt if only L/A officers attend. VAT would be payable for external delegates and must be added to their charge).

Summary

| Health and Safety | 2020/21 | 2020/21 |
|--|---------|---------|
| Section28 HSWA for legal Accident Reports | £166.00 | £166.00 |
| Section28 HSWA additional hourly rate for accident reports | £83.00 | £83.00 |
| Health and Safety Training - per delegate, per day | £90.00 | £92.00 |

2.6 Food and Health and Safety Primary Authority Partnerships.

Environmental Health Food and Health & Safety Teams have set up a number of Primary Authority Partnerships with national multisite businesses. This is part of a national programme to enable local authorities and businesses to work together to help improve consistency in regulation. The programme is overseen by the Government's Office of Product Safety & Standards and enables local authorities to recharge for the time spent on servicing the partnership. By statute costs incurred by Councils participating in Primary Authority Partnerships are recharged on a cost recovery basis.

The current charging arrangements which have already been agreed with our current partners are based on an officer's hourly rate. The proposed charge, therefore, reflects the 2021/2022 Grade 5 Officer hourly rate of £82 plus expenses. (Current charge £83). (VAT applies but is currently zero rated for this work).

2.7 Environmental Conveyancing Searches

A number of requests are made (usually by solicitor firms) for environmental information held by the Service to assist in conveyancing. The information has to be supplied (where held) under the Environmental Information Regulations. Although no charge can be made for providing the raw information, a charge can be made for the cost of processing the information into a usable report. It is proposed that the fees increase to £80 for a Basic Search and £115 for an Advanced Search (current charges £73 and £107 respectively).

2.8 Statutory Default Work

Where work is carried out in default, reasonable costs of the work are recovered i.e. the officers' time (at their respective hourly rates) plus the costs associated with the work necessarily required from third party agents such as locksmiths or vehicle recovery contractors. It would also include any statutory fees and daily charges that are applicable. It is proposed to charge £105 (previously £100) for administration costs for invoices. This work is undertaken by a GR4 officer and the costs reflect both the raising of the invoice and chasing up and close down of invoices that are paid. The total time of this is estimated to be 1½ hours on average per invoice. Officer time relating to seizure of sound equipment is charged at a fixed rate of £120 (currently £115). This is designed to minimise the likelihood of seized equipment not being reclaimed by owners, which would potentially result in excessive/on-going storage and disposal costs for the council that may not be rechargeable.

2.9 Attendance at Exhumations

It is proposed to increase the fixed fee from £340 to £350 (plus VAT) to be received in advance of an exhumation. This is inclusive of early starts and completion of documentation before and after such work. If human remains are to be added to an existing grave requiring an exhumation approval then the charges for this work will be based on an hourly rate of a GR5 officer.

2.10 Licences for the Distribution of Free Literature

The three areas of the city which are designated as consent areas for the distribution of free literature are: the City Centre, Digbeth and Hurst Street. The current charge for consents is £290 and it is proposed to not increase this to support business re-starting. The income supports the implementation and enforcement of this consent regime and this avoids putting any further burdens on businesses advertising in the City by way of free literature. Under the legislation local authorities may only make reasonable charges for setting up and enforcement activities within the consent zones and the consent zones are designed to prevent the defacement that can be caused by discarded material. All of the receipts from the scheme are reinvested in its implementation, operation and enforcement and no charge can be levied for clear-up costs. It is proposed to charge £50 for replacement identity badges.

Summary

| Conveyancing and Default work / Free Literature Consents | 2020/21 | 2021/22 |
|--|---------------|---------------|
| Primary Authority Partnership's (Statutorily set at cost recovery) | Cost recovery | Cost recovery |
| Processing Environmental Information for conveyancing – Basic | £80.00 | £80.00 |
| Processing Environmental Information for conveyancing – Advanced | £115.00 | £115.00 |
| | | |
| Statutory Default Work - Admin costs for Invoices / Processing | £100.00 | £105.00 |
| Statutory Default Work - Seizure of Sound Equipment | £115.00 | £120.00 |
| Attendance at Exhumations (inc. completion of documentation) | £340.00 | £350.00 |
| Distribution of free literature consents | £290.00 | £290.00 |
| Replacement Identity badges | New | £50.00 |

2.11 Animal Welfare – Stray Dog Charges

It is not proposed to alter the charges applied to dog owners where their dogs strayed. Where dogs are claimed from the Birmingham Dogs Home or where dogs are returned directly to their owners there will be a £25 charge made. The £25 fee is a statutory amount prescribed by the Environmental Protection Act 1990 and cannot be altered. The Act also permits local authorities to charge dog owners all costs incurred by the seizure and detention of their dog if seized as a stray. We will continue therefore to charge dog owners all such costs, which may include out of hours kennelling charges or veterinary fees, as well as additional officer time, where applicable.

We will continue to charge £95 for dog handling services, in respect of restraining or removing dogs for example at an eviction or forced entry. Where the attendance on site extends beyond an hour additional time spent will be charged at GR3 per hour or part thereof. Any additional Dog Wardens that need to attend for multiple or large / difficult dogs, will be charged at an additional GR3 per officer per hour.

Where officers carry out assessments of dogs kept by any person looking to adopt or foster a child, it is proposed to charge the officer's full hourly rate from the start to completion of the assessment, this includes travel time and providing a report on the suitability or otherwise of any dog(s) kept by the potential carers to the adoption/fostering team.

Where officers carry out work on behalf of social services involving the removal of animals where their owners have been admitted into hospital or found to be deceased, the charge of £95 will remain unchanged, to attend and remove animals and a further £51 (GR3) per hour or part thereof charged for any subsequent visits required. Office activities (GR4) will be charged at the officer's hourly rate or part thereof.

Officers provide a stray dog collection service for Solihull Metropolitan Borough Council. It is proposed to charge £76.50 to collect and impound a stray dog or return it to its owner, this is based on a GR 3 officers time at 1.5 hours per attendance. Should any there be any additional requirements in terms of time or officers needed, this will be charged in in additional at the officer's standard hourly rate.

2.12 Animal Welfare Licensing

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, came into effect on 1 October 2018. The new Regulations allow licences to run for 1, 2 or 3 years and licence fees must reflect this; they must also reflect the need for a separate application and annual fee. The length of a licence is determined by a star rating of premises, which must be applied by the inspecting officers following inspection and in consideration of previous compliance history. There are also provisions to allow licenced premises to apply for a variation to their licence and to request additional inspections.

The tables below identify animal related licensed premises and associated reviewed fees. The proposed fees are in-line with charges made by other local authorities and have been based on the average times taken by GR4 and GR5 officers undertaking this work. It is proposed to make no increase in the licence fees, except in relation to those imposed by the increase in officers' hourly rate.

2.13 Animal Welfare licence fees - 2021/2022.

New Licences

| Licensable Activity | Total Licence Fee 1 year licence | Current Fee | Vets Fees | LA Inspection upon Request | Application to Vary Licence |
|---|--|---|-----------|----------------------------|--|
| Selling Animals as Pets | £461.75 | £444.25 | At Cost | £74 | £117 |
| Commercial Animal Boarding | £391.25 | £373.75 | At Cost | £74 | £117 |
| Dog Breeding | £391.25 | £373.75 | At Cost | £74 | £117 |
| Dangerous Wild Animals | £391.25 | £373.75 | At Cost | £74 | £117 |
| Home Dog Boarding | £271.25 | £259.25 | At Cost | £74 | £47.50 |
| Arranging Animal Boarding (where no animal boarding licence in place) | £209 (plus £83 per inspection as required) | £140.75 (plus £83 per inspection as required) | At Cost | £74 | £47.50 (plus £83 per inspection as required) |
| Hiring of Horses | £515.75 | £492.25 | At Cost | £74 | £117 |
| Keeping/Training Animals for Exhibition | £474.25 (3 year mandatory licence) | £452.75 (3 year mandatory licence) | At Cost | £74 | £117 |

Renewal Licences

| Licensable Activity | Application Fee | Licence Fee (1 year) | Licence Fee (2 year) | Licence Fee (3 year) | Vets Fees | LA Inspection on request | Application to Vary Licence |
|--|--|----------------------|----------------------|----------------------|-----------|--------------------------|--|
| Selling animals as pets | £170.25 | £83 | £166 | £249 | At Cost | £74 | £117 |
| Commercial Animal Boarding | £183.75 | £83 | £166 | £249 | At Cost | £74 | £117 |
| Dog Breeding | £183.75 | £83 | £166 | £249 | At Cost | £74 | £117 |
| Dangerous Wild Animals | £183.75 | £83 | £166 | £249 | At Cost | £74 | £117 |
| Home Dog Boarding | £84.50 | £83 | £166 | £249 | At Cost | £74 | £47.50 |
| Arranging Animal Boarding (as stand-alone licence) | £126 (plus £83 per inspection as required) | £83 | £166 | £249 | At Cost | £74 | £47.50 (plus £83 per inspection as required) |
| Hiring out Horses | £225.25 | £83 | £166 | £249 | At Cost | £74 | £117 |
| Keeping or Training Animals for Exhibition | £225.25 | N/A | N/A | £249 | At Cost | £74 | £117 |

Note 1- Cost for the re-issue of an existing licence £10.50 (Licensing Act 2003 standard charge)

Note 2- Any animal licencing work required outside of the above will be charged at the officer's hourly rate of the relevant officer as per the table in 4.3

Note 3- Where any veterinary inspection is required then these will be charged at cost.

