

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 15 MARCH 2023 AT 10:30 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

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 meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) 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 they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

	3	<u>APOLOGIES</u>	To receive any apologies.
<u>5 - 10</u>	4	<u>MINUTES - 18 JANUARY</u>	To confirm and sign the Minutes of the meeting held n 18 January, 2023.
<u>11 - 26</u>	5	<u>BCC HOSTED ENGLAND ILLEGAL MONEY LENDING TEAM</u>	Report of the Director of Regulation and Enforcement (presenting officer - Tony Quigley)
<u>27 - 32</u>	6	<u>BCC HOSTED NATIONAL TRADING STANDARDS REGIONAL INVESTIGATIONS TEAM (CENTRAL ENGLAND)</u>	Report of the Director of Regulation and Enforcement (Presenting Officer - Tony Quigley)
<u>33 - 38</u>	7	<u>UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS</u>	Report of the Director of Regulation and Enforcement (Presenting Officer - Mark Croxford)
<u>39 - 60</u>	8	<u>PROSECUTIONS & CAUTIONS – NOVEMBER & DECEMBER 2022</u>	Report of the Director of Regulation and Enforcement (Presenting Officer: Sajeela Naseer)
<u>61 - 66</u>	9	<u>HIGHWAY AND REGISTRATION SERVICES FEES AND CHARGES ADDENDUM 2023-24</u>	Report of the Director of Regulation and Enforcement (Presenting Officer: Mark Croxford)
<u>67 - 80</u>	10	<u>PRIVATE RENTED SECTOR SELECTIVE LICENCING FEES AND CHARGES 2023-24</u>	Report of the Director of Regulation and Enforcement (Presenting Officer - Sajeela Naseer)
<u>81 - 94</u>	11	<u>SMALLER HOUSES IN MULTIPLE OCCUPATION- ADDITIONAL LICENCE FEES AND CHARGES 2023-24</u>	Report of the Director of Regulation and Enforcement (Presenting Officer: Sajeela Naseer)
	12	<u>DATE AND TIME OF NEXT MEETING</u>	To note the date and time of the next meeting.

13 **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.

14 **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'.

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 18 JANUARY, 2023

MINUTES OF A MEETING OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE HELD ON WEDNESDAY, 18 JANUARY, 2023 AT 1030 HOURS AT THE COUNCIL HOUSE, BIRMINGHAM B1 1BB

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Diane Donaldson, Sam Forsyth, Adam Higgs, Zafar Iqbal, Izzy Knowles, Narinder Kooner, Mary Locke, Saddak Miah, Julien Pritchard

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NOTICE OF RECORDING/WEBCAST

- 1 The Chair advised that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

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

DECLARATIONS OF INTEREST

- 1501 Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

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This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

There were no declarations made.

APOLOGIES

- 1502 Apologies were received from Councillors Barbara Dring, Ziaul Islam and Penny Wagg for non-attendance.
-

MINUTES

- 1503 The minutes of the last meeting held on 16 November, 2022, having been previously circulated were confirmed and signed by the Chair.
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REVIEW OF LICENSING AND PUBLIC PROTECTION FEES AND CHARGES 2023-24

The following report of the Director of Regulation & Enforcement was submitted:-

(See document no. 1)

Mark Croxford gave a summary of the report.

- Members discussed the need to raise awareness that residents had a responsibility to check that anyone collecting their waste was genuine. The amount of fines issued was queried.
- It was clarified that the Pest Service was free for dealing with rats. Where there was a huge infestation, statutory powers allowed for a notice to be served on the relevant properties and the cost could be recharged. Some Local Authorities did not offer any services but if Birmingham City Council wished to offer more services, extra resources would be required.
- Mark Croxford undertook to send out a list of Neighbourhood Offices.
- An enquiry will be made with the registry office regarding the costs related to booking an additional room after the application had been agreed.
- It was noted that appendix 6A was referred to but was not included in the report. A report will be brought back to the Committee.

1504 **RESOLVED: -**

- i) 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 2023;

- ii) 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 2023;
- iii) 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 2023;
- iv) 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 2023;
- v) 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 2023;
- vi) That the changes to the non-statutory fees and charges for the Registration Service, as detailed in Appendix 3, are approved to take effect from 1 April 2023;
- vii) That the statutorily set charges for the Registration Service, as detailed in Appendix 3(a) be noted;
- viii) 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 2023;
- ix) That the changes to the fees and charges for Statutory Team (Acivico - Building Consultancy) as detailed in Appendix 5, are approved to take effect from 1 April 2023;
- x) That a report on the changes to the fees and charges for Highway Services as detailed in Appendix 6 to take effect from 1 April 2023 be re-submitted to the Committee for approval to include appendix 6A of the report; and
- xi) That authority be delegated to the 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.

REVIEW OF STREET TRADING CONSENT FEES AND CHARGES 2023-2024)

The following report of the Director of Regulation & Enforcement was submitted:-

(See document no. 2)

Sajeela Naseer gave a summary of the report highlighting that the proposed fees took into account the deficit accrued in the last 2 years.

