

BIRMINGHAM CITY COUNCIL

CABINET MEMBER AND CHIEF OFFICER

THURSDAY, 06 JANUARY 2022 AT 00:00 HOURS
IN CABINET MEMBERS OFFICE, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

- 3 - 18**
- 1 **PURCHASE OF FREEHOLD – 69-73 THE PARADE, SUTTON COLDFIELD, B72 1PA, AND PURCHASE OF LEASEHOLD 75-101 THE PARADE & NEWALL RETAIL PARK, SUTTON COLDFIELD, B72 1RX**
- Report of Director; Planning, Transport and Sustainability – Ian MacLeod
Director of Council Management – Rebecca Hellard
City Solicitor and Monitoring Officer – Suzanne Dodd
- 19 - 44**
- 2 **PUBLICISING FLY-TIPPING AND ENVIRONMENTAL CRIME CASES –**
- Report of Managing Director - City operations

Birmingham City Council**Report to Leader and Cabinet Member Finance and Resources**

23rd December 2021



Subject: **Purchase of Freehold – 69-73 The Parade, Sutton Coldfield, B72 1PA, and**

Purchase of Leasehold 75-101 The Parade & Newall Retail Park, Sutton Coldfield, B72 1RX

Report of: Director; Planning, Transport and Sustainability – Ian MacLeod
 Director of Council Management – Rebecca Hellard
 City Solicitor and Monitoring Officer – Suzanne Dodd

Relevant O & S Chairs: Councillor Mohammed Aikhlaq – Resources
 Councillor Saima Suleman – Economy & Skills

Report author: Ronnie Robinson
 Principal Surveyor - Property Services
 Contact: 07780 957026 / ronnie.robinson@birmingham.gov.uk

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Sutton Trinity		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Exempt information Schedule 12A of the Local Government Act 1972 (as amended) paragraph 3. Information relating to the financial or business affairs of any particular person (including the council) Exempt Appendices 4, 5 and 6 contain sensitive commercial information on the purchase price and valuation and terms.		

1. Executive Summary

- 1.1 This report seeks authority for the purchase of the freehold interest at 69-73 The Parade, Sutton Coldfield, B72 1PA and the purchase of the leasehold interest in 75-101 The Parade & Newall Retail Park, Sutton Coldfield, B71 1RX.
- 1.2 The subject site has an area of approximately 5.44 acres and is shown edged red on the attached plan at Appendix 1. The freehold and leasehold interests are shaded blue and green respectively.
- 1.3 The report seeks authority under the delegation in paragraph 3.2 (xi) of part E of the Constitution, for the approval of acquisitions and disposals from the Investment Property Portfolio to the Leader and Cabinet Member for Finance and Resources, jointly with Director – Inclusive Growth, City Finance Officer and the City Solicitor (or their delegates) up to a limit of £25m in any one transaction.
- 1.4 This strategic purchase gives Birmingham City Council the opportunity to protect and promote the implementation of the adopted Royal Sutton Coldfield Town Masterplan which may be frustrated if the interests are sold on the open market.
- 1.5 The recommendations contained in this Report and the Exempt Appendix 4 are fully in line with the Council's wider ambitions and plans for inclusive growth and financial stability. The recommendations comply with the Birmingham City Council Plan and Budget 2018-2022, the Property Strategy 2018-2023 and the 2019 Property Investment Strategy.

2 Recommendations

- 2.1 Authorise the Assistant Director of Property to agree terms for the purchase of the freehold interest at 69-73 The Parade, Sutton Coldfield, B72 1PA and the purchase of the leasehold interest in 75-101 The Parade & Newall Retail Park, Sutton Coldfield, B71 1RX as shown edged red on attached plan at Appendix 1, and extending to 5.44 acres, from RPMI Railpen Limited.
- 2.2 Approve the purchase of the interests as a strategic purchase for the amount set out in the attached Exempt Appendix 4. A 10% deposit will be payable of exchange of contracts.
- 2.3 Authorise the City Solicitor to prepare, negotiate, execute and complete all relevant legal documentation to give effect to the above.

3 Background

- 3.1 The subject site is situated within Sutton Coldfield town centre and is a late 1990s purpose-built retail development. The buildings are of steel frame construction, with concrete floors and exterior facades comprising a mixture of facing brick, glazing and metal cladding. The net lettable area is approximately 126,000 sq ft.
- 3.2 The freehold interest benefits from 2 leases while the leasehold interest benefits from 16 sub-leases, an electricity sub-station sub-lease and a car parking management agreement. All retail units are currently occupied and trading.

- 3.3 RPMI Railpen is seeking to rebalance its property portfolio and had intended to market the property for sale early in 2022. Birmingham City Council have been given the opportunity to complete this transaction in an off-market deal.
- 3.4 External advice obtained to support the delivery of the Property Investment Strategy recommends pivoting the re-investment towards assets with strategic relevance such as regeneration. The subject site meets this aim.
- 3.5 The Report & Valuation Report produced by external agent Avison Young, attached as Exempt Appendix 4, states that by this purchase “Birmingham City Council has the opportunity to take an active role in helping to implement the adopted Royal Sutton Coldfield Town Masterplan”. The purchase has been identified as a sensible strategic move and a suitable short to medium term investment/addition to the portfolio both internally by Property Services and by external consultant Avison Young.
- 3.6 The Masterplan recognises that the town centre is in decline and that bold proposals are required to re-imagine and revitalise it. The subject site is vital to any comprehensive redevelopment and the proposed off market purchase will ensure that the property will not be developed in isolation, or worse land-banked, which could hold up the regeneration for many years. The site is adjacent to the Birmingham City Council owned Red Rose Shopping Centre. Ownership of these two assets will give the Council, working in tandem with Sutton Coldfield Town Council, an important say in the formation of the town centre redevelopment proposals and, in so doing, give the adopted Masterplan a greater chance of success.
- 3.7 The purchase is in line with the Property Investment Strategy approved by Cabinet in July 2019, which requires investment property purchases and sales to be approved by the Leader of the Council and the Cabinet Member for Resources, on the recommendation of the Director; Inclusive Growth, Chief Financial Officer and City Solicitor. Initial submissions are made to the officer Property Investment Board for assessment.
- 3.8 In July 2021 the Ministry of Housing, Communities & Local Government published a brief policy paper announcing plans to improve the capital finance framework for local authorities in England. This built upon the new Public Works Loan Board (‘PWLB’) lending guidance issued in November 2020 (which prohibited use of PWLB for those who have primarily used it for yield activities).
- 3.9 Notwithstanding this, the purchase of an investment asset is allowed when the primary objective falls within the following categories:
- Service Delivery
 - Housing
 - Regeneration
 - Preventative Action
 - Refinancing/Treasury management
- 3.10 The Constitution includes a delegation for the Members detailed in this report to approve acquisitions to, and disposals from, the Investment Property Portfolio up to a limit of £25m in any one transaction (Part E paragraph, 3.2 (xi)).