Note 4 - Zoo Licensing remains unchanged, any inspections carried out by Inspector appointed by the Secretary to State are charged to the applicant as an additional fee.

| Type of Licence | Current Fee | Proposed Fee |
|----------------------------|-------------|--------------|
| Zoos | | |
| - 4 year licence (new) | £2,670 | £2,670 |
| - 6 year licence (renewal) | £2,670 | £2,670 |

APPENDIX 2(c)

2.14 Fixed Penalty Notice Tariffs

The Fixed Penalty Notice (FPN) tariffs are tabulated below.

2.15 All other FPNs are set at their legal maximum except:

- Domestic Duty of Care FPN

(Tariffs amended by The Environmental Offences (Fixed Penalties) (England) Regulations 2017)

2.16 Committee can consider varying the tariff for the FPNs in 2.15 and if so minded, reduce the tariff of any FPN which is not set by statute.

2.17 With regard to the Littering FPN committee are asked to consider the following:

- The current payment rate of FPNs remains approximately 85%
- Approximately 700 prosecutions for non-payment were submitted last year (10% of FPNs issued)
- The remainder had reasons not to be pursued.
- Increasing the tariff to the maximum may dissuade littering
- Increasing the tariff may decrease the repayment rate and increase the prosecution rate. An increased prosecution rate would require extra staff to administer this process.

2.18 Early repayment discounts were discontinued as few people took note of the timelines and most paid the lower payment significantly after the expiry of the discounted period. This led to inequalities and administration difficulties. It is your officer's recommendation that committee do not reinstate early payment rates.

FIXED PENALTY NOTICE TARIFFS

| OFFENCE | LEGISLATION | EXISTING TARIFF 2020/2021 Existing FPN & Early Discount | PENALTY CAN BE SET | FPN TARIFF FOR 2021/2022 |
|---|---|--|---|---------------------------------------|
| Community Protection Notice. (For fixed penalty notices repealed under Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005, including former Street Litter Control notices and Litter Clearing Notices) | s.52(7) Anti-social Behaviour Crime and Policing Act 2014 | £100 No discount for early payment | Maximum £100 Indeterminate discount can be offered for early payment (the range is not specified) | £100 No Discount for early payment |
| Unauthorised distribution of literature in a consent area | Schedule 3A, para.7(2) Environmental Protection Act 1990 | £150 No discount for early payment | Between £65 - £150 Minimum discount for early payment £50 | £150 No Discount for early payment |
| Graffiti and Flyposting | s.43 Anti-social Behaviour Act 2003 | £150 No discount for early payment | Between £65 - £150 Minimum discount for early payment £65 | £150 No Discount for early payment |
| Litter | s.88(1)Environmental Protection Act 1990 | £150 No discount for early payment | Between £65 - £150 Minimum discount for early payment £65 | £150 No Discount for early payment |
| Domestic Duty of Care Fixed Penalty Notice | Section 34(2)(A) Environmental Protection Act 1990 | £200 No Discount for early payment | Between £150 to £400 Discount can be set between £120 & £150 | £200 No Discount for early payment |
| Failure to produce written particulars of waste [waste transfer notes] | s.34A (2) Environmental Protection Act 1990 | £300 set by statute No discount for early payment | Set by statute Minimum discount for early payment £180 | £300 No Discount for early payment |
| Failure to furnish documentation of waste carriers registration | s.5B(2) Control of Pollution (Amendment) Act 1989 | £300 set by statute No discount for early payment | Set by statute Minimum discount for early payment £180 | £300 No Discount for early payment |

| OFFENCE | LEGISLATION | EXISTING TARIFF 2020/2021 Existing FPN & Early Discount | PENALTY CAN BE SET | FPN TARIFF FOR 2021/2022 |
|---|---|--|--|---------------------------------------|
| Failure to comply with notice for commercial or industrial waste receptacles and presentation | s.47ZA, 47ZB of the Environmental Protection Act 1990 | £110 No discount for early payment | Between £75 - £110 Minimum discount for early payment £60 | £110 No Discount for early payment |
| Failure to comply with notice for household waste receptacles and presentation | s.46, Environmental Protection Act 1990 | £60 | Set by statute No discount allowed | £60 |
| Noise from domestic dwellings exceeding a permitted level | s.8 Noise Act 1996 | £110 No discount for early payment | Between £75 - £110 Minimum discount for early payment £60 | £110 No Discount for early payment |
| Noise from licensed premises | s.8 Noise Act 1996 | £500 | Set by statute No discount allowed | £500 |
| Unauthorised deposit of waste (fly-tipping) | 33A Environmental Protection Act 1990 | £400 No discount for early payment | Between £150 and £400 Minimum discount for early payment £120 | £400 No Discount for early payment |
| Abandoning a vehicle | s.2A (1) Refuse Disposal (Amenity) Act 1978 | £200 set by statute No discount for early payment | Set by statute Minimum discount for early payment £120 | £200 No Discount for early payment |
| Smoking in a smoke free place or vehicle | S.7 Health Act 2006 | £50 £30 If paid in 15 days | Set by statute Discount set by statute £30 if paid within 15 days | £50 £30 If paid in 15 days |
| Failure to display no smoking signs | s.6 Health Act 2006 | £200 £150 if paid in 15 days | Set by statute Discount set by statute £150 if paid within 15 days | £200 £150 if paid in 15 days |

APPENDIX 2(d)

2.19 Pest Control

For 2021/22 Pest Control have used the rationale of maximising their income, having regard to market forces, to assist in meeting the income targets for the section. The proposed rates will be held for 2021/22 as the officer hourly rates have not increased and this is a competitive market.

DOMESTIC Pest Control

Due to almost no take up of commercial services in the domestic setting, I propose not to increase charges for residents.

| Domestic | 2020/21 (inc VAT element) | 2021/22 | VAT @20% | Total |
|---|--|----------------|---------------------|-----------------------|
| Rats - All domestic treatments | Free of charge | Free of charge | N/A | Free of charge |
| Cockroaches - all treatments - first visit | £78 | £65.00 | £13.00 | £78.00 |
| Bedbugs - all treatments - first visit | £78 | £65.00 | £13.00 | £78.00 |
| Mice - mouse poison offered at Neighbourhood Office | Free of charge | Free of charge | N/A | Free of charge |
| Mice - All domestic treatments | £78 | £65.00 | £13.00 | £78.00 |
| Wasps - Minimum call out charge for a treatment | £60.00 | £50.00 | £10.00 | £60.00 |
| Wasps - 2 or more nests, multiple treatments + revisits | £75.00 | £62.50 | £12.50 | £75.00 |
| Fleas - Treatment per property (per visit) | £78 | £65.00 | £13.00 | £78.00 |
| Other insect treatments - first hour | £78 | £65.00 | £13.00 | £78.00 |

COMMERCIAL

| Commercial | 2020/21 | 2021/22 | VAT @20% | Total |
|---|----------------|----------------|---------------------|----------------|
| All treatments for commercial / non-domestic and landlords that are responsible for property wide infestations - first visit | £115 | £95.83 | £19.17 | £115.00 |
| Bedbugs / Pharaoh Ants - first visit | £115 | £95.83 | £19.17 | £115.00 |
| Clearance work (rodent/insect/bird/premises) - first hour | £115 | £95.83 | £19.17 | £115.00 |
| Clearance work (rodent/insect/bird/premises) - subsequent hours plus materials plus VAT | £115 | £95.83 | £19.17 | £115.00 |
| Additional Charges for jobs involving hazardous waste (clinical/needle/etc.) | £170 | £141.67 | £28.33 | £170.00 |
| Land clearance and associated weed control when treating for rodents (Land clearance materials charged plus 10% administration) | £115 | £95.83 | £19.17 | £115.00 |

Commercial jobs that are competitively tendered, at a rate above or below the agreed rate above will be authorised by the Head of Service or Director, plus materials and VAT.