Licensing and Public Protection Committee – 18 January, 2023

- In response to questions from Members Sajeela Naseer accepted that the increase in cost was significant however it was hoped that it would not deter traders.
- The fees had been set to include recovery of the ring-fenced budget deficit over a one year period however it was possible to split the increase over more than one year to reduce the annual increase.
- Members gave their views and generally felt that the increase was a significant amount to pay. It was suggested that the percentage increase deficit be spread over a 3 year period to bring the cost down. Sajeela Naseer explained that the fees each year could go up or down. The Committee needed to agree the fees for 2023/2024 today owing to the timescales however they will continue to receive reports to set the fees each year.
- Members requested that in future more information be provided in the report and that the options available could be included.

1505 **RESOLVED:-**

- i) That the percentage increase be split over a 3 year period to reduce the annual increase; and
 - ii) That the changes to the Street Trading Service fees and charges as detailed in Appendix 1 (as amended on 18 January, 2023) be approved to take effect from 1 April 2023.
-

NEW LEGISLATION RESTRICTING PROMOTIONS OF PRODUCTS HIGH IN FAT, SUGAR OR SALT REPORT

The following report of the Director of Regulation & Enforcement was submitted:-

(See document no. 3)

Rebecca Callender gave a presentation on the new legislation on restricting the promotion of HFSS products by volume price (for example, multibuy offers such as 'buy one get one free') and location, both online and in store

- With reference to paragraph 4.5 it was noted that there were a number of food banks in the City that were not charities also some that had been set up as community organisations.
- Mark Croxford said that a lot of organisations were already addressing the issue and changing their recipes. The regulations introduced seek to assist nutritional labelling. It was hard for the Local Authority to influence statutory labelling.
- There was no extra resources for the Local Authority to carry out this work.

1506 **RESOLVED:-**

That the report be noted.

**COMMUNITY SAFETY TEAM CITY CENTRE PUBLIC SPACE
PROTECTION ORDER REPORT**

The following report of the Director of Regulation & Enforcement was submitted:-

(See document no. 4)

Pam Powis presented the report providing the Committee with information related to the City Centre Public Space Protection Order (CCPSPO) introduced by Birmingham Community Safety Team and brought into force on 25th January 2022.

- They were looking at the implication of all the PSPO's. They had seen a reduction of 20% to 30% in localities. Pam Powis undertook to follow up the PSPO in Moseley and Kings Heath.
- In response to a comment about Sandwell Recreation ground Pam Powis said that the old alcohol restriction zones were now PSPO's.
- With regard to enforcement they had an agreement with the police to enforce Community Safety PSPO's. There were 6 officers in the team. They needed to ensure they had the resources to enforce a PSPO before it was implemented. A copy of the breach process was in the report.
- The issue of graffiti was raised and that it was rarely reported as a crime.

1507 RESOLVED:-

That the content of the report be noted.

CITY CENTRE NOISE PUBLIC SPACE PROTECTION ORDER REPORT

The following report of the Director of Regulation & Enforcement was submitted:-

(See document no. 5)

Mark Croxford presented the report providing the Committee with an update on work being undertaken to address noise problems within two areas of the City Centre: New Street in the vicinity of Tesco's, and the junction of New Street and High Street by the Rotunda.

The Council's Environmental Health Officers use powers mainly under the Environmental Protection Act 1990, and the control of Pollution Act 1974 and the Anti-social Behaviour, Crime and Policing Act 2014. Following a brief discussion it was

1508 RESOLVED:-

That the report be noted

PROSECUTIONS AND CAUTIONS - SEPTEMBER & OCTOBER 2022

The following report of the Director of Regulation & Enforcement was submitted:-

(See document no. 6)

Sajeela Naseer presented the report summarising the outcome of legal proceedings taken by Regulation and Enforcement during the months of September and October 2022.

- The details in the report were from the information held. It was requested that information about prosecutions in the Wards be shared.

1509 RESOLVED:-

That the report be noted.

DATE AND TIME OF NEXT MEETING

1510 RESOLVED:-

It was noted that the next formal meeting of the Licensing and Public Protection Committee was scheduled to take place on Wednesday, 15 March, 2023 with an informal meeting taking place on 15 February, 2023.

OTHER URGENT BUSINESS

1511 There was no urgent business.

AUTHORITY TO CHAIRMAN AND OFFICERS

1512 RESOLVED:-

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

The meeting ended at 1216 hours.

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CHAIR

BIRMINGHAM CITY COUNCIL

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

15 MARCH 2023
ALL WARDS AFFECTED

**BIRMINGHAM CITY COUNCIL HOSTED
ENGLAND ILLEGAL MONEY LENDING TEAM**

1. Summary

- 1.1 This report provides an update on the work of the England Illegal Money Lending Team (IMLT) hosted by Birmingham City Council's Regulation and Enforcement Division up to 6th February 2023.