4. Options Considered and Recommended Proposal

- 4.1 **Option 1 - Do Nothing.** The Council is under no obligation to proceed with the proposal. However, failure to act is likely to lead to RPMI Railpen selling the property on the open market. There can be no guarantee that the future plans of a third-party purchaser will accord with the adopted Masterplan.

- 4.2 Option 2 – Proceed with the Agreed Transaction.** It is recommended to proceed with the transaction outlined in this report in order to grow the Council's ownership in Sutton Coldfield town centre and in so doing improve the ability of the Council to influence the much needed regeneration proposals.

The acquisition is in line with the aims of the Property Strategy. Taking on board PWLB guidance external advice obtained to support the delivery of the strategy recommends pivoting re-investment towards assets with strategic relevance such as regeneration. The subject site meets this aim.

5. Consultation

- 5.1 The Property Investment Board comprising officers from Property Services, Finance and Legal recommends proceeding with the transaction.
- 5.2 The transaction is also recommended by appointed external agent Avison Young.
- 5.3 Sutton Trinity ward member and Sutton Coldfield Town Council have been notified of the proposed purchase of this property.
- 5.4 No external consultation is necessary for this commercial transaction.

6. Risk Management

- 6.1 The main risk is that one or more of the companies holding the occupational leases experiences financial difficulties and defaults on the rent. This risk is reduced in that most of the sub-leases are with companies with good credit scores (see Exempt Appendix 3). Avison Young are of the opinion that vacancies that arise will be attractive to alternative occupiers at market rental.

7. Compliance Issues

- 7.1 The acquisition complies with statutory guidance 'Statutory Guidance on Local Government Investments 3rd Edition' effective for financial years commencing on or after 1 April 2018, CIPFA Guidance, as well as all current legislation including the Local Government Act 1972 and the Local Government Act 2003.
- 7.2 The proposal is consistent with Birmingham City Council Plan 2018-2022 (updated) priorities such as the acquisition of new investment properties and disposal of under-performing properties will help the Council meet its aspirations to be a great city to grow up in, live in, work and invest in.
- 7.3 The acquisition is consistent with the aims set out in both the Birmingham Property Strategy 2018-2023 which seeks to grow income and the Property Investment Strategy 2019 which sets out more detailed guidelines for investment decisions. The acquisition follows the guidelines as set out in the Investment Decision Matrix at Appendix 2 which is a scoring methodology introduced by CBRE, who were interim property consultants supporting Property Services with its Property Strategy. The scoring was provided by Avison Young.

8. Legal Implications

- 8.1 Section 120 of the Local Government Act 1972 authorises the Council to acquire land for the purposes of any of their statutory functions.

- 8.2 Section 1 of the Localism Act 2011 contains the Council's general power of competence, which is circumscribed only to the extent of any applicable pre-commencement restrictions and any specific post-commencement statutory restriction of the power, and Section 111 of the Local Government Act 1972 contains the Council's ancillary financial and expenditure powers in relation to the discharge of its functions including the disposal and acquisition of property.
- 8.3 The Local Government Act 2003 and guidance issued under it authorises the Council's investment management functions
- 8.4 Exempt information: Schedule 12A of the Local Government Act 1972 (as amended) paragraph 3. Information relating to the financial or business affairs of any particular person (including the Council). Exempt Appendices 4, 5 and 6 are considered to be in the public interest to treat as exempt information as they contain commercially sensitive information of a financial or business nature, which if disclosed to the public could be prejudicial to a named person, individual or company.
- 8.5 The Council's in-house Legal team will complete all legal matters associated with the transaction.

9. Financial Implications

- 9.1 As part of the Cabinet approved Property Strategy it was envisaged that underperforming properties would be sold and replaced by new acquisitions that provided a better strategic fit.
- 9.2 Given the uncertain timing involved in transactions a 'bridging loan' facility of £50m is included in the capital budget, funded by property disposals. Depending on the exact timing of disposals and acquisitions there may be a short-term cost in terms of borrowing and rent loss, but the expectation is this will be reversed through the optimisation of the property portfolio.
- 9.3 The property is elected for VAT and therefore VAT will be payable on the purchase price. However, provided the Council opts to tax on or before the transfer date, the sale can be treated as a transfer of a going concern ('TOGC') such that no VAT will be payable by the Council on the acquisition. The Council's option to tax is in progress. Furthermore, TOGC treatment will generate a saving for the Council in respect of Stamp Duty Land Tax ('SDLT') as SDLT is payable on the total purchase price, including any VAT. Therefore, if VAT is not payable, SDLT is due on a lower value than if VAT were payable.

10. Human Resources Implications

- 10.1 Internal resources are used to evaluate and execute the transaction and external consultants have been used to provide an independent assessment of value.

11. Public Sector Equality Duty

- 11.1 An Equality Assessment has been carried out and is attached at Appendix 6. This identifies no adverse impacts on any groups protected under the Equality Act 2010.