REVIEW OF CHARGES - REGISTER OFFICE 2021/2022

1.0 Relevant Background

- 1.1 In reviewing these fees and charges, officers from the Directorate have considered:
- The budget strategy for 2021/22 and 2022/23.
 - The ongoing pandemic and the pressure that this has put on the event industry
 - Fees and charges levied by neighbouring local authorities.
- 1.2 Where applicable, prices for 2022/23 have also been included. This is principally to allow for advanced booking and payment for ceremonies.
- 1.3 It is proposed that the majority of fees for 2021/22 and 2022/23 do not include any increases from those applied in 2020/21. This should help support the sector through this difficult and uncertain time.
- 1.4 It is proposed to further support the Approved Premises sector (ceremony venues) through this difficult and uncertain time by reducing the fee for any three-year Approved Premises Licence applied in 20-21 by one third, and by increasing the length of a standard three-year licence period for any new or renewed licence to a period of four years.
- 1.5 Some fees relate to services that are traditionally booked well in advance. Fees for 2021/22 and 2022/23 which are an increase on 2020/21 were set as part of the 2020/21 fees and charges process. Since these fees have already been charged for a number of forthcoming services it is not proposed to reduce these fees.
- 1.6 The non-statutory fees and charges have been set in accordance with the above considerations.
- 1.7 The Registration Service provides a number of non-statutory services; however these are in competition with neighbouring Local Authorities and so are priced with regard to market sensitivities.
- 1.8 The provision of Registration Services is currently under review nationally by the General Register Office (GRO). The current focus is on charges for marriages including licensing of approved premises. It is highly likely that there will be statutory fees for licensing of approved premises and also for attendance at approved premises which will be considerably lower than fees currently charged by Birmingham City Council. Any changes or recommendations to discretionary prices made could cause financial pressure in the near future for this budget.

2.0 Approved Buildings

2.1 Birmingham City Council has responsibility for approving non-religious venues for Civil Marriage and Partnerships. Some fees relate to services that are traditionally booked well in advance. For these services the fees are set out for more than one financial year.

TABLE 1 Approved Building Licence Fees

| 1. Register Office - Approved Buildings | 2020/21 | 2021/22 |
|---|-----------|-----------|
| New Application for approval of premises to include ONE room 3 years | £3,402.00 | N/A |
| New Application for approval of premises to include ONE room 4 years | N/A | £3,402.00 |
| Renewal of existing approved premises to include ONE Room 3 years | £2,376.00 | N/A |
| Renewal of existing approved premises to include ONE Room 4 years | N/A | £2,376.00 |
| Additional rooms included in the application (per room) 3 years | £756.00 | N/A |
| Additional rooms included in the application (per room) 4 years | N/A | £756.00 |
| Additional rooms added after the application approved 3 years | £864.00 | N/A |
| Additional rooms added after the application approved 4 years | N/A | £864.00 |
| Application for approval of religious building for Civil Partnerships 3 years | £668.00 | £668.00 |
| Renewal of existing approved premises to include ONE Room 6 years | £4,212.00 | £4,212.00 |
| Additional rooms included in the application (per room) 6 years | £1,080.00 | £1,080.00 |
| Additional rooms added after the application approved 6 years | £864.00 | £864.00 |
| Application for approval of religious building for Civil Partnerships 6 years | £668.00 | £668.00 |

3.0 Register Office Ceremony Suites

- 3.1 Holding the ceremony in Birmingham is not statutory and the Registration Service faces tough competition from neighbouring Local Authorities and other business premises.
- 3.2 A simpler and streamlined fee structure was brought in for 2019/20 and is proposed to be continued.
- 3.3 The fees for a ceremony within the Superintendent Registrar's office are statutory by nature.
- 3.4 Statutory fees are set nationally by General Register Office and not by Licensing and Public Protection Committee. They are however provided for information.
- 3.5 Enriched marriage/ civil partnership services are available for which increased fees are charged as shown in the table below.
- 3.6 The Ceremony Room charge for a standard ceremony will be £203 from 01 April 2021.
- 3.7 If the couple wish to have enhanced items such as readings and music then an additional charge of £51 will apply for those items chosen from the pre-approved list.
- 3.8 If the couple wish to add either readings or music that are not on the pre-approved list then a further (i.e. additional to the £51) charge of £32 per additional item will be levied.
- 3.9 If the couple wish to have separate interviews prior to the ceremony, there is a fee of £32.00
- 3.10 If the couple wish to have a fully enhanced ceremony a fee of £360.00 will apply.

TABLE 2 Marriage - Ceremony Suite

| 2. Register Office - Ceremony Suite | 2020/21 | 2021/22 | 2022/23 |
|--|---------|---------|---------|
| Ceremony Suite - <u>Statutory</u> Room (excludes Certificate) | £46.00 | £46.00 | £46.00 |
| Ceremony Suite - Charge for Basic Room (excludes Certificate) | £199.0 | £203.00 | £203.00 |
| Ceremony Suite - Charge for Enhancements (Readings/Music) | £51.00 | £51.00 | £51.00 |
| Ceremony Suite - Additional - Own Reading (not pre-approved list) | £32.00 | £32.00 | £32.00 |
| Ceremony Suite - Additional - Own Music (not on pre-approved list) | £32.00 | £32.00 | £32.00 |
| Ceremony Suite - Additional - Separate Interview before ceremony | £32.00 | £32.00 | £32.00 |
| Ceremony Suite- Fully Enhanced (excludes certificate) | £360.0 | £360.00 | £360.00 |

3.11 By setting the fees so far in advance it allows couples, wishing to marry, to plan and budget ahead with confidence.

3.12 All ceremony suite fees are subject to room availability

4.0 Attendance at Approved Premises

4.1 Fees for registration staff to attend a ceremony taking place at one of the City's 48 approved venues are also set out for more than one financial year for the same reason as above.

TABLE 3 Marriage - Attendance at Approved Premises

| 3. Register Office – Attendance | 2020/21 | 2021/22 | 2022/23 |
|--|---------|---------|---------|
| Monday to Friday | £551.00 | £551.00 | £551.00 |
| Weekend | £704.00 | £704.00 | £704.00 |
| Public Holiday | £800.00 | £800.00 | £800.00 |

5.0 Other Fees

5.1 Citizenship ceremonies could be requested elsewhere, however the individual would need to apply to the Home Office to request a change of district. The main competition/market sensitivity therefore is the price differential between the statutory ceremony and the private ceremony.

TABLE 4 Other Fees

| 4. Register Office - Other Fees | 2020/21 | 2021/22 | 2022/23 |
|--|---------|---------|---------|
| Private Citizenship Ceremony - Monday - Friday | £206.00 | £206.00 | £206.00 |
| Private Citizenship Ceremony - Saturday | £235.00 | £235.00 | £235.00 |
| Advanced Booking – Statutory Register Office Ceremony | £56.00 | £56.00 | £56.00 |
| Advanced Booking – Ceremony Suite | £66.00 | £66.00 | £66.00 |
| Advanced Booking – Approved Premise | £77.00 | £77.00 | £77.00 |
| Cancellation fee- Statutory Register Office Ceremony | £57.00 | £57.00 | £57.00 |
| Cancellation fee- Ceremony Suite | £66.00 | £66.00 | £66.00 |
| Cancellation fee- Approved Premise | £67.00 | £67.00 | £67.00 |
| Fee for change of ceremony appointment- Statutory Register Office Ceremony | £56.00 | £56.00 | £56.00 |
| Fee for change of ceremony appointment- Ceremony Suite | £66.00 | £66.00 | £66.00 |
| Fee for change of ceremony appointment- Approved Premise | £77.00 | £77.00 | £77.00 |
| Fee charged for research (per half hour) | £51.00 | £51.00 | £51.00 |
| Fee for international postage via on-line application | £7.00 | £7.00 | £7.00 |
| Additional appointment/ change of appointment | £44.00 | £44.00 | £44.00 |
| Celebratory Certificates (at time of birth registration) | £11.00 | £11.00 | £11.00 |
| Change of Name deed (includes certificate) | £61.00 | £61.00 | £61.00 |
| Change of name certificate additional copies | £11.00 | £11.00 | £11.00 |
| Special Celebratory Certificates (birthday, grandparents, anniversary) | £21.00 | £21.00 | £21.00 |
| Photographs and flowers package from | £135.00 | £135.00 | £135.00 |
| Pitch at Wedding Fayre | £51.00 | £51.00 | £51.00 |
| Hire of ceremony rooms 2 or 3 for function/event - half day or full day | POA | POA | POA |
| Hire conference room for function/event - half / full day | POA | POA | POA |
| Training for authorised person to register marriages / quarterly returns | £77.00 | £77.00 | £77.00 |
| Appointment to check completeness / validity of notice for Marriage (non-refundable) | £44.00 | £44.00 | £44.00 |
| Save the day – approved premise- ceremony > 12 months in advance | £77.00 | £77.00 | £77.00 |