2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Tony Quigley, Head of Service

Telephone: 0121 675 2495

Email: tony.quigley@birmingham.gov.uk

3. Background

- 3.1 This grant funded project was initially piloted in 2004 with teams from Birmingham and Glasgow operating across a specific region. The purpose was to identify if illegal money lending was in operation and, if so, investigate and institute proceedings against those involved. The project was commissioned for an initial period of two years. It was further extended year to year following a number of high-profile successful investigations until 201 when the grant was made permanent..
- 3.2 There are also national teams covering both Scotland and Wales, along with a service covering Northern Ireland. All of the teams regularly hold meetings, to share best practice and current initiatives.
- 3.3 The IMLT (England) operates across the country using legislative powers under the Consumer Rights Act 2015.
- 3.4 The brief of the IMLT, from its inception, has been to investigate and prosecute illegal money lenders and to provide support to victims and communities under the control of illegal money lenders and by working with partner agencies to deliver this support. From an initial team of seven officers, the team has grown in size and now employs 60 staff in a variety of roles, including four apprentices.
- 3.5 Initially officers gather and develop intelligence by working with local services with the aim of corroborating information, warrants are executed and, where appropriate, cases taken into the court process. Another branch of the team (LIAISE officers) support loan shark victims throughout the process and raise awareness, with local, regional and national services, regarding the work of the team.
- 3.6 Since its inception the team has secured over 400 prosecutions for illegal money lending and related activity, leading to 5 86 years' worth of custodial sentences. They have written off £87 million worth of illegal debt and helped over 35,000 people.
- 3.7 The primary legislation governing the consumer credit industry is the Financial Services and Markets Act 2000 (FSMA), previously the Consumer Credit Act 1974. The Trading Standards Service has a duty to enforce this legislation within its area.
- 3.8 The Financial Services Act 2012 amended the legislation to move the authorisation process under FSMA and retained the enforcement provisions in respect of unauthorised business for local weights and measures authorities (Trading Standards). The Financial Services Act also made provision for Trading Standards to operate nationally in this regard in order to make the administration process easier for the EIMLT (England Illegal Money Lending Team).

- 3.9 A fundamental requirement of FSMA is that all potential providers of credit must possess appropriate authority issued by the Financial Conduct Authority. To operate a credit business without authority is a criminal offence which carries a maximum penalty of a £5,000 fine and/or up to two years in prison.
- 3.10 Illegal money lenders, or “loan sharks” as they are more commonly known, have long been recognised as the most unacceptable part of the illegitimate consumer credit industry. Targeting vulnerable communities and individuals, charging exorbitant rates of interest, and using whatever means including, at times, fear and intimidation to recover monies ‘owed’. Controlling lives and the community are common traits that illegal money lenders will exhibit during their operations.
- 3.11 When the team was initially set up in 2004 there was little knowledge about the scale of illegal money lending, either in the number of individuals involved or the number of possible victims across the country. Illegal money lenders were rarely, if ever, prosecuted due to victims being reluctant to come forward. Birmingham City Council has now prosecuted over 400 individuals and disrupted many more illegal lenders, stopping the pernicious enterprise.
- 3.12 As well as the work of the team, the government commissioned independent research by Bristol University (POLICIS) in 2010 which has shown that around 310,000 households across the UK were indebted to illegal money lenders. Work carried out by the team indicates that each person borrowing from an illegal money lender typically has an average loan of £350 each time and pays back double the amount. Roll over loans are common, and this means that a person will have 3½ loans annually from the illegal lender. This equates to £1,225 borrowed paying back £2,450.
- 3.13 New research by the Centre for Social Justice in March 2022 concluded that 1.08 million people in England alone are currently using loan sharks. This equates to 2% of the population and is more than a 3-fold rise in the previous figure.
- 3.14 Typically, illegal money lenders: -
- Start out being friendly – they are often heard of via friends. It is only when repayments are missed their behaviour changes.
 - Offer little or no paperwork.
 - Increase the debt or add additional amounts.
 - Refuse to tell the borrower the interest rate, how much they still owe or how long they will be paying back. (We have seen APR’s as high as 4.5 million %).
 - Take items as security - this may include passports, driving licences or even bank or post office cards with the PIN to withdraw directly from borrower’s accounts.
 - Sometimes resort to intimidation, threats or violence.

- 3.15 Throughout its life the project has been funded by central government. This funding was always on a yearly basis and subject to annual submissions which meant the team's grant was never secure long term. However, in 2016 it was announced that a levy would be applied to credit businesses (as part of the fee they already pay to operate legitimately). This funding commenced on 1 April 2017 and has secured the work of investigating illegal lenders. The current budget for IMLT activities is £4,546,511.