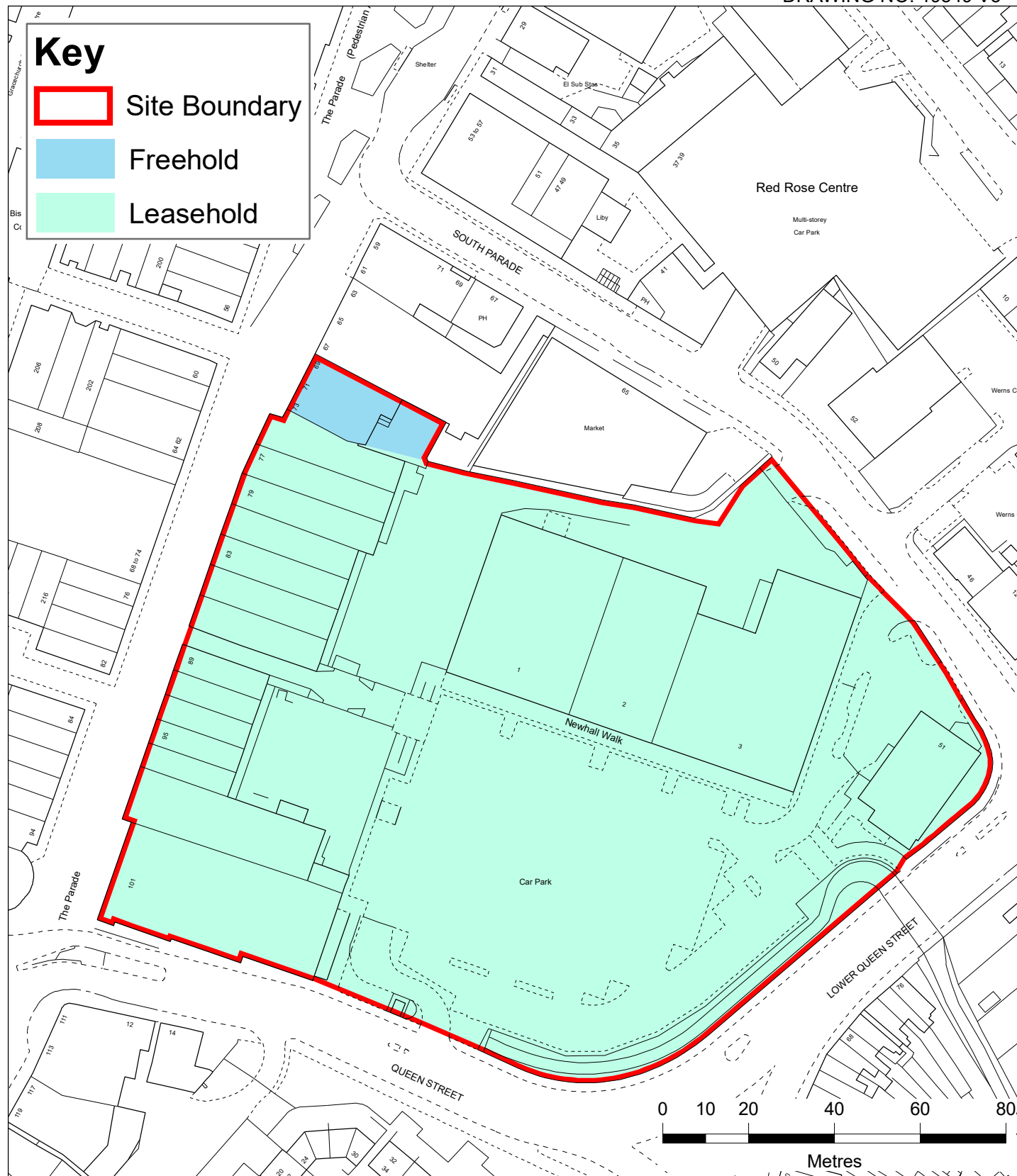
12. Appendices

- Appendix 1 - Site Plan
- Appendix 2 - Investment Decision Matrix

- Appendix 3 - (Exempt) Sub-tenants - Credit scores and Financial Performance
- Appendix 4 - (Exempt) - Valuation & Recommendation Report
- Appendix 5 - (Exempt) - Financial Information
- Appendix 6 – Equality Assessment EQUA802

13. Background Documents

- Property Strategy (Approved by Full Cabinet – November 2018)
- Property Investment Strategy (Approved by Full Cabinet – July 2019)



AREA EDGED RED

2.20

HECTARES APPROX.

5.44

ACRES APPROX.



Birmingham
City Council

Kathryn James
Assistant Director Property
Inclusive Growth Directorate
10 Woodcock Street
Birmingham, B7 4BG

Site At
Newhall Walk / The Parade
Sutton Coldfield



SCALE

DRAWN

DATE

1:1,250

Bharat Patel

14/12/2021

O.S.Ref SP1295NW

Investment Decision Matrix for The Parade / Newhall Walk, Sutton Coldfield Acquisition

Criteria	Criteria Description	Comments	Weighted Score	Exceptional (5)	Good (4)	Acceptable (3)	Marginal (2)	Poor (1)
Portfolio Strategy Context	The extent to which the property meets the strategy and contributes to the achievement of a diversified portfolio.	The property grows income which is a key aim of the Property Strategy. Car parking occupational leases add to the mix of retail.	12		x			
Location: Macro	Quality of the area with regard to the property use.	Tactical position in the heart of Sutton Coldfield – strategic land holding for future redevelopment and regeneration of the Town in accordance with the towns Masterplan.	12		x			
Location: Micro	Quality of the locality within the wider area with regard to property use.	This acquisition by BCC could bring together two adjacent sites creating central ownership (separated by South Parade) in excess of 8 acres. The subject site is approximately 5.4 acres. The Red Rose Centre and various ancillary landholding (already in BCC's ownership) are estimated at c.3 acres. These ownerships are in decline (occupationally and physically) and larger scale ownership may assist regeneration of BCC's declining existing assets and specifically the relocation of car parking.	15	x				
Tenant Covenant	Ability of the tenants to pay the rent for the duration of the lease - credit rating.	The majority of tenants have good credit ratings. Please see separate appendix with Creditsafe summaries.	12		x			
Building Quality	Quality of the building compared to Grade A.	The retail park is considered to be in fair condition, commensurate with its age, use and construction, subject to maintenance issues, compliance matters and defects which require attention in the short to medium terms. However, we did not identify any significant defects that could not be attended to by the implementation of a planned preventative maintenance programme (PPM).	12		x			
Lease Term	Length for which income is secured.	WAULT of 5.1 years to expiry and 4.1 years to break as per the tenancy schedule in the Heads of Terms.	9			x		
Lease Structure	Rent reviews, tenant repairing obligations.	The leases are FRI and hence there are no costs for the Landlord. Other terms are standard. A summary of non-recoverable (service charge caps) and car park income deductibles is detailed in Appendix 4 of the Avison Young Management Report.	0					
Rental Growth Prospects	Rent review timing and likelihood of an increase/decrease.	There may be scope for an increase in rent in some of the units - we have detailed this in a separate tenancy schedule document.	9			x		
Occupational Demand	Anticipated demand from alternative occupiers if tenants leave.	The demand for retail units in this area is good. Some units are viable for leisure uses.	12		x			
Management Intensity	Complexity / costs of managing the property.	Low management intensity as leases are FRI. There are some complexities around the treatment of car park income and dealing with tenant service charge caps and dealing with the void space within the scheme, but these can be effectively managed via the use of a professional managing agent.	0					
Liquidity	Ability to quickly sell the property in return for cash.	We think this will have fair liquidity.	8		x			
Alternative Use / Underlying Value	The opportunity to explore added value by changing use.	The Gross Development Value of redevelopment will be sizeable, but no scheme has been worked up to analyse. Note – any future scheme could have residential included as part of a mixed-use scheme to help meet Birmingham's housing targets.	10	x				
Tenure	Freehold / leasehold, ground rent considerations.	Part long leasehold and part freehold with no restrictions.	8		x			
Asset Management Opportunities	Opportunities to add value.	There is probably little scope to add value initially (beyond lease renewals / rent reviews) but this changes when the leases expire and alternative uses may be sought as part of a wider development.	0					
Financial Return		There is a good yield on the outlay - around 11.28%.	20	x				
			139	out of maximum 200				

Title of proposed EIA	Purchase of Freehold – 69-73 The Parade, Sutton Coldfield, B72 1PA, and Purchase of Leasehold 75-101 The Parade & Newall Retail Park, Sutton Coldfield, B72 1RX
Reference No	EQUA802
EA is in support of	New Function
Review Frequency	Annually
Date of first review	15/12/2022
Directorate	Inclusive Growth
Division	Property Services
Service Area	Investment Property Management
Responsible Officer(s)	<input type="checkbox"/> Felicia Saunders
Quality Control Officer(s)	<input type="checkbox"/> Eden Ottley
Accountable Officer(s)	<input type="checkbox"/> Eden Ottley
Purpose of proposal	To seek authority for the purchase of the freehold interest at 69-73 The Parade, Sutton and the purchase of the leasehold interest in 75-101 The Parade & Newall Retail Park
Data sources	Consultation Results; relevant reports/strategies; relevant research
Please include any other sources of data	
ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Service Users / Stakeholders; Wider Community; Not Applicable
Age details:	The purchase of freehold 69-73 The Parade, and the purchase of the leasehold at 75-101 The Parade and Newall Walk Retail Park, will not have a negative impact on the grounds of age due to the fact any sale will have to be to an individual of an adult age.
Protected characteristic: Disability	Service Users / Stakeholders; Wider Community; Not Applicable
Disability details:	The purchase of freehold 69-73 The Parade, and the purchase of the leasehold at 75-101 The Parade and Newall Walk Retail Park, will not have a negative impact on the grounds of disability. However, subject to future use the purchaser/new owner would be

purchase, not other means as

responsible for any access to work obligations.