| | | | |
|--|--------|--------|--------|
| Save the day – ceremony suites- ceremony > 12 months in advance | £66.00 | £66.00 | £66.00 |
| Save the day – ceremony suites- Register Office ceremony > 12 months in advance | £56.00 | £56.00 | £56.00 |
| Priority service at approved premises – to take place within 12 weeks (additional) | £77.00 | £77.00 | £77.00 |
| Provision of folder | £1.00 | £1.00 | £1.00 |
| Provision of envelope | £0.50 | £0.50 | £0.50 |
| Postage | £3.50 | £3.50 | £3.50 |
| Postage International | £7.00 | £7.00 | £7.00 |
| Priority Correction/ Re-registration Appointment | £44.00 | £44.00 | £44.00 |
| Production of further documents for notice of marriage/civil partnership | £44.00 | £44.00 | £44.00 |
| Keepsakes/additional products | POA | POA | POA |
| Administration of post-dated passport forms | £21.00 | £21.00 | £21.00 |
| Advice in advance of taking notice of marriage per applicant | £6.00 | £6.00 | £6.00 |
| Processing of a non-priority application for a standard certificate after registration | £7.00 | £7.00 | £7.00 |

6.0 Statutory Fees and Charges

6.1 Statutory fees are set externally / nationally and are provided for information.

| 5. Register Office – Statutory Fees | 2020/21 | 2021/22 |
|--|---------|---------|
| Superintendent Registrar/Registrar's Certificate | £11.00 | £11.00 |
| Priority Superintendent Registrar/Registrar's Certificate after registration | £35.00 | £35.00 |
| A general search in indexes not exceeding 6 hours | £18.00 | £18.00 |
| Certificate of Worship | £29.00 | £29.00 |
| Registration of a religious building for marriage | £123.00 | £123.00 |
| Registration of a religious building for marriages for same sex couples (That is already registered) | £64.00 | £64.00 |
| Notice of Marriage | £35.00 | £35.00 |
| Notice of Marriage subject to immigration Act | £47.00 | £47.00 |
| Notice of Civil Partnership subject to immigration Act | £47.00 | £47.00 |
| Notice of Civil Partnership | £35.00 | £35.00 |
| Fee to reduce the legal waiting period of a notice of marriage/civil partnership | £28.00 | £28.00 |
| Fee for sharing information under the Digital Economy Act | £50.00 | £50.00 |
| Fee payable to Registrar for marriage Ceremony at register Office | £46.00 | £46.00 |
| Fee payable to Registrar for marriage Ceremony at registered building | £86.00 | £86.00 |
| Attendance of Civil Partnership Registrar at Register Office | £46.00 | £46.00 |
| Notice given at Housebound Person's abode SR attendance | £47.00 | £47.00 |
| Notice given at Detained Person's abode SR Attendance | £68.00 | £68.00 |
| Attendance of Registrar at Housebound Person's Marriage | £81.00 | £81.00 |

| | | |
|---|---------|---------|
| Attendance of Registrar at Detained Person's Marriage | £88.00 | £88.00 |
| Attendance of Superintendent Registrar at Housebound Person's marriage | £84.00 | £84.00 |
| Attendance of Superintendent Registrar at Detained Person's marriage | £94.00 | £94.00 |
| Attendance of CP Registrar at Housebound Person's CP | £81.00 | £81.00 |
| Attendance of CP Registrar at Detained Person's CP | £88.00 | £88.00 |
| Registrar General's Licence for Marriage | £15.00 | £15.00 |
| Fee of priority certificate –Next working day | £24.00 | £24.00 |
| Standard Conversion Civil partnership to marriage | £45.00 | £45.00 |
| Two stage procedure stage 1 conversion civil partnership to marriage | £27.00 | £27.00 |
| SR attendance Conversion Civil partnership to marriage according to Jews / Society of Friends | £91.00 | £91.00 |
| SR attendance Conversion Civil partnership to marriage Housebound | £99.00 | £99.00 |
| SR attendance Conversion Civil partnership to marriage detained | £117.00 | £117.00 |
| Registrar General's Licence for Civil Partnership | £15.00 | £15.00 |
| CP Registrar's attendance at religious building | £86.00 | £86.00 |
| CP certificate issued after registration | £11.00 | £11.00 |
| CP certificate issued after registration | £11.00 | £11.00 |
| First short birth certificate issued at time of registration | £11.00 | £11.00 |
| Consideration by a Superintendent Registrar of a divorce/Civil Partnership dissolution | £50.00 | £50.00 |
| Consideration by a Registrar / Superintendent Registrar of a correction application | £75.00 | £75.00 |
| Consideration by the Registrar General of a correction application | £90.00 | £90.00 |
| Consideration by the Registrar General of divorce/ CP dissolution from outside British Isles | £75.00 | £75.00 |
| Consideration of a reduction in the 28 day notice to marry / civil partnership | £60.00 | £60.00 |
| Amendment | £40.00 | £40.00 |
| Adult attending communal citizenship ceremony | £80.00 | £80.00 |

REVIEW OF CHARGES – CORONER’S SERVICE 2019/2020

- 4.1 Fees that are chargeable are set out nationally in the Coroners Allowances, Fees and Expenses Regulations 2013.
- 4.2 There are nationally set at:
 - 4.2.1 After inquest, a document disclosed as a paper document is charged at £5 for a document of 10 pages or less, with an additional 50p payable for each subsequent page.
 - 4.2.2 A fee of £5 per document where it is disclosed in any form other than email or paper – i.e. CD copies of inquests.
 - 4.2.3 For a transcription of an inquest of 360 words or less the fee is £6.20, 361-1,439 words is £13.10 and 70p for every additional 72 words or part thereof.
- 4.3 The only locally set fee is the search fee for archive documents. It is proposed to increase the fee to £50 per hour (from £48) which is based on the GR3 hourly cost.

REVIEW OF CHARGES – STATUTORY TEAM 2021/2022

(Acivico-Building Consultancy)

- 5.1 The Statutory Team (formerly Birmingham Account Team), which is part of Acivico (Building Consultancy) Limited, carry out a range of professional surveying services for both internal and external client groups that are responsible for property portfolios. The scope of services includes the carrying out of technical functions in support of the discharge of the Council's Building Control allied legislative requirements as detailed in The Building Act 1984 and the administration of demolition contracts required to facilitate the Council's regeneration targets. The group also carry out a variety of enforcement duties where full cost recovery is undertaken when the legislation allows.
- 5.2 The work is normally charged on an hourly basis. The current (2020/2021) charge is £85.00 per hour, and it is proposed that this fee will be kept at the same rate of £85.00 per hour. Acivico have carried out a review of the cost and due to the identification of efficiency savings and a reduction in the groups overheads we are confident that the rate is still applicable and will allow us to cover our costs. The decision to leave the rates the same also recognises the difficult financial circumstances that the Council and private individuals could find themselves in following the end of pandemic. The rate is a composite rate being as the work is carried out by a mix of grade 5, 6 and 7 surveyors. The rate is still in line with other professional services carried out within the council and very competitive with regards to the private sector.
- 5.3 The charge levied in respect of Private Demolition Notices, which is a fixed fee per notification, is currently (2020/2021) set at £260.00. It is proposed to maintain this level of fee for the forthcoming year due to the reasons given above in paragraph 5.2. Therefore, the fee for 2021/2022 will be £260.00.
- 5.4 The charge in respect of notices for temporary grandstands, which is required under the West Midlands County Council Act 1980 Section 39, is based on cost recovery in line with the hourly rate for the Statutory Team as above and it is proposed to maintain this at the rate to £85.00 per hour as well.
- 5.5 Work carried out indicates that, within the limitations of operating within a competitive market and statutory framework, the fees proposed should maintain income to the City Council through Acivico as well as providing good value for money to Acivico customers

REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2020/2021

1.0 SUMMARY

1.1 This Appendix 6 deals with the annual review of fees and charges for Highway Services within the delegations of the Licensing and Public Protection Committee.

2.0 BACKGROUND

2.1 The City Council's Financial Regulation 1.16 (ii) in Section D of the Birmingham City Council Constitution requires that Chief Officers, at least annually, report to and seek approval from Committee on a review of fees and charges levied for services provided. The last review for Highways Services was approved by the Licensing and Public Protection Committee on 10th April 2019.