4. Operating the Illegal Money Lending Team

- 4.1 The success of the team can be attributed to several factors, the quality of the intelligence gathered, the hotline and dedicated website, social media, partner engagement and partner participation. These relationships are developed and grown by the Liaise Officers (Leads in Awareness, Intelligence, Support and Education).
- 4.2 The Stop Loan Sharks brand was first introduced back in 2004 and has continued to be developed since its inception. The team has a social media presence including Facebook, YouTube, Instagram, Snapchat and Twitter accounts, as well as its own website and TikTok accounts.
- 4.3 The team takes a fully agile and flexible approach to tackling this type of criminality, recognising the "one hat size does not fit all" circumstances. The legislation changes under the Consumer Rights Act 2015 to provide authorisation for Birmingham City Council to operate across England and Wales in respect of offences under the Financial Services and Markets Act 2000 (FSMA), changes that were introduced to lighten the administrative burden on the team and allow them to fully function in all geographical areas.
- 4.4 The Head of Service and Operational Managers within the team have the delegated authority to proffer charges at police stations, institute proceedings through the report process and make decisions regarding the outcome of investigations throughout the process. This authority speeds up the court process, allowing, in some cases, suspects to be arrested, interviewed and charged the same day. In some instances, the defendant has been brought before the courts within 24 hours.
- 4.5 Recognising the importance of communication in all aspects of the team's work has also been a key priority. The hotline is 24/7 and staffed by the team members. This promotes reassurance and allows for information to be fed directly to lead investigating officers in respect of the actions of the suspected illegal money lenders. IMLT introduced Live Chat on their website during lockdown in 2020, and 10% of intelligence now comes into the team through this channel.

- 4.6 The investigations by the team have resulted in a number of high-profile court cases that have included serious criminal offences, investigated and prosecuted by Birmingham City Council. The strategy to prosecute for all matters has resulted in the prosecution of offences that may not normally be associated with a Trading Standards service. The decisions to prosecute offences such as rape, blackmail, kidnapping, wounding and assault were made after careful consideration and in consultation with Legal Services. It was recognised that these offences were directly linked with illegal money lending and occurred as a direct result of the involvement with this activity.
- 4.7 Raising awareness of the team with the public, but also with other interested parties has been critical for gathering the right intelligence. The involvement of the police and support furnished by them throughout the operations has been extremely beneficial, and the embedded Police Officers (first introduced by the Birmingham project) have given the team an added dimension to its investigatory powers.
- 4.8 Some examples of recent cases include:-
- Operation Mamba (North West): Officers from the IMLT worked in partnership with Merseyside Police to execute search warrants at a residential address in West Derby and two business premises in Rock Ferry. A large quantity of documentation and electronic devices were seized by officers after conducting searches at the addresses. The IMLT worked in partnership with Trading Standards teams from both Liverpool City Council and Wirral Council. The 51-year-old suspect was charged with illegal money lending and money laundering offences. The case has been referred to the Crown Court for sentencing on 20th February 2023.
 - Operation Dinsdale (Greater London): On 27th May 2022, Floridel Atilano, 58, residing in Wandsworth, was sentenced to a 12-month community order and ordered to complete 150 hours of unpaid work, following a hearing at Snaresbrook Crown Court. The case was prosecuted by the IMLT in partnership with the London Borough of Merton, Richmond upon Thames & Wandsworth Regulatory Services and the Metropolitan Police.
 - Operation Birch Grove (Greater London): On 5th May 2022, a male aged 51, was sentenced for running an illegal money lending scheme for seven years, in which he dealt interest-only loans without permission from the Financial Conduct Authority (FCA). He appeared at Harrow Crown Court where he was sentenced to 17 months in prison, suspended for 18 months and ordered to do 200 hours of unpaid work. The case was prosecuted by the IMLT, in partnership with Brent and Harrow Trading Standards and the Metropolitan Police. A Proceeds of Crime Act (POCA) confiscation timetable was set out by the court to recover the gains the illegal lender made.

- 4.9 Between January 2022 and December 2022 the team received 476 reports of illegal money lending across England. However, the team like all agencies have been hindered by the pandemic, causing backlogs in the courts and this had an impact on operations.
- 4.10 In 2022 the team was legally challenged regarding its ability to operate outside of the Birmingham area, across England, and the matters were heard at the Court of Appeal on two occasions. Whilst the challenges were overruled by the court, potential further legal challenges and appeals are still ongoing.

5. Victim Contacts

- 5.1 There were 311 contacts with victims in 2022. Many of these referrals to the LIAISE team were to offer emotional support and safety advice, but there were also referrals by LIAISE officers to credit unions, housing, debt advice and mental health services. This demonstrates the need for effective relationships with local partners to secure this support for victims.
- 5.2 The team dealt with £729,101 of new victim debt in 2022.
- 5.3 Some examples of victim support are below:-

Operation Rampike

There are several victims in the case receiving support from the LIAISE officer. Victim one is claiming benefits and living in social housing with three children. One child must attend hospital out of area on a regular basis.

The victim has various non-priority debts totalling over £20,000 and is currently struggling with their debt arrangement with a debt management company. They have loans over a 19-year period from the illegal lender and their ex-partner's debt has been added to their balance. LIAISE have referred this victim to Citizen Advice for assistance with debt and budgeting, and support with attending hospital.

Another victim is currently claiming benefits and lives in social housing with three children. They have no priority debts but have various non-priority debts with previous gas and electric suppliers, water company etc. They are struggling with the payment arrangement to clear their previous utility debts.

This victim had been borrowing from the illegal lender over the last 10 years. It came as a complete shock to the victim that they were an illegal money lender. They had borrowed from them through a legal doorstep company in the past. LIAISE referred this victim to Citizen Advice for support with utility debts.