Protected characteristic: Sex

Service Users / Stakeholders; Wider Community; Not Applicable

Gender details:

The purchase of freehold 69-73 The Parade, and the purchase of the leasehold at 75-101 The Parade and Newall Walk Retail Park, will not be conducted on the basis of gender. Therefore, there are no negative impacts in relation to this protected characteristic.

Protected characteristics: Gender Reassignment

Service Users / Stakeholders; Wider Community; Not Applicable

Gender reassignment details:

The purchase of freehold 69-73 The Parade, and the purchase of the leasehold at 75-101 The Parade and Newall Walk Retail Park, will not be conducted on the basis of gender reassignment. Therefore, there are no negative impacts in relation to this protected characteristic.

Protected characteristics: Marriage and Civil Partnership

Service Users/ Stakeholders; Wider Community; Not Applicable

Marriage and civil partnership details:

There are no known conditions for which the assets to be acquired by Birmingham City Council at 69-73 The Parade, and the purchase of the leasehold at 75-101 The Parade and Newall Walk Retail Park, will be conducted in the context of marital

status. Therefore there are no negative impacts or implications for this characteristic.

Protected characteristics: Pregnancy and Maternity

Service Users / Stakeholders; Wider Community; Not Applicable

Pregnancy and maternity details:

There are no known conditions for which the assets to be acquired by Birmingham City Council at 69-73 The Parade, and the purchase of the leasehold at 75-101 The Parade and Newall Walk Retail Park, will be conducted in the context of pregnancy. Therefore there are no negative impacts or implications for this characteristic.

Protected characteristics: Race

Service Users / Stakeholders; Wider Community; Not Applicable

Race details:

The purchase of freehold 69-73 The Parade, and the purchase of the leasehold at 75-101 The Parade and Newall Walk Retail Park, will not be conducted on the basis of race. Therefore, there are no negative impacts in relation to this protected characteristic.

Protected characteristics: Religion or Beliefs

Service Users / Stakeholders; Wider Community; Not Applicable

Religion or beliefs details:

The purchase of freehold 69-73 The Parade, and the purchase of the leasehold at 75-101 The Parade and Newall Walk Retail Park, will not be conducted on the basis of religion. Therefore, there are no negative impacts in relation to this protected characteristic.

Protected characteristics: Sexual Orientation

Service Users / Stakeholders; Wider Community; Not Applicable

Sexual orientation details:

The purchase of freehold 69-73 The Parade, and the purchase of the leasehold at 75-101 The Parade and Newall Walk Retail Park, will not

be conducted on the basis of sexual orientation. Therefore, there are no negative impacts in relation to this protected characteristic.

Socio-economic impacts

Please indicate any actions arising from completing this screening exercise.

Please indicate whether a full impact assessment is recommended NO

What data has been collected to facilitate the assessment of this policy/proposal?

Consultation analysis

Adverse impact on any people with protected characteristics.

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

How will the effect(s) of this policy/proposal on equality be monitored?

What data is required in the future?

Are there any adverse impacts on any particular group(s) No

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

The proposal seeks authority for the purchase of the freehold interest at 69-73 The Parade, Sutton Coldfield, B72 1PA and the purchase of the leasehold interest in 75-101 The Parade & Newall Retail Park, Sutton Coldfield, B71 1RX.

This strategic purchase gives Birmingham City Council the opportunity to protect and promote the implementation of the adopted Sutton Coldfield Town Masterplan.

The site is situated within Sutton Coldfield town centre is a late 1990s purpose built retail development. The buildings are of steel frame construction, with concrete floors and exterior facades comprising a mixture of facing brick, glazing and metal cladding. The net lettable area is approximately 126,000 sq ft.

External advice has been obtained to support the delivery of the Property Investment Strategy which recommends pivoting the re-investment towards assets with strategic relevance such as

The acquisition complies with statutory guidance 'Statutory Guidance on Local Government Investments 3rd Edition' effective for financial years commencing on or after 1 April 2018, [CIPFA Guidance].

Consulted People or Groups

Informed People or Groups

Summary and evidence of findings from your EIA

The Property Investment Board comprising officers from Property Services, Finance and Legal recommends proceeding with the transaction.

Sutton Trinity Ward Member(s) and Sutton Town Council have been notified of the proposed purchase of this property.

No external consultation is necessary for this commercial transaction.

The purchase is in line with the Property Investment Strategy approved by Cabinet in July 2019, which requires investment property purchases and sales to be approved by the Leader of the Council and the Cabinet Member for Resources, on the recommendation of the Director; Inclusive Growth, Chief Financial Officer and City Solicitor. Initial submissions are made to the officer Property Investment Board for assessment.

The proposed sale transaction and generation of a capital receipt supports the Financial Plan 2021-2025

by generating resources and thus helping to achieve a balanced budget.

The individual units on the estate are currently let on periodic tenancies with internal repairing obligations. If the City Council is to retain the estates, significant expense will be incurred in respect of both the immediately necessary and future repair and maintenance work. There are additional holding costs related to this asset for the cost of BCC officer time incurred in managing the estates as part of the wider city.

Having reviewed all protected characteristics, it has been determined there are no issues which impact negatively on any members of the community and therefore a full equality assessment is not required.

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

Yes

Quality Control Officer comments

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

Yes

Decision by Accountable Officer

Approve

Date approved / rejected by the Accountable Officer

17/12/2021

Reasons for approval or rejection

Please print and save a PDF copy for your records

Yes

Content Type: Item

Version: 34.0

Created at 15/12/2021 10:16 AM by ☐ Felicia Saunders

Last modified at 17/12/2021 11:07 AM by Workflow on behalf of ☐ Eden Ottley

Close

Birmingham City Council

Report to Cabinet Member for Street Scene and Parks

6 January 2022



Subject: Publicising Fly-tipping and Environmental Crime Cases – Proposed Policy

Report of: Rob James - Managing Director City Operations

Relevant Cabinet Member: Councillor John O'Shea - Street Scene & Parks

Relevant O &S Chair(s): Councillor Carl Rice – Co-ordinating Overview and Scrutiny Committee

Report author: Aaron Osborne-Taylor
aaron.osborne-taylor@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 A report was considered by Cabinet on 27 July 2021 proposing a Policy relating to the publication of information in support of tackling environmental crime and principally the offence of fly-tipping.
- 1.2 Cabinet approved the Policy framework proposal subject to commencing a public consultation on the Policy.