2.2 Specific licences, under the legislation shown in Table 1 below, are currently prepared by the Council's Highway Maintenance and Management Service Provider, Amey. Following the end of Amey's involvement on 31st March 2020, the specific licences will be prepared by an Interim Service Provider from 1st April 2020.

2.3 The Interim Service Provider will be entitled to retain the fee / charge associated with the issue of certain licences. Table 1 below, identifies the fee recipient for different specified licence types;

Table 1. Recipient of fees and charges

| Statutory Basis | Fee Recipient |
|---|--------------------------|
| Highways Act 1980: | |
| Section 115E – Street Cafés / Objects or Structures | Authority |
| Section 139 – Placement of Skips in the Highway | Authority |
| Section 142 – Plant and Maintain Trees Shrubs etc. in the Highway | Authority |
| Section 169 – Scaffolding and Cranes | Interim Service Provider |
| Section 171 – Deposit of materials on the highway | Interim Service Provider |
| Section 172 - Hoarding | Authority |
| Section 177 – Oversailing the Highway | Interim Service Provider |
| Section 184 – Carting Over (Temporary Access) | Interim Service Provider |
| New Roads and Street Works Act (NRSWA) 1991: | |
| Section 50 - Licence for Private Apparatus in the Highway | Authority |

3.0 PROPOSALS

- 3.1 The fees and charges covered by this report have been reviewed in line with the Corporate Charging Policy. The fees are to be increased by 5% to allow for inflation, the additional costs of superannuation, national insurance and pay award. These fees and charges, which have been rounded for ease of use and consistency, have been provided in Appendix 6 (a) of this Appendix 6.
- 3.2 The fees and charges have been compared to those of neighbouring West Midlands local authorities and other UK cities for similar services. The proposed charges are not significantly disparate to those of other authorities.
- 3.3 Where new objects or structures are to be installed by third parties on the highway under s115E Highways Act 1980, a fee is added to cover the costs of this licence. Due to the wide variety of items that could be installed and the different locations, these are included simply 'at cost' that will be determined on a case by case basis.

4.0 IMPLICATIONS FOR RESOURCES

- 4.1 Based on estimated usage of services, it is envisaged that implementation of the proposed fees and charges will generate sufficient income to meet budgeted income levels for 2020/21.

BIRMINGHAM CITY COUNCIL

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

10 MARCH 2021
ALL WARDS

**REQUEST FOR AN EXTENSION TO THE LIMITED EXEMPTION FROM THE
MORATORIUM ON THE ISSUE OF NEW HACKNEY CARRIAGE PLATE
LICENCES**

1. Summary

- 1.1 In June 2019, the Licensing and Public Protection Committee agreed a limited exemption for hackney carriage proprietors, from the moratorium on the issue of new hackney carriage vehicle licences. The moratorium has been in place since 2008 and has been renewed regularly, following regular demand surveys. The last survey was conducted in 2017 and another was due during 2020 but has been delayed because of the ongoing pandemic.
- 1.2 Although the exemption agreed in June 2019 was intended to mitigate against the anticipated effects of the Clean Air Zone (CAZ), it has proven to be of immense benefit to proprietors unable to replace vehicles during the ongoing pandemic.
- 1.3 This proposal, if adopted, would extend the provision allowing a vehicle proprietor to take out a new licence within two years of giving up an existing licence, subject to compliance with the requirements laid out in the report, until the end of 2025.

2. Recommendation

- 2.1 The Committee approve the proposal to extend the limited exemption from the requirements of the moratorium, for those vehicle proprietors meeting the criteria detailed at 5.3, until 1 January 2024.
- 2.2 The parameters and requirements set out at paragraphs 5.2 to 5.4 in this report be approved.

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3. Background

- 3.1 The limited exemption to the moratorium on issuing new hackney carriage vehicle plates was agreed in June 2019, it allowed any proprietor who surrendered a hackney carriage vehicle licence or allowed one to expire, between 1 January 2019 and 1 January 2021, to take out a new plate for a suitable vehicle at any time within two years of the date on which the original plate ceased to be valid.
- 3.2 This was intended to assist drivers/proprietors struggling to replace expensive vehicles in anticipation of the introduction of a Clean Air Zone (CAZ) in Birmingham, without increasing the number of plates in circulation. Whilst the CAZ has yet to be implemented, the availability of the exemption has provided a lifeline to proprietors struggling to obtain suitable replacement vehicles during the ongoing Covid19 pandemic.
- 3.3 The closing of the qualifying window, effective on 1 January 2021, means that proprietors struggling to find suitable replacement vehicles now, either because of physical restrictions on travel, availability of vehicles, or because of financial difficulties attributable to the ongoing pandemic, no longer qualify for the exemption and may simply lose their plate and with it their livelihood.
- 3.4 With no immediate end to the pandemic in sight officers are still receiving enquiries about the exemption, which cannot be applied for any licence which ceased after 1 January this year.

4. Proposal

- 4.1 The proposal seeks to extend the exemption allowing existing licensees who are unable to replace a vehicle within a reasonable time, the opportunity to return to the hackney carriage trade and obtain a new hackney carriage vehicle licence at a later date, but only within a specific set of criteria and without increasing the number of existing licences beyond those which were already in circulation on 1 January 2019.
- 4.2 The purpose of the extended exemption is to allow more time for existing plate licence holders to find a suitable replacement vehicles, and to lessen the impact of the pandemic on a trade which has been affected by a significant decrease in available work and a proportionately higher than average risk of infection. Both of which have impacted individual driver's abilities to earn a living. As advised in the earlier report, this proposal will neither increase the number of plates already in circulation, nor will it provide a loophole to avoid or delay the effects of policies previously agreed by your Committee.

5 Suggested Extension to Policy

- 5.1 If after due consideration, members agree the proposal has merit and should be pursued, officers make the following recommendations:

5.2 The qualifying period for the limited exemption for proprietors of hackney carriage vehicles who surrender or allow their vehicle licence to expire between 1 January 2019 and 1 January 2021, should be extended to 1 January 2024. This would allow proprietors adversely affected by the pandemic in addition to those who may be affected by the future introduction of a CAZ to apply for the grant of a new hackney carriage vehicle licence irrespective of any moratorium requirement, so long as the applicant meets all of the qualifying criteria at 5.3 i to iii. The vehicle must be of a suitable type and all licensing prerequisites applicable at the time of licensing must be complied with as detailed at 5.3 iv to vi.

5.3 Qualifying Criteria:

- i. The applicant must be a hackney carriage proprietor who held a current, valid hackney carriage vehicle licence between 1 January 2019 and 1 January 2024. Entitlement to request a new issue hackney carriage plate cannot be transferred to any other party.
- ii. The licence in question must have expired or been surrendered between those dates. There will be no entitlement to request issue of a new licence if the original vehicle was sold and/or the licence was transferred to another proprietor.
- iii. The transaction must be completed within 24 calendar months to the day of the surrender or expiry of the original licence. Any attempt to obtain a licence after that period, will be treated as a normal grant request and dealt with according to the normal requirements of a grant application, including any restrictions on the issue of new plates applicable at the time of the new application.

5.4 Issue Requirements

- iv. A new issue hackney carriage vehicle licence can be issued for a suitable vehicle qualifying as a replacement for the last vehicle associated with the expired or surrendered licence, subject to compliance with the replacement vehicle policies and any requirements of the CAZ applicable at the time of application.
- v. The transaction will be a new licence application and the fees charged will be those appropriate to a new licence application at the time of the transaction.
- vi. All normal requirements for the issue of a licence will apply, including but not limited to MOT, insurance, log-book, age and emission standards applicable at the time of the transaction.

5.5 The date of 1 January 2024 is suggested, as the current standards in respect of emissions are scheduled to change during 2026, but a review will be conducted in 2024 to consider whether the intended changes will be practically achievable. Extending the moratorium to 2024, will extend the qualifying period by three years for a total qualifying period of five years.

6. Consultation

6.1 The proposal has not been subject to a public consultation exercise but is a response to the observed effect the availability of the exemption has had in mitigating the disruptive effects of the pandemic for qualifying vehicle proprietors. With no immediate end to the pandemic in sight and continued interest from proprietors still struggling to find suitable replacement vehicles, officers believe there would be genuine value in extending the exemption.

7. Implications for Resources

7.1 Eligibility criteria will have to be checked, which will have time implications. In most cases though, it is anticipated eligibility will have been established as part of a non-chargeable enquiry before the transaction takes place and as such will be absorbed into general operating costs. Administration of the exemption to date has not had any significant impact on service delivery.

8. Implications for Policy Priorities

8.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed hackney carriage vehicles are compliant with required vehicle standards.