Victim three is receiving disability benefits for a family member and child. They currently have a priority debt of rent arrears with a payment plan in place for this. Their non-priority debt is just over £20,000 and following support from LIAISE they have a payment plan in place to pay this off.

Operation Zester

The victim is very vulnerable living in social housing and receiving benefits due to ill health. The harassment they received caused significant distress and affected their mental health and well-being. LIAISE supported a referral to a Housing for a transfer to another area and a referral to Adult Social Care team. The victim has various non-priority debts of over £8,000 and a referral was made by LIAISE to Citizen Advice for support with these debts.

Operation Mamba

This victim was very worried about their rent arrears and possible enforcement action against their tenancy. With the support from LIAISE the victim was able to negotiate an agreement with their housing provider about repaying their rent arrears. They were also referred for debt advice help with their other debts.

Following LIAISE contact with the housing service, a housing officer referred another victim to the team. The victim had reported the potential lender to the Police and had fled their property due to fear. They were living in temporary housing and were looking for support to secure a new home in another area. This report is awaiting a crime reference number and timeline of events from the victim to see where and how the team can help.

Operation Vulgate

The victims in this case had previously been referred through to the team as victims of an illegal money lender however they have not engaged. Another referral has now been received from a complex-needs safeguarding social worker. They advised the victims will now meet with the team to find out more and discuss their options. As is commonly seen with victims of illegal lending, they are fearful of repercussions and are very vulnerable.

Operation Yellows

A victim contacted a local support agency and was referred on to IMLT. The victim said they have been borrowing money from individuals for years to support the family and their businesses. The last loan was £40k with a full repayment agreed of £80k. The lender now wants £250k and has petrol bombed outside the victim's family home. The victim is married with small children. Information was provided to victim about how IMLT can help, also to contact the Police if they feel in any danger. The victim is reluctant to engage due to fear but has IMLT contact details if they wish to progress with the investigation.

Operation Zokor

The potential loan shark has been in touch with a victim asking for another 'final' payment. The victim has told the loan shark that they have paid what they owe. The victim has evidence that they have paid the loan shark in full via a text message. LIAISE suggested to the victim to ask the loan shark for a copy of the paperwork which shows the outstanding payment and see if anything is provided. The victim will call the Police should the loan shark or any associates turn up at the victim home.

Operation Lambada

LIAISE supported two victims with a potential illegal lender that was threatening them to make them bankrupt. They were advised to approach the local policing team to report potential financial abuse situation that caused them to turn to the suspect for money. LIAISE also provided advice in relation to responding to the bankruptcy.

6. Victim Profile

- The gender split of borrowers was 60% female and 40% male.
- 65% of victims supported were parents, half of these were lone parents.
- 59% of victims indicated they had long term health conditions.
- 28% reported mental health issues.
- 8% of borrowers said they acted as a carer for someone over 18.
- 32% of victims said that they had considered suicide during their lifetime including 14% who had attempted suicide.
- 98% of borrowers said that they were in a state of worry, stress, depression or severe anxiety because of their involvement with a loan shark
- 69% of respondents paid rent for their home, either to a social landlord or private property owner.
- 26% of respondents said that they had visited a debt advisor.
- 36% had heard of the term "Credit Union" but only 5% were members of one.
- 55% of victims were receiving benefits of some kind and 31% were in receipt of Universal Credit.

7. **Victim Statistics**

- 7.1 The majority (56%) of clients were introduced to the lender via family or friends. Loan sharks will be friendly all the time somebody is repaying their loan so will quite often be recommended as a credit option by new borrowers.
- 7.2 At the point of taking the loan, 48% of respondents thought they were borrowing from a friend.
- 7.3 20% of borrowers met the loan shark in their community – whether that be cultural or geographic. In some cases the lender was a work colleague or went where workers went. For example, one lender left flyers on taxi cab ranks.
- 7.4 Reason for borrowing:

Addiction – Drugs/Alcohol	4	Fuel Costs	1
Addiction – Gambling	9	Furniture/Electrical Equipt	6
Bailiff Debt	1	Health/Funeral	6
Business Costs	13	Helping Family Members	11
Caring for Children	1	Household Bills	29
Christmas Expenses	4	Job Loss	5
Deposit for Home	1	Vehicle Purchase/Repair	5
Education	1	Wedding Expenditure	1
Food	3		

- 7.5 24% of clients borrowed £500 or less
- Median amount borrowed - £500
 - Median amount repaid - £4,500
 - The lowest amount borrowed was £90 for household food/bills
 - The highest amount borrowed was £60,000 for medical expenses
- 7.6 Just as there is no typical loan shark, there is no typical loan either, apart from it is very rare that a borrower will repay less than double the amount borrowed.
- 7.7 One client borrowed £500 for household bills and has been making payments for three years, they have repaid £18,000 so far and still owe £500.
- 7.8 Another borrowed £300 and had repaid £100,000 in total.
- 7.9 48% of people supported were employed

8. **Training – Partners**

- 8.1 In 2022 the team trained over 20,000 frontline staff – some online and some face to face.