- 1.3 Cabinet agreed that if there were no material changes to the Policy following the consultation, then approval of the final Policy and its implementation would be delegated to the Cabinet Member for Street Scene and Parks
- 1.4 A public consultation was run from 11 August 2021 to 7 September 2021 with 95% of the respondents agreeing with the proposed Policy.
- 1.5 The final Policy and Publication Risk Matrix (the Operating Procedures) have been reviewed by the Council's Legal Officers.

2 Recommendations

That the Cabinet Member for Street Scene and Parks

- 2.1 Notes that no material changes are to be made to the proposed Policy following public consultation.
- 2.2 Approves the Policy attached at Appendix A and authorises its implementation in accordance with the Publication Risk Matrix (the Operating Procedures) set out in the Policy.

3 Background

- 3.1 The Cabinet Report of 27 July 2021 presented a detailed background and reasons for the proposed Policy relating to the publication of information in support of tackling environmental crime and principally the offence of fly-tipping.
- 3.2 This report is to confirm the outcomes of the Public Consultation.

4 Consultation

- 4.1 A public consultation was run from 11 August 2021 to 7 September 2021. It was run on the Be Heard Birmingham portal, promoted via the Council's social media channels, and by Members.
- 4.2 341 responses were received, overwhelming supporting the proposed Policy with 95% agreeing or strongly agreeing:

Option	Total	Percent
Strongly Agree	296	86.80%
Agree	28	8.21%
Neither Agree nor Disagree	4	1.17%
Disagree	2	0.59%
Strongly Disagree	11	3.23%
Not Answered	0	0.00%

- 4.3 285 respondents left a narrative comment regarding the proposed Policy,
- 4.4 Of the responses in agreement, a consistent comment was that the proposed Policy will act as a deterrent, and that enforcement is positively needed.

- 4.5 Of the 13 responses in disagreement, the comments ranged from general concerns about privacy, overreach of power, to cost.
- 4.6 To address responses regarding privacy, the Policy and Publication Risk Matrix additionally require consideration of the Ministry of Justice *Guidance on Publicising Sentencing Outcomes* in relation to, and prior to, any publication.

5 Risk Management and Legal Implications:

- 5.1 The legal basis for the Policy itself was stated in the Report to Cabinet of 27 July 2021. The Policy, Publication Risk Matrix (Operating Procedures) and Consultation responses have been further reviewed by the Council's Legal Officers and City Solicitor.
- 5.2 No material changes have been made to the Policy in respect of the legal basis. To improve the Council's risk posture and to address responses to regarding privacy, consideration of the Ministry of Justice *Guidance on Publicising Sentencing Outcomes* is now reflected in the Policy and Publication Risk Matrix, along with other clarifications relating to publication procedures.
- 5.3 The Council's City Solicitor will continue to provide legal oversight and advice in respect of the Policy in relation to governance and compliance matters.

6 Compliance Issues:

How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 6.1 The proposals within the Policy support the delivery of the Council Priority "Birmingham is a great city to live in" in terms of the Council's commitment to work with residents and businesses to improve the cleanliness of the city, and as set out in the Birmingham City Council Plan 2018 – 2022. Additionally, the Policy proposal supports the aims and objectives of the Housing and Neighbourhoods Overview and Scrutiny Committee review on 'Reducing Fly-tipping'.
- 6.2 The Policy proposal forms part of the suite of street scene improvements and initiatives that are in progress, including: working with Keep Britain Tidy on developing long term strategies to start the cultural change to reduce household waste dumping and to increase responsible behaviours; recruitment of additional fly-tipping crews and enforcement officers; and developing community engagement and civic pride through the Love Your Street programme.

7 Financial Implications

- 7.1 None applicable in relation to the consultation outcomes. Financial implications in relation to the Policy were stated in the Report to Cabinet of 27 July 2021.

8 Procurement Implications

- 8.1 None applicable.

9 Human Resources Implications

9.1 None applicable.

10 Public Sector Equality Duty

10.1 The implications of the Policy in relation to the Public Sector Equality Duty were stated in the Report to Cabinet of 27 July 2021.

10.2 The public consultation has not identified any need to perform a further equality analysis prior to implementation of the Policy.

11 Appendices

11.1 Appendix A - Publicising Fly-tipping and Environmental Crime Cases Policy and Publication Risk Matrix (the Operating Procedures)

BIRMINGHAM CITY COUNCIL

Policy -

Publicising Fly-tipping and Environmental Crime Cases

2021

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1. Introduction

Birmingham City Council has set a priority of working with residents and businesses to improve the cleanliness of the City. Achieving this will require a collective effort from individuals, communities, businesses, landowners, broader Council and other public services as well as specifically those who deliver waste collection and clearance activities. The Council uses three approaches to help improve street cleanliness and these are: ensuring effective street *cleaning* and rubbish removal; *engaging* with residents and businesses to support proper waste disposal practices; and *enforcing* the law to deter and tackle environmental offences like fly-tipping.

Fly-tipping and associated environmental crime impacts on the quality of the environment. It causes blight in the communities where people live and work and dealing with the defacement is costly and time consuming. The Environmental Protection Act 1990, The Clean Neighbourhoods and Environment Act 2005 and The Anti-Social Behaviour, Crime and Policing Act 2014 are the main statutory provisions which give local Councils powers to take enforcement action over environmental offences. Taking enforcement action is intended to address offender behaviour, but also to deter others from committing environmental crime.

Enforcement is the process of ensuring compliance with laws, regulations, rules and standards. This policy supports the Council's existing Enforcement Policy which governs how regulatory action is carried out and describes how fairness, proportionality, transparency and consistency are to be achieved and sets out how decisions are made:

[\[https://www.birmingham.gov.uk/downloads/file/405/regulation_and_enforcement_-_enforcement_policy\]](https://www.birmingham.gov.uk/downloads/file/405/regulation_and_enforcement_-_enforcement_policy)

Taking enforcement action often requires support from third parties, for example evidence provided by eyewitnesses, and investigation assistance from law enforcement or other relevant partners. The ability to enforce the law requires suspect offenders' identity and whereabouts to be established.

Many instances of fly-tipping are unwitnessed. For those that are, witnesses may not want to make a formal statement. This is especially the case for fly-tipping in the street where the offender may be a neighbour of the eyewitness. This affects the Council's ability to investigate crimes and to appropriately deal with offenders,

which is vitally important to the Council's efforts to reduce fly-tipping and environmental crime.