9. Public Sector Equality Duty

9.1 The majority of Birmingham drivers, hackney carriage or private hire are of Black, Asian or other ethnic minority origin, consequently these groups will be most affected by the impact of a CAZ on the hackney carriage trade. It has been these same groups who have been most detrimentally affected by the impact of Covid19 and it is hoped the measures contained in this report may go some small way towards helping offset the detrimental impact of the pandemic.

BIRMINGHAM CITY COUNCIL

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

10 MARCH 2021
ALL WARDS

PROSECUTIONS AND CAUTIONS – NOVEMBER & DECEMBER 2020

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of November and December 2020.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Paul Lankester
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3. Results

3.1 During the months of November and December 2020, the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 14 Environmental Health cases were finalised resulting in fines of £450,210. Prosecution costs of £18,343 were awarded. One simple caution was administered as set out in Appendix 1.
- 10 Licensing cases were finalised resulting in fines of £2,290 and sixty penalty points were issued. Prosecution costs of £4,201 were awarded. No simple cautions were administered as set out in Appendix 2.
- One Trading Standards case was finalised resulting in a fine of £240. Prosecution costs of £1,000 were awarded. Two simple cautions were administered as set out in Appendix 3.
- Seven Waste Enforcement cases were finalised resulting in fines of £4,520. Prosecution costs of £3,770 were awarded. No simple cautions were administered as set out in Appendix 4.
- Appendix 5 lists cases finalised by district from April to December 2020.
- Appendix 6 lists the enforcement activity undertaken by the Waste Enforcement Team from April to December 2020.
- Appendix 7 lists Penalty Charge Notices issued by Parking Enforcement specifically for individuals parking on Taxi Ranks across the City April to December 2020. Please note this does not include other parking tickets issued anywhere else in the City.

4. Consultation

4.1 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 business in terms of the regulation duties of the Council. Any enforcement action[s] taken as a result of the contents of this report are subject to that Enforcement Policy.

5. Implications for Resources

5.1 Costs incurred in investigating and preparing prosecutions, including officers' time, the professional fees of expert witnesses etc. are recorded as prosecution costs. Arrangements have been made with the Magistrates Court for any costs awarded to be reimbursed to the City Council. Monies paid in respect of fines are paid to the Treasury.

5.2 For the year April 2020 to December 2020 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)
£89,681 has been requested with £76,661 being awarded (85%)

Licensing
£15,921 has been requested with £5,691 being awarded (36%)

Trading Standards
£6,268 has been requested with £2,650 being awarded (42%)

5.3 For the months of November and December 2020 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)
£25,885 has been requested with £22,113 being awarded (86%)

Licensing
£10,213 has been requested with £4,201 being awarded (41%)

Trading Standards
£3,529 has been requested with £1,000 being awarded (28%)

5.4 Since the start of the financial year until the end of January 2021 the following income has been received from the courts:-

Licensing
£2,078 has been received.

Environmental Health
£36,198 has been received including Waste Enforcement cases.

Trading Standards
£1,894 has been received.

(Total £40,170).

5.5 This will not directly correlate to the values awarded in the same time period as individual cases are often cleared in instalments with the associated fines and court costs taking precedence over the settling of BCC legal costs. Therefore, income received may relate to cases from the previous financial year or earlier.

6. Implications for Policy Priorities

6.1 The contents of this report contribute to the priority action of ensuring business compliance with legislation to protect the economic interests of consumers and businesses as contained in the Council Plan & Budget (as updated 2018 to 2022).

7. Public Sector Equality Duty

7.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Licensing and Public Protection Committee which ensures that equality issues have been addressed.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

ENVIRONMENTAL HEALTH CASES**FOOD HYGIENE OFFENCES**

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|------------------------|-------------------------------|--|--|--------------------------|---------------------------------|
| 1 | 11/11/20 | Mohammed Hassan Birmingham | Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to three offences relating to the conditions found at Hajees Fish & Chips, 604 Coventry Road, Birmingham there was evidence of cockroach activity throughout the premises, there was a build-up of grease around the kebab rotisserie area and a lack of pest proofing at the entrance to the potato preparation room and the in the kitchen. | £320 £500 costs awarded (£1,831 requested) | Sparkhill | Small Heath |
| 2 | 26/11/20 | Ali Tarin Birmingham | Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to six offences: four of failing to comply with improvement notices served following an inspection at Murad Supermarket, 349 Ladypool Road, Birmingham requiring an adequate procedure to be put in place to control pests, a permanent procedure based on HACCP to be put in place, the premises to be cleaned and an adequate number of washbasins for cleaning hands to be provided with hot and cold running water and materials for hygienic cleaning and drying and two offences of having bottles of apple juice and tubs of olives with cheese and herbs on display for sale passed their use-by dates. | Total fine £1,605 £535 x 2 (food hygiene offences) £535 x 1 (use by date) No separate penalty for remaining offences £1,185 costs awarded (£1,185 requested) | Sparkhill | Sparkbrook & Balsall Heath East |

| | | | | | | |
|---|----------|--|--|---|---------------------------------|---------------------------------|
| 3 | 26/11/20 | Chillies Birmingham Ltd 827 Stratford Road Birmingham B11 4DA | Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to nine offences: six relating to conditions found at Chillies, 827 Stratford Road, Birmingham, there were no procedures based on HACCP, food handlers were not supervised or instructed in food hygiene matters, lettuce were on shelves beneath raw meat and uncovered cooked meat was hanging on skewers next to a walkway. Disinfectant/sanitiser was not used at the premises and cleaning cloths and a hand towel were dirty. Three offences of failing to comply with Hygiene Improvement Notices requiring chillers to be provided for high risk food, to put in place and maintain a permanent procedure based on the HACCP principles and to have up to date and accurate information available for all foods and drink with regards to the 14 prescribed allergens | Total fine £14,500 £13,200 (food hygiene offences) £1,300 (Improvement notice offences) £1,993 costs awarded (£1,993 requested) | Sparkhill | Sparkhill |
| 4 | 27/11/20 | Azad's Foods Ltd 69 South Road Birmingham B11 1EX | Food Safety and Hygiene (England) Regulations 2013 Found guilty in absence of eight offences: three of failing to comply with improvement notices following an inspection at Azad's Appetizers & Desserts, 69 South Road, Birmingham requiring information to be provided re prescribed allergens used in foods, a procedure based on HACCP to be implemented and food handlers to be adequately trained. One offence of being unable to provide the identity of the supplier of raw milk and four further offences relating to food hygiene breaches found at the premises on two separate occasions. There were no procedures based on HACCP, no evidence that food handlers had received adequate training and supervision, the premises were not kept clean and there was uncovered food in the fridge and open packs of flour and sugar at the premises. | £15,000 (HACCP offence) No separate penalty x remaining offences £1,283 costs awarded (£1,283 requested) | Sparkbrook & Balsall Heath East | Sparkbrook & Balsall Heath East |

| | | | | | | |
|---|----------|---|--|--|---------------------------------|---------------------------------|
| 5 | 27/11/20 | Kebrom Gebrmarim Birmingham | <p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Pleaded guilty to 17 offences: 14 relating to the conditions found at Channel Restaurant, 145A Stratford Road, Birmingham on 3 separate occasions, the standard of cleaning was poor, there was no wash hand basin designated for cleaning hands in the kitchen, cooked injura was stored in contact with non-food grade plastic and there were no procedures based on HACCP. There was sewage on the floor in the cellar, rat droppings on the stairs to the cellar and a hole in the cellar. Chopping boards were not kept clean and were heavily scored. Three offences of failing to comply with improvement notice requiring information to be provided re prescribed allergens used in foods, a procedure based on HACCP to be implemented and materials for cleaning and drying hands to be provided</p> | <p>£833 (offence 1)</p> <p>No separate penalty x remaining offences</p> <p>£1,887 costs awarded (£1,887 requested)</p> | Sparkbrook & Balsall Heath East | Sparkbrook & Balsall Heath East |
| 6 | 27/11/20 | KTI Frozen Foods Ltd Unit 17 Northside Business Centre Wellington Street Birmingham B18 4NR | <p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Pleaded guilty to 8 offences relating to the conditions found at KTI Frozen Foods, Unit 17-19 Northside Business Centre, Wellington Street, Birmingham. Mouse droppings were found throughout the premises and there were holes at floor/wall junctions allowing the ingress of pests. Onions were stored directly on the floor and they had flies on them, food was stored uncovered in the fridge and there was no soap provided at the wash hand basins. Chopping boards were dirty and heavily scored and preparation tables were damaged and heavily scored. Mouse droppings were found on packaging material and there were no procedures based on HACCP.</p> | <p>£16,666</p> <p>Costs awarded £1,903 (£1,903 requested)</p> | Soho & Jewellery Quarter | Soho & Jewellery Quarter |