- 8.2 A new training package for debt advisors is about to be rolled out which is more workshop style to try and engage the sector in uncovering and providing intelligence to IMLT.

9. National Partnerships

- 9.1 LIAISE are working with a number of organisations to develop an algorithmic approach to spotting illegal money lending through open banking. As the number of agencies who use open banking (viewing a customer's bank statements) to assess affordability increases, and around 50% of loan sharks use bank transfer to issue and collect on loans, there is an opportunity to generate intelligence.
- 9.2 One of these organisations, Incuto, does back office work for credit unions. They are working to develop the algorithm which will then prompt loans officers to ask clients about illegal money lending.
- 9.3 IMLT are working with Step Change and Payplan to increase intelligence flow. Training, system change, and regular conversations are starting to have an impact demonstrated by an increase in referrals.
- 9.4 IMLT is working with Nest Egg to look at increasing access to affordable, legal credit through information and advice.
- 9.5 A partnership with Responsible Finance and CDFIs is helping LIAISE help people access credit when they have been/would be turned down for credit from Credit Union.
- 9.6 Work is ongoing with legitimate alternative credit providers. This includes training for companies including Morses Club and Amigo Loans, and work with the trade association and individual bailiff firms to help staff spot potential victims.

10 Localised Partnerships

- 10.1 Work was completed in partnership with Sandwell Council to deliver our campaign and resources on their social media channels. Training was delivered to staff in Community Safety/Consumer Protection teams and different subgroups across the council.
- 10.2 IMLT have ongoing discussions with Greater Manchester Combined Authority to include a question on illegal lenders on their next questionnaire. They had 45% replies on a previous questionnaire that people had borrowed from friends and family. We would like to ask the question to enable us to analyse and explore if they could be a potential illegal lender.
- 10.3 Work completed with West Midlands PCC and Birmingham Credit union City Save to raise awareness of IMLT and CU in Police priority areas. Also work continues with Birmingham City Council Housing Contractors across England to raise awareness.

- 10.4 Work is ongoing with Trading Standards Rochdale to deliver face to face training sessions across multiple departments of Rochdale Council and local Police Teams. Additional project to raise aware with Taxi drivers/Licensing through flyers and social media.
- 10.5 Funding has been secured from Merseyside Police for awareness raising in partnership with the Police Pathfinders starting in Beechwood. Looking at a Santa Dash with Stop Loan Sharks lanyards and medals for participants.
- 10.6 A project with the Centre for the Partially Sighted Wirral has included a display of artwork from the Merseyside Police Pathfinders sessions in their reception area. They also have leaflets on display and are thinking about a stop loan sharks message in 'braille' via the POCA process.
- 10.7 Sid the Shark attended an event for Trans Pennine trains staff, to raise awareness.
- 10.8 LIAISE delivered a presentation to one of the South Gloucestershire Stronger Community forums. There are 21 of these forums in total covering the whole of South Gloucestershire and so far 9 have had presentations.
- 10.9 In response to an incident in Bristol, LIAISE are working with Citizens Advice and the local foodbank to raise the profile of the IMLT through leaflets, posters and social media.

11 Credit Union Incentives

- 11.1 Over 900 incentivised credit union accounts were opened during 2022.
- 11.2 IMLT are collating data around the incentives this year.
- The median amount saved after 3 months was £98.45
 - 71% had continued to grow their savings after the 3-month period
 - 18% had reduced their savings balance but still maintained some savings at 6 months
- 11.3 IMLT has data for 92 members who went on to take out a loan The median amount borrowed was £548. Of these, 4 are in default, 1 has some arrears and the remainder are up to date. (92% of members who took a loan following the incentive are up to date).
- 11.4 The analysis will continue until late 2023 and further stats will be reported at a later date.

12. Other Credit Union Work

- 12.1 Credit Unions identified problem gambling as a barrier that was stopping them issuing loans. IMLT ran a number of joint sessions with Gamcare to help credit unions formulate their thinking around risk in this area

- 12.2 IMLT used proceeds of crime funding to support the credit union sector use social media more effectively. The team engaged Zync Digital to put on a workshops and then one to one sessions tailored to the needs of individual Credit Unions.

13 Proceeds of Crime

- 13.1 Examples of projects funded by proceeds of crime money since July 2022 include:

North East

Blowin' A Hooley - To continue to deliver their play "Cinderella's Dilemma" throughout the North East to young children and their families. Adapting the play to feature new trends spotted by IMLT in relation to loan sharks.

Digital Voices for Communities - Tik Tok video made by digital avatars who can then speak participants words in anonymity. Using the Fenham community to engage residents into the subject of IML.

Forage Community - Community shark poster competition – winning design to be printed on drinking vessels and used in their community café. Shark themed event at the venue.

Oasis Community Housing - Art project within a homeless charity. Art projects such as paper mâché shark, embroidery wall hanging, string art shark. Credit Union saving incentives to attend. Money management advice given.

Tees Valley Together - TikTok video to be made by young people living in high levels of deprivation and ASB.