This Policy is designed to assist with the identification of suspect offenders, where investigatory lines of enquiry have been exhausted, through the publication of the details of incidents, cases and suspects, and where it is legally appropriate.

2. Scope of the Policy

This policy covers:-

- The publication of images or descriptions of individuals who commit or who are suspected of committing fly-tipping and environmental crime where they cannot be identified through any other reasonable lines of enquiry and where it is deemed appropriate and proportionate. [It is not intended that images or descriptions of persons legally defined as 'juveniles' i.e. under 18 years of age will be published].
- The publication of images or descriptions of incidents where no individual or group is identifiable, for example images or description of a vehicle which is used to offend or where characteristic material is dumped.
- The publication of the details from enforcement outcomes concluded at court, including the name and/or images showing the nature of the criminal activity, where it is deemed appropriate and proportionate. [The principal avenue for publication will continue to be via *court reporting* following the conclusion of court hearings and through the details already published on an ongoing basis as part of the Council's Licensing and Public Protection Committee report entitled Prosecution and Cautions].

This approach will enable the Council and its partner law enforcement agencies to raise awareness over the action taken. It will also actively encourage local communities and businesses to take a stand against the inconsiderate behaviour of a minority of environmental offenders.

This policy covers the publication of private information under defined criteria relating to the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties.

3. Aims of the Policy

The primary aim is to enable the publication of information related to fly-tipping and environmental crime in support of law enforcement enquiries. The secondary aim in publicising information from enforcement outcomes concluded at court is in assisting with the prevention of offending behaviour. The purpose of this policy is to assist the Council in deciding whether publication is necessary and proportionate. This policy provides a framework for assessing fairness, lawfulness and transparency to:

- Provide clear and consistent guidance in establishing if it is necessary and proportionate to make a disclosure via publication.
- Ensure openness in the reporting of criminal investigations and proceedings.
- Ensure that the Council acts in accordance with general public law principles, and with national guidance.
- Ensure that the Council fully considers and is compliant with the relevant data protection, privacy and human rights requirements, (including certain limited individual's rights under Part 3 of the DPA 2018).
- Ensure that the Council acts in a way that achieves the purpose of the policy and to reduce fly-tipping.

4. General Principles of using publicity to assist law enforcement

The ability for the Council to publicise images and descriptions relating to fly-tipping and environmental crime is governed by several statutory provisions. Images include CCTV, photographs and other similar media. Processing imagery is lawful where the purpose is for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, as these fall under the scope of the Law Enforcement Directive (LED (EU2016/680) which was brought into UK law by Part 3 of the Data Protection Act 2018. This complements the UK General Data Protection Regulation which sets out requirements for processing personal data relating to criminal convictions and offences.

Several associated statutory provisions provide legal frameworks for conducting law enforcement enquiries, discharging statutory functions of the Council and sharing information between regulators and these include:

- Crime and Disorder Act 1998 – Section 115 provide statutory agencies, including the Council, with the ability to disclose information in any case where the disclosure is necessary or expedient for the purposes of any provision of this Act.
- Criminal Justice and Public Order Act 1994 – Section 163 enables a local authority to provide apparatus for recording visual images of events occurring on any land in their area to promote the prevention of crime or the welfare of the victims of crime.
- Local Government Act 1972 – Section 111 provides local authorities with the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

There must be a balance between the rights of an individual [including a person suspected of committing a crime] and those of the wider community. Any decision to publicise an image must be for a legitimate purpose, be necessary and proportionate.

Any decision to publicise an image must consider the reasonably foreseeable impact on victims or witnesses. Safety and threat assessment consideration will take precedence over any publication proposal. Law enforcement and other partners should be consulted, where relevant, for example where policing, anti-social behaviour, child protection, or wider safeguarding aspects form part of an investigation. Publication considerations may include the following elements in support of decisions based on the Law Enforcement Directive (LED (EU2016/680)) incorporated into Part 3 of the Data Protection Act 2018:

- Prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties
- Encouraging witnesses and/or victims to come forward
- Discouraging offenders
- Reassuring and informing the public
- Reinforcing confidence in the criminal justice system
- Identification of suspects and offenders
- Raising public awareness

The Council recognises that poor quality static or video images increase the risks of misidentification and therefore this risk factor will form part of publication considerations.

For publication of an image to be *necessary* in pursuit of a legitimate purpose, all other reasonable lines of enquiry for identifying and/or tracing a suspect will have been explored or ruled out for legal reasons.

The effect on third parties must be assessed and mitigated as part of all considerations and decisions to publicise imagery. [It is anticipated that only the minimum necessary details are released and personal data relating to a third party, unconnected with an investigation or person not considered to be a suspect is obscured from any publicised material].

All the circumstances of a case must be taken into account when considering whether it is proportionate to publicise images. The nature and circumstances of the offence is highly relevant, and the more serious the offence, or scale of the offence the easier it will be to justify the release as being proportionate. The minimum baseline threshold for consideration of publication where no other reasonable identification/tracing lines of enquiry exist is where it would be appropriate to issue a fixed penalty notice in respect of the offence. This includes the 'fly-tipping' fixed penalty under Section 33 of the Environmental Protection Act 1990. [It is not envisaged that publication would be considered for civil penalty offences relating to advancement of household waste under Section 46 of the Environmental Protection Act 1990 or littering from vehicles under The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018]. The following factors may also be considered:

- Nature of the offence
- Vulnerability of any potential victims
- Level of impact on the environment
- Level of impact on the public/community and/or individuals
- Prevalence of local crime
- Repeat offending
- Public interest

5. Procedure for publicising fly-tipping and environmental crime offences.

In all cases, publication of personal information will only be done if it is in the public interest. The following criteria, which **are** not exhaustive, may be used as a basis for assessing public interest and appropriateness of publication:

- Publicising is in the public interest either due to the scale, location or impact of the offending behaviour.

- If a successful prosecution has been achieved at court and the other criteria have been considered, publicity may still be used. The criteria for publication would be based upon the following:
 - Release of information is being made in connection with a recently concluded court case and potentially being done in conjunction with the release of information through other channels, for example through press releases. Any publication would have due regard to the Ministry of Justice guidance on *Publicising Sentencing Outcomes* which is guidance for public authorities on publicising information (including via the internet) about individual sentencing outcomes within the current legal framework:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/487464/20150413-Publishing_Sentencing_Outcomes_MoJ_Guidance_HQMCSPA-O.pdf).
 - Release of information which references court outcomes and interventions against fly-tipping and environmental crime offending more generally, for example through the city's network of digital information screens. Publication will be limited to outline details for the nature of the incident, its location and sanction imposed by the court. Information identifiable to an offending individual or business would not ordinarily form part of publication as to do so may breach legal duties and the purpose of this policy is not to 'name and shame' a person or company.
- No publication will be considered where a suspect in an investigation enquiry is known or believed to be under the age of 18 or to have a vulnerability that may put them [or their household or business] at risk.
- No publication will be considered where there is a foreseeable risk that release of information could adversely impact on community cohesion or add to community tensions.
- In circumstances where fly-tipping and environmental crime affects privately owned land, specific consideration will be given to the views of the landowner affected. This is to mitigate the risk from publication of imagery that identifies a victim as they may not wish to be identified.
- Where still or video images are to be used, these will ordinarily only be published where they have been obtained through a public body, such as the Council or Police and not a third party, such as a private individual or private business. Images of third parties will be suitably obscured before images are disclosed to the media or published on the Council's website or other approved media portal.