HEALTH & SAFETY OFFENCES

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|------------------------|--|---|--|--------------------------|---------------------------------|
| 7 | 16/11/20 | The National Exhibition Centre Ltd Bicknell Lane Birmingham B40 1NT | Health & Safety at Work etc. Act 1974 Pleaded guilty to two offences of failing to ensure the health and safety of employees and persons not in their employment at Hall 1 of the International Convention Centre, Broad Street, Birmingham, in connection with the use and storage of scenery weights on the fly platform and the risk of them falling onto persons below. A scenery weight fell from the fly platform striking a part-time employee on the head. | £400,000 £8,864 costs awarded (£8,864 requested) | Out of area | Ladywood |

LITTER OFFENCES (NON SJP)

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|------------------------|------------------------------|--|--|--------------------------|---------------------------------|
| 8 | 9/12/20 | Faye Carter Birmingham | Environmental Protection Act 1990 Found guilty in absence of one offence of dropping a cigarette on the pavement outside Poundland on Corporation Street, Birmingham. Originally listed for trial. | £220 No costs awarded (£175 requested) | Sheldon | Ladywood |
| 9 | 9/12/20 | Tracy Thompson Birmingham | Environmental Protection Act 1990 Found guilty in absence of one offence of dropping a cigarette on the pavement outside Poundland on Corporation Street, Birmingham Originally listed for trial. | £220 No costs awarded (£175 requested) | Sheldon | Ladywood |

| | | | | | | |
|----|----------|----------------------------|--|--|-------------|----------|
| 10 | 11/12/20 | Bethany Conway Coventry | Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette on the pavement opposite Caffè Nero on Stephenson Street, Birmingham. | £40 £28 costs awarded (£175 requested) | Out of area | Ladywood |
|----|----------|----------------------------|--|--|-------------|----------|

LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE

| Date Cases Heard | Total Number of Cases | Total Fines imposed | Total Costs awarded | Total Costs requested |
|------------------|-----------------------|---------------------|---------------------|-----------------------|
| 8/12/20 | 4 | £806 | £700 | £700 |

| | Date Case Heard | Name | Fine/Penalty & Costs | Ward of defendant |
|----|-----------------|--|--|-------------------|
| 11 | 8/12/20 | Samantha Baxter Telford Proved in absence | £220 £175 costs (£175 requested) | Out of area |
| 12 | 8/12/20 | Joseph Begley Manchester Proved in absence | £220 £85 costs (£175 requested) | Out of area |
| 13 | 8/12/20 | Eamon Malin Birmingham Guilty plea | £146 £175 costs (£175 requested) | Moseley |
| 14 | 8/12/20 | Claudia Patricia Matos Bedford Proved in absence | £220 £175 costs (£175 requested) | Out of area |

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

During November and December one simple caution was administered:-

Food Safety and Hygiene (England) Regulations 2013

One caution was issued for failing to comply with Food Hygiene Regulations

APPENDIX 2**LICENSING CASES**

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|----|------------------------|---------------------------------------|---|--|--------------------------|---------------------------------|
| 15 | 11/11/20 | Foyez Ahmed Birmingham | Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences; one of plying for hire on High Street, Digbeth, Birmingham and one of consequently having invalid insurance. | £140 – no insurance + 8 penalty points No separate penalty for plying. £200 costs awarded (£815 requested) | Soho & Jewellery Quarter | Ladywood |
| 16 | 11/11/20 | Baldev Raj Smethwick | Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences; one of plying for hire on High Street, Harborne, Birmingham and one of consequently having invalid insurance. | £140 – no insurance + 8 penalty points No separate penalty for plying. £200 costs awarded (£805 requested) | Out of area | Harborne |
| 17 | 11/11/20 | Assane Abdul Aziz Adamu Birmingham | Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences; one of plying for hire on Aston Street, Birmingham and one of consequently having invalid insurance. | £140 – no insurance + 8 penalty points No separate penalty for plying. £300 costs awarded (£815 requested) | Lozells | Ladywood |

| | | | | | | |
|----|----------|--|--|---|---------------------|----------|
| 18 | 12/11/20 | Aqib Mahmood Birmingham | Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences; one of plying for hire on Alcester Road, Moseley, Birmingham and one of consequently having invalid insurance. | £445 – no insurance + 8 penalty points No separate penalty for plying. £400 costs awarded (£994 requested) | Hall Green South | Moseley |
| 19 | 12/11/20 | Hayat Ullah Zazay Birmingham | Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences; one of plying for hire on Constitution Hill, Birmingham and one of consequently having invalid insurance. | £305 – no insurance + 8 penalty points No separate penalty for plying. £450 costs awarded (£1,004 requested) | Small Heath | Ladywood |
| 20 | 25/11/20 | Raja Rashad Majeed Khan Birmingham | Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences; one of plying for hire on Hurst Street, Birmingham and one of consequently having invalid insurance. | £140 – no insurance + 8 penalty points No separate penalty for plying. £500 costs awarded (£624 requested) Magistrates found exceptional hardship and therefore did not disqualify him from driving. | Lozells | Ladywood |
| 21 | 26/11/20 | Jamil Ahmed Smethwick | Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences; one of plying for hire on Smallbrook Queensway, Birmingham and one of consequently having invalid insurance. | £350 – no insurance + 6 penalty points No separate penalty for plying. £544 costs awarded (£544 requested) | Out of area | Ladywood |

| | | | | | | |
|----|----------|-----------------------------------|--|---|-----------|----------|
| 22 | 10/12/20 | Teklebrhan Hadgu Birmingham | Licensing Act 2003 Pleaded guilty to one offence of being the holder of the premises licence in respect of premises at Selam East African Restaurant, Unit 3, 136-150 Soho Hill, Hockley, Birmingham, which was being used for a licensable activity, and failing to ensure that a summary of the current premises licence or a certified copy of that summary was prominently displayed at the premises. | £300 £900 costs awarded (£1,935 requested) | Ladywood | Lozells |
| 23 | 11/12/20 | Muhammed Bilal Mir Birmingham | Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded <u>not guilty</u> to two offences; one of plying for hire on High Street, Digbeth, Birmingham and one of consequently having invalid insurance. Found guilty following trial. | £180 – no insurance + 6 penalty points No separate penalty for plying offence £207 costs awarded (£1,207 requested) | Sparkhill | Ladywood |
| 24 | 18/12/20 | Decebal Stefan Urse Birmingham | Licensing Act 2003 Pleaded <u>not guilty</u> to one offence of exposing alcohol, namely Budweiser, Stella Artois and Corona, for sale at 610 Washwood Heath Road, Ward End, Birmingham where the sale by retail of that alcohol on those premises amounted to an unauthorised licensable activity Found guilty following trial. | £150 £500 costs awarded (£1,470 requested) | Ward End | Ward End |

LICENSING SIMPLE CAUTIONS

No simple cautions were administered during November and December 2020.

TRADING STANDARDS CASES

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|----|------------------------|---------------------------|---|--|---------------------------------|---------------------------------|
| 25 | 26/11/20 | Imran Khan Birmingham | Road Traffic Act 1988 Pleaded guilty to one offence relating to the sale of a Vauxhall Astra GTC from Platinum Motor Company Ltd, 1-6 Pickford Street, Birmingham which was in an unroadworthy condition | £240 £1,000 costs awarded (£3,529 requested) | Sparkbrook & Balsall Heath East | Bordesley & Highgate |

TRADING STANDARDS SIMPLE CAUTIONS

Two simple cautions were administered during November and December 2020.

Tobacco and Related Products Regulations 2016

One caution was issued for having boxes of Shisha containing nicotine on display which failed to contain the required health warnings on the packaging

Licensing Act 2003

One caution was issued for selling alcohol to a person under the age of 18.