Together for Children - Large mural in a deprived area. Created with the help of the local children and the Salvation Army.

Primrose Hill - The project has two elements: A play "Stay Away from Loan Sharks", the production of A Film/Video and a tapestry.

Pallion Action Group - Sessional stop loan sharks art groups with vulnerable families. Finished artwork to be showcased at an exhibition.

South East

Talk Back Buckinghamshire - 8 interactive workshops specific to people with a learning difficulty. Comic strip-style workbook based on the play performed in the workshops and an accompanying stop-motion animation video, created by Talkback members.

South West

CAB Mendip and Somerset - Fun inter-active awareness sessions to young people in conjunction with a local artist who produces mural and wall art.

Permission to hang art in town centre.

Seadream Devon - Engaging young children through interactive workshops and using marine biology to educate the children on real sharks and loan sharks.

Somer Valley FM - An 8-month radio campaign consisting of 30 second radio message, broadcast a minimum of 8 times per day, including at least 2 airings during the peak-listen Breakfast Show and 4 Interview features.

The Lescudjack Centre - 6 months arts activity programme through which young people and adults who are particularly vulnerable to loan sharks will access a series of activity workshops with community artists.

Yorkshire & Humber

Bradford College - To deliver an additional workshop on the MyBnk Money Works Programme that is looking at budgeting, borrowing and debt. They will create TikTok videos which will be shared on college social media and the large screen in Bradford's centenary square.

Community First Credit Union Ltd - A contest between High Schools who will compete in a live team quiz challenge. Teams of 4 from each of the 9 schools will be invited to participate and the quiz will be watched by their peers, parents/guardians and teachers.

Foresight North East Lincolnshire - Bringing together members of the community with predominantly learning disabilities. Creating a film to promote the stop loan sharks message. Launch week where it will be played for the community each day – with other resources the participants make.

HK Media & Training - Create 8 x 30 second radio information adverts played 12 times a day on their radio station. Also planning to create 10 podcasts for transmission too.

HD5 Community Hub, Netherhall Learning Campus - Heroes and Villains themed fun day across the 4 schools. Teachers will be carrying out lessons around loan sharks as it approaches the day. Poster design competition. Delivery of IMLT's awareness session to the parents/guardians in attendance.

Spectrum People - Creation of a 10ft 3D shark with local families. Also, to handout 'wellbeing packs' to vulnerable people in the community.

East Midlands

Ashfield District Council - To work with schools to run a poster competition. Winning design to then be wrapped onto bin wagons.

CYF Notts - Getting children to design a picture that goes onto the back of playing cards. These to then be distributed to vulnerable families.

HQ Can CIC - Using local young people to create short, sharp videos around the dangers of loan sharks.

North West

People Empowered CIC - Workshops for families and young people. Creating graffiti art and a podcast. Also delivering 50 training sessions.

Blacon High School - Group of schools. Arts and drama sessions in PSHE. Artwork to take home to parents. Monologues. Spray art sessions for residents. Performances in assemblies and to the communities.

Bolton Uni - Graphic design students - looking at key times of the year to design awareness raising. Exhibit for 2 weeks in Bolton town. Designing an advertising campaign spanning both traditional media such as posters, banners, leaflets etc and digital media such as websites, social media and video material and app creation.

Arts Groupie - Shadow puppet workshops. Create puppets and show with kids - perform in February half term. 85,000 online audience.

Digital Arts Box - 4 digital art workshops during which the young people will learn how to use a combination physical and digital art techniques including, green screen, photography and graphic design to create their own 'stop loan sharks' inspired bank note.

Magic Money Trees project - Stop loan sharks themed art work as well as the bank notes to hang on trees.

Everton in the Community - Premier league primary stars. In schools design a poster during debt awareness week. Announced a match. Art therapy sessions around loan sharks across 6 different groups. LS Ambassador.

Lancashire Trading Standards - Information sessions for art students at schools/colleges in Burnley in relation to the dangers of loan sharks. Students will then be tasked to develop a multimedia campaign promoting the dangers of becoming involved with loan sharks and the support that is available to people who have done so. Winning design to be display on digital billboards.

Accrington Stanley Lancs - Workshops in high schools with a design a poster campaign. Also as part of kicks project. Online awareness. Home game - big screen and flyers round the ground.

Yellow Jigsaw Wigan - Pop up news room for young people – allowing them to investigate and film own journalist piece (on Loan Shark topic). 3 video reports (used on Youtube and as clips on all social media), 2 Instagram reels and 2 TikTok videos, as well as aiming to get newspaper coverage of their work. The reports will consist of interviews, a press conference, investigations and presenting.

Hope Prospect Wirral - Awareness sessions with the men who live there. Film evening – showing IMLT videos. Mug design and winning one created, with large copy of design displayed in communal lounge.

EETSA

CAB Dacorum - Yarn Bombers will crochet and knit with machines and needles creating wonderful toppers for local post boxes across the Dacorum area which has a population of 155,500. Two-week campaign which will involve a treasure hunt for the community.