- Publication relating to suspects or defendants, which is not governed by specific national guidance, would have due regard to approaches and decision making operated by relevant law enforcement agencies, including the Police.
- Release of personal information will only be undertaken if it is in support of a lawful purpose or forms part of court reporting arrangements.

Care will be taken when releasing images of unknown suspects to ensure that the wording accompanying the image is accurate in the context that a 'suspect' is a *person suspected of involvement with a crime but who has not been charged, summoned to court or convicted of the offence alleged*. Officers will take all reasonably necessary steps to ensure that they have a high degree of confidence that the person in the image is a clear suspect in the investigation as opposed to a 'person of interest' who may be able to assist an enquiry.

Where the suspect is known, it is unlikely to be appropriate to release their image unless other means of tracing the individual have been attempted. There are always exceptions and the Council will seek specific legal advice before publication of images of known individuals is considered. Prior to any publication the Council will notify the Council's Community Safety team to minimize the risk that publication might compromise unrelated anti-social behaviour or policing enquiries or investigations. They will engage with Birmingham Community Safety Partnership (BCSP) agencies to assist with this.

Progression to publication involves three stages with the considerations and decisions of each stage recorded via a Publication Risk Matrix (PRM), shown in Appendix 1.

Stage 1: - The Officer in Charge (OIC) of the investigation within the Council's waste enforcement team comments regarding operational factors which support or lead away from supporting publication. Where necessary, the OIC will consult with the Council's Legal Services team if legal queries have arisen, which are relevant to any consideration over publication.

To aid decision making, the framework and checklists set out in the following guidance documents, so far as they are relevant, will be used in respect of publication considerations: -

- Ministry of Justice *Guidance on Publicising Sentencing Outcomes* (<https://assets.publishing.service.gov.uk/government/uploads/system>

/uploads/attachment_data/file/487464/20150413-Publishing_Sentencing_Outcomes_MoJ_Guidance_HQMCSPA-O.pdf)

- Association of Chief Police Officer of England, Wales & Northern Ireland *guidance on the release of images of suspects and defendants* (<https://library.college.police.uk/docs/acpo/ACPO-Guidance-Release-Images-Suspects-Media.pdf>)

Any decision to progress to stage 2 will be managed within the Council's waste enforcement team.

Stage 2: - The Council's Community Safety team will be notified of the publication proposal. The primary purpose of this is to ensure that relevant Birmingham Community Safety Partnership (BCSP) agencies can comment regarding relevant risk factors to publication or advise to halt publication in appropriate situations, and specifically in respect of identifying or tracing suspects. Examples, of relevant risk factors include where BCSP agencies have information relating to the vulnerabilities of suspects or victims or where there are cross-agency investigatory considerations that may not be known or available at stage 1 of this process.

It is unlikely that either the Community Safety team and relevant BCSP agencies will need to comment on publication of material relating to sentencing outcomes, including information which may already be in the public domain or that becomes public during court proceedings.

Any decision to progress to stage 3 will be managed within the Council's waste enforcement team and be subject to no contra-indicators to publication being received from the BCSP.

Stage 3: - The Council's Communications team comment regarding press considerations which lead away from supporting publication.

The communications team manage publication, including the preparation, posting and distribution of imagery through recognised media portals. This also includes management of processes to remove publicised images from Council-controlled media platforms.

Any decision to progress to publication will be managed within the Council's Communication team and be subject to there being no contra-indicators to publication from stage 1 and stage 2, and there being no journalistic or other reporting restrictions.

6. Arrangements relating to the identification of suspects through publicising images or descriptions of persons or incident details

The Council is governed by the requirements of the Police and Criminal Evidence Act 1984 which includes controls over how and when identification processes can be used. The Waste Enforcement Unit or relevant officer in charge of a specific fly-tipping/environmental crime investigation will be the point of contact for any information ['leads'] resulting from publication. Incoming information will remain confidential to any investigation enquiries. If any individual featured in published images comes forward or is and is subsequently eliminated from enquiries, the Council's communications team will be informed immediately so that any necessary updates or redaction to published material can be made.

7. Working with partners and data sharing

Fly-tipping and environmental crime offences and offenders are not confined to geographic borders. Where appropriate to the prevention, apprehension, or detection of crime, information proposed for publication and information received following publication will be shared with relevant law enforcement partners. [Information and intelligence sharing arrangements are permitted under several statutory provisions, including Section 115 of the Crime and Disorder 1998 and Parts 2 and 3 of the Data Protection Act 2018].

8. Equal opportunities and diversity

The Council recognises the diversity of our community and enforcement activities will have due regard to the Equality Act 2010. The purpose of this policy is to ensure that decisions are made transparently and to eliminate unfair or inequitable decisions. Section 42 of the Data Protection Act 2018 details the safeguards which the Council, as a Competent Authority must apply when undertaking sensitive (racial or ethnic origin or health etc.,) data processing.

9. Rights of Data Subjects

The rights of data subjects will be respected by the Council in accordance with the requirements of the UK GDPR and the Data Protection Act 2018. More details about individual rights are available from the Council's website at: - (https://www.birmingham.gov.uk/info/20154/foi_and_data_protection/1717/individuals_rights_request)

The Council will follow the guidance of the Information Commissioner's Office on complying with those rights, in particular its guidance on responding to requests: - (<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>).

10. Monitoring arrangements and review of the Policy

The Council will monitor the activities set out in this policy through established reporting and management processes.

The policy will be reviewed annually by the Operational Manager of the Waste Enforcement Unit to ensure that it reflects the Council's and community's needs and updated to reflect any changes relevant to its source documents and guidance used. The Council will consult with stakeholders before making any changes to this policy. Any changes will be subject to the formal approval of the relevant Cabinet Member.

Publicising Fly-tipping and Environmental Crime Cases

2021

PUBLICATION RISK MATRIX

There must be a balance between the rights of the suspect or convicted individual and those of the wider community. Any decision to release an image must be for a legitimate purpose, be necessary and proportionate.

This pro-forma must be completed and progressed through Stages 1 – 3.

Publication must not be undertaken unless all three stages are completed.