WASTE ENFORCEMENT CASES

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|----|------------------------|---|---|---|--------------------------|---------------------------------|
| 26 | 12/11/20 | Devante Howell Birmingham | Environmental Protection Act 1990 Pleaded guilty to three offences; two of failing to take all reasonable measures to prevent a contravention of Section 33 in that business waste from GRUBZ, 993 Tyburn Road, Birmingham was found on the roadside on Wishaw Lane, Sutton Coldfield and one of failing to provide written information as to how waste from the business was being disposed of within 7 days. | £300 x 1 st offence No separate penalty x remaining offences £500 costs awarded (£1,145 requested) | Erdington | Sutton Walmley & Minworth |
| 27 | 3/12/20 | Bahar Supermarket Ltd Unit 24 Newtown Shopping Centre Birmingham B19 2SS | Environmental Protection Act 1990 Found proved in absence of failing to provide written information as to how the business at Bahar Supermarket, Unit 24 Newtown Shopping Centre, Birmingham disposes of its waste. | £700 £540 costs awarded (£540 costs requested) | Newtown | Newtown |
| 28 | 3/12/20 | Food and Booze Midlands Ltd 161 Hagley Road Birmingham B16 8UQ | Environmental Protection Act 1990 Found proved in absence of failing to provide written information as to how the business at Food & Booze 24, 161 Hagley Road, Birmingham disposes of its waste. | £700 £548 costs awarded (£548 requested) | Ladywood | Ladywood |
| 29 | 10/12/20 | Dennis Gerald Byrne Birmingham | Environmental Protection Act 1990 Pleaded guilty to one offence of knowingly causing controlled waste, namely tyres and bags of waste, to be deposited from a vehicle on Scribers Lane, Hall Green, Birmingham. | £300 £700 costs awarded (£1,196 requested) | Billesley | Hall Green South |

| | | | | | | |
|----|----------|--|--|--|---------------------------------|---------------------------------|
| 30 | 11/12/20 | David Bird Birmingham | Environmental Protection Act 1990 Pleaded guilty to two offences: one of knowingly causing or permitting controlled waste, namely tree stumps, cuttings, broken wood and a builder's sack containing debris, to be deposited on land behind 16 Parkdale Road, Sheldon, Birmingham and one of failing to provide written information as to how the business at Gardening Services disposes of its waste. | £320 No costs awarded (£907 requested) | Druids Heath & Monyhull | Sheldon |
| 31 | 11/12/20 | Mohammed Harmuji Ali Birmingham | Environmental Protection Act 1990 Pleaded guilty to one offence of failing to provide written information as to how the business at Balti Hut Tandoori Restaurant, 1544-1546 Pershore Road, Birmingham disposes of its waste. | £200 £300 costs awarded (£546 requested) | Balsall Heath West | Stirchley |
| 32 | 14/12/20 | 7aat Rang Ltd 399 Statford Road Sparkhill Birmingham B11 4JZ | Environmental Protection Act 1990 Found guilty in absence of two offences; one of knowingly causing or permitting controlled waste, namely black bags of waste, to be deposited on land on Stratford Road, Birmingham and one of failing to provide written information as to how the business at 7aat Rang, 417 Stratford Road, Sparkhill, Birmingham disposes of its waste. Originally listed for trial. | £2,000 (£1,000 x 2) £1,182 costs awarded (£1,182 requested) | Sparkbrook & Balsall Heath East | Sparkbrook & Balsall Heath East |

WASTE ENFORCEMENT SIMPLE CAUTIONS

No simple cautions were administered during November and December 2020.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL- DECEMBER 2020

| | Edgbaston | Erdington | Hall Green | Hodge Hill | Ladywood | Northfield | Perry Barr | Selly Oak | Sutton Coldfield | Yardley | Out of Area | Total |
|---|-----------|-----------|------------|------------|----------|------------|------------|-----------|------------------|---------|-------------|------------|
| Licensing | 2 | 0 | 1 | 1 | 12 | 0 | 1 | 1 | 0 | 0 | 0 | 18 |
| Environmental Health (FPNs) Not paid and prosecuted | 0 | 1 | 0 | 1 | 239 | 0 | 0 | 0 | 0 | 0 | 0 | 241 |
| Environmental Health (including WEU) | 0 | 0 | 6 | 6 | 10 | 1 | 1 | 1 | 2 | 6 | 0 | 33 |
| Trading Standards | 0 | 0 | 0 | 0 | 1 | 1 | 2 | 0 | 0 | 0 | 0 | 4 |

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) APRIL- DECEMBER 2020

| | Edgbaston | Erdington | Hall Green | Hodge Hill | Ladywood | Northfield | Perry Barr | Selly Oak | Sutton Coldfield | Yardley | Out of Area | Total |
|---|-----------|-----------|------------|------------|----------|------------|------------|-----------|------------------|---------|-------------|------------|
| Licensing | 0 | 0 | 2 | 3 | 5 | 0 | 2 | 0 | 0 | 2 | 4 | 18 |
| Environmental Health (FPNs) Not paid and prosecuted | 11 | 8 | 18 | 14 | 33 | 3 | 5 | 5 | 1 | 10 | 133 | 241 |
| Environmental Health (including WEU) | 0 | 2 | 7 | 2 | 10 | 3 | 1 | 2 | 1 | 2 | 3 | 33 |
| Trading Standards | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 4 |

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2020 – MARCH 2021

| | Waste Investigation Outcomes | | | | | | | | | | | | |
|---|------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
| | Apr-20 | May-20 | Jun-20 | Jul-20 | Aug-20 | Sep-20 | Oct-20 | Nov-20 | Dec-20 | Jan-21 | Feb-21 | Mar-21 | Total |
| Duty of care inspections into the waste disposal arrangements of commercial premises | 1 | 6 | 4 | 58 | 7 | 56 | 68 | 44 | 399 | | | | 643 |
| Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands) | 1 | 4 | 2 | 52 | 5 | 52 | 68 | 44 | 395 | | | | 623 |
| Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300) | 32 | 2 | 2 | 2 | 1 | 3 | 0 | 0 | 2 | | | | 44 |
| Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences (£80) | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | | | | 3 |
| Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400) | 1 | 7 | 2 | 11 | 8 | 2 | 3 | 5 | 5 | | | | 44 |
| Prosecutions | | | | | | | | | | | | | |
| Number of prosecution files submitted to legal services, (number produced quarterly) | 4 | 1 | 11 | 10 | 4 | 0 | 0 | 0 | 1 | | | | 31 |

PENALTY CHARGE NOTICES ISSUED FOR PARKING ON TAXI RANKS
APRIL 2020 – MARCH 2021

Monthly Parking Pcns Issue for
Current Financial Year in Hackney Processing
carriage ranks (excludes voids)

| | |
|----------------|-------|
| April 2020 | 42 |
| May 2020 | 62 |
| June 2020 | 111 |
| July 2020 | 185 |
| August 2020 | 253 |
| September 2020 | 227 |
| October 2020 | 247 |
| November 2020 | 148 |
| December 2020 | 130 |
| January 2021 | |
| February 2021 | |
| March 2021 | |
| TOTAL | 1,405 |

BIRMINGHAM CITY COUNCIL

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

10 MARCH 2021
ALL WARDS

**ACTION TAKEN BY THE CHAIR OF THE LICENSING
& PUBLIC PROTECTION COMMITTEE:**
January 2021

1. Summary
 - 1.1 This report advises the Committee of action taken by the Chair under authority from the Licensing & Public Protection Committee, together with an explanation as to why this authority was used.

2. Recommendation
 - 2.1 That the report be noted.

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3. Background Information

- 3.1 On 16 March 2007 Section 52 of the Road Safety Act 2006 came into force. This has had the effect of enabling a licensing authority to suspend or revoke a hackney carriage or private hire driver's licence with immediate effect – meaning that the suspension or revocation takes effect immediately once notice of the authority's decision has been given to the driver – where this decision is considered necessary in the interests of public safety.

4. Summary of Action Taken for January 2021

- 4.1 On 21 January 2021 authority was sought to revoke or suspend with immediate effect the private hire driver licence held by driver reference 3714, 2021 the Licensing Enforcement Section having received information from West Midlands Police to the effect that the driver had been arrested on two occasions in relation to offences of assault and threats to kill.
- 4.2 The interests of public safety being considered paramount, an authorisation of the Interim Assistant Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and notice was hand delivered personally to driver 3714's last known address by officers from West Midlands Police advising that his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.3 On 23 January 2021 authority was sought to suspend or revoke with immediate effect the private hire driver licence held by driver reference 51380, the Licensing Enforcement Section having received information to the effect that the driver was being investigated for an allegation of possession of class A drugs with intent to supply.
- 4.4 The interests of public safety being considered paramount, an authorisation of the Interim Assistant Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained on 23 January 2021, notice was hand delivered personally to driver 51380's last known address, advising that his private hire driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

5. Implications for Resources

- 5.1 No specific implications have been identified; however, drivers retain the right to appeal through a Magistrates' Court, which may result in the imposition of costs either to or against the City Council.

6. Implications for Policy Priorities

- 6.1 The contents of the report contribute to the City Council's published policy priority of improving the standards of licensed vehicles, people and premises in the City.

7. Implications for Equality and Diversity

- 7.1 The actions identified in this report were taken in accordance with the Regulation and Enforcement enforcement policy, which ensures that equality issues have been addressed.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