STAGE 1: - Investigatory Officer Lead

Lead team - Waste Enforcement Unit

Option A: - Identifying or tracing suspects

1. Summary of the investigation (To provide enough context to officers completing Stage 2 and 3):

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2. Description of imagery proposed to be published:

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3. Brief description of what lines of enquiry have been progressed to identify/trace suspect(s)

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4. Have all reasonable lines of enquiry, relevant to the investigation been examined to trace/identify the suspect? [YES / NO]

5. Is publication legitimate, proportionate and necessary? (Release of any publicity must be necessary for a legitimate purpose. State which apply):

Purpose	Comments
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Investigation, detection or prosecution of criminal offences or the execution of criminal penalties	
Identification and/or tracing of suspects	
Raising awareness - encouraging witnesses and/or victims to come forward; reassuring and informing the public; and deterring offenders	

6. Is the imagery of sufficient quality to mitigate misidentification risks and to offer a realist prospect of potential identification if published? [YES / NO]
7. Briefly describe any collateral / third party impacts or other concerns which need to be flagged to Stage 2 or 3 officers and mitigations recommended/necessary prior to publication, for example pixelation of faces or vehicle registration details etc

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The Stage 1 and/or Stage 3 lead officers should ensure that the ACPO guidance checklist relating to publishing images of suspects is completed before publication (see *Table 2, Stage 3*).

Option B: - Publication of imagery/details of court outcomes

8. Court sanctions are a matter of public record and baseline outcomes are published through the Council's Licensing and Public Protection Committee (L&PPC). Additionally, information may be published through external avenues that the Council has no control over, for example, formal court reporting by journalists.
- The release by the Council of any additional publicity, including images which go beyond the basic information reported through the L&PPC must be legitimate, proportionate and necessary. Assessment of publication is based on the Ministry of Justice checklist.

The Stage 1 and/or Stage 3 lead officers should ensure that the MoJ guidance checklist relating to reporting court outcomes is completed before publication. (see *Table 1, Stage 3*).

Taking the above into account, is the decision to publicise the conviction or suspects or incident details? YES/NO

WEU manager/deputy (Name, signature, date): -

STAGE 2: - Community Safety Partnership

Lead team – Community Safety team (who host Birmingham Community Safety Partnership)

The BCSP considerations are unlikely to be necessary in relation to publication of court sentencing outcomes, including imagery. There are always exceptions and the stage 1 lead officer will liaise with the Community Safety lead where necessary.

The BCSP consideration is required for proposed publication relating to identifying or tracing suspects. The Community Safety team will engage with BCSP agencies to identify potential risk factors.

Identification and tracing enquiries forms part of most criminal investigations, but these are unlikely to necessitate rapid review of publication proposals i.e. within less than 21 days. As a result, the nominal operational time period for the BCSP to be requested to review and comment on publication proposals is set at 21 days from initial notification to them. (This review period will be extended where required).

To be completed by the Community Safety lead only where/if CSP risk factors are identified:-

9. Briefly describe any known risk factors or intelligence which are contra-indicators to publication, for example relating to:-
 - Impacts or concerns relating to potential compromise of investigative operations by BCSP agencies if publication were to proceed as proposed in stage 1? or
 - Impacts or other concerns which need to be flagged to stage 1 and 3 officers [and suggested mitigations or recommended steps that should be taken] prior to publication regarding a suspect, a

Community Safety Lead (Name, signature, date): -

suspect's family or third parties?

Taking into account any comments received from the Community Safety lead [allowing at least 21 days for their review and consideration], is the decision to publicise the conviction or suspects or incident details? YES/NO

OIC or WEU manager (Name, signature, date): -

STAGE 3: - Communications Team Lead's Review

Lead team –Communications (Press and Media) team

10. Have Stages 1 and 2 been completed and is publication recommended?
[YES / NO]

11. Has the MoJ guidance checklist relating to reporting court outcomes been completed? (Table 1, below) [YES / NO]

The Stage 1 and/or Stage 3 lead officers should ensure that the MoJ guidance checklist relating to reporting court outcomes is completed before publication (Table 1).

Table 1: - Questions that need to be considered when deciding whether to release imagery relating to court outcomes	
Purpose	Comments
Raising awareness - encouraging witnesses and/or victims to come forward; reassuring and informing the public; and deterring offenders	
Are any reporting restrictions in place?	

What would be the aim(s) of publicising personal information about this offender/conviction? Please tick as appropriate:	
<ul style="list-style-type: none"> To improve confidence in the CJS by reassuring the public that this crime has been brought to justice, and offender has been sanctioned 	
<ul style="list-style-type: none"> To reduce or prevent crime by deterring other potential offenders 	
<ul style="list-style-type: none"> To meet an identified need of the community to know how environmental crime is being dealt with in their ward area / city. 	
<ul style="list-style-type: none"> Other (please specify) 	
Why should this particular conviction be publicised?	
How much information needs to be published to achieve the aim?	
Would publicising this information allow a victim/ witness to be identified? Even if not, has the victim/witness been advised/consulted on publication?	
What effect would publicising this information have on the offender's family?	
Where is publication / distribution (internal and/or external) proposed?	
Would publicising this information in this way have an additional and unjustifiably adverse effect on the offender? <i>[Compared to publication beyond the monthly reporting of court action through the Council's Licensing and Public Protection Committee reports and what external media outlets may choose to report]</i>	
Taking the above into account, is the decision to publicise the conviction?	

If so, what personal information will be given out?	
Has the offender and anyone else identified in the publicity been informed?	
How long will the publicity last for (if applicable)?	

- 12 Has the ACPO guidance checklist relating to reporting images of suspects been completed? (Table 2, below) [YES / NO]

The Stage 1 and/or Stage 3 lead officers should ensure that the ACPO guidance checklist relating to publishing images of suspects is completed before publication can proceed (Table 2).

Table 2: - Questions that need to be considered when deciding whether to release imagery relating to court outcomes	
Purpose	Comments
1. Purpose in releasing image? Please tick/comment as appropriate:	
<ul style="list-style-type: none"> • a) What is the purpose in releasing the image? • b) Is it for a legitimate purpose such as the prevention or detection of crime or the prosecution or apprehension of offenders? or • c) Does it reinforce confidence in the Criminal Justice System or reassure the law abiding public? 	
2. Necessity? Please tick/comment as appropriate:	
<ul style="list-style-type: none"> • a) Have alternatives ways of achieving this purpose been tried? <ul style="list-style-type: none"> ○ - If not have they been considered? 	

<ul style="list-style-type: none"> ○ - If considered but not tried, why have they been rejected? Are they not viable or unlikely to be effective? • b) Are the details to be released the minimum necessary to achieve its intended purpose (are the details accurate and up to date) ? • c) Would the release of the image be likely to achieve the legitimate purpose? 	
<p>3. Proportionality ?</p> <p>Please tick/comment as appropriate:</p>	
<p>Taking into account all the relevant factors is releasing the image proportionate. Relevant factors will include (but are not limited to)</p> <ul style="list-style-type: none"> • nature of the offence • potential risk to the public • any relevant victim or witness issues • potential impact on the person to be identified (and their immediate family). 	

13. Proposed publication START date:

14. Proposed publication END date:

Communications Team Lead (Name, signature, date): -