Dial GT Yarmouth - Shark themed t-shirt design competition involving three schools. Each child will receive a 'Shark Pack' which will contain a plain white tee shirt and necessary design materials to help create their design. 3 winners from each school.

London

A4R – Advice 4 Renters have an old Metroliner bus which they are turning into a Mobile Money and Energy Advice Centre. They want to vinyl wrap the bus with the Stop Loan Sharks message which is then taken around to events.

Disability Action Haringay - Money Skills and Circus Skills combined sessions. To use teaching of circus skills as an opportunity to engage and discuss money skills.

Somali Council - Using social influencers to get the message out about the dangers of loan sharks. Getting young people to create videos in English and Somali.

Student Money London - Kings College students peer support around money and dangers of IML. A week-long campaign, combining interactive in-person stalls with engaging games, informative workshops delivered by Money Mentors and guest speakers, as well as informative social media/blog content to make more students stay alert to loan sharks.

CENTSA

Nuneaton and Bedworth Borough Council - Social media push to raise awareness of loan sharks and to advise people where they can access support. Linked to a credit union incentive.

Nourish Social - Creating a music driven social media campaign.

Community Pantry (Feed the Hungry) - Family fun days – loan shark focus.

Smartlyte Ltd - Designing a large-scale poster to display on Fire Station initially but can be moved. This will be created with the community via fun days. Centred around Amsty (a computer) on a mission to scare away Mr Loan

Shark. Opportunities to create stop animations

TLC Wolverhampton - Character workshop. Sid the Shark battle against the heroes they develop. Comic book. Art and craft workshops.

- 13.2 POCA monies have also been used to pay for Facebook ads targeting specific areas of the country following arrests/intelligence.

14 Funding

- 14.1 The IMLT project is currently funded by the Treasury.
- 14.2 The governance of the project consists of representatives from the Financial Conduct Authority (FCA), Treasury and the hosting authorities involved (England, Northern Ireland, Scotland and Wales).
- 14.3 The current budget is £4,546,511.

15 Implications for Resources

- 15.1 The Illegal Money Lending Team is grant funded and therefore all costs for the service are recovered through this provision. Any income and proceeds of crime monies are ring fenced to the team and utilised for the ongoing work.

16 Implications for Policy Priorities

- 16.1 Enforcement action taken against illegal money lenders improves the quality of life for those individuals caught within the grips of this pernicious criminality.
- 16.2 Illegal money lenders prey on the most vulnerable groups and enforcement action to remove them from communities and encourage more sustainable credit sources such as credit unions is important. Prosecution and removal of illegal money lenders from communities will reduce the fear of intimidation and violence.

17 Public Sector Equality Duty

- 17.1 Illegal Money lenders prey on the most vulnerable members of society. They target people who may be financially excluded and, in many instances, people over whom they can exert power and control. Removing an illegal lender and introducing alternatives helps those individuals that have been trapped by the illegal lender into paying high interest or being forced into carrying out activities, under normal circumstances, they would not commit.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Files held by the IMLT

BIRMINGHAM CITY COUNCIL

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

15 MARCH 2023

ALL WARDS AFFECTED

**Birmingham City Council hosted
National Trading Standards Regional Investigations Team (Central England)**

1. Summary

- 1.1 This report provides an update on the work of the National Trading Standards Regional Investigations Team (Central England) (RIT), hosted by Birmingham City Council's, Regulation and Enforcement Division.

2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Tony Quigley, Head of Service

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Originating Officer: Phillip Page, Operations Manager (RIT)

3. Background

- 3.1 The grant funded project was initially piloted in 2006. At that pilot stage there were 3 teams, one based within Central England (CEnTSA), one in the North East (NETSA) and the third team covering London, the South East and East Anglia (TRS). The CEnTSA Team was hosted at that time by Solihull MBC on behalf of the Region.
- 3.2 The Teams were formed following a Government White Paper on consumer protection in which it was identified that Regional Investigation Teams might be better placed to tackle certain offending. The rationale was that certain perpetrators did not simply operate within local authority boundaries, but instead would affect consumers across multiple authority areas.
- 3.3 The three teams were set up to run a 2 year pilot project. At the end of that trial period, and following the success of the 3 teams, funding was made available to extend the project across all Regions, including Scotland, from 2008 for a 3 year period.
- 3.4 Since 2011, funding has been on an annual cycle, and has varied from between £250,000 and £320,000 per year. The amount expected for 2023-24 is £334,000.
- 3.5 Since May 2013, the CEnTSA RIT has been hosted by Birmingham City Council.
- 3.6 The CEnTSA RIT operate across the Region using legislative powers under The Consumer Rights Act 2015.
- 3.7 The RIT work in conjunction with both NTS and the 14 local authorities that make up CEnTSA. The RIT receive their work via a formal tasking process, introduced as part of the Intelligence Operating Model (IOM). Whilst work can be tasked down by NTS, the vast majority of work is tasked to the Team by one or more of the 14 local authorities within CEnTSA.
- 3.8 The RITs operate differently across the country.
- 3.9 One Team provides officers to support more complicated investigations taken on by local authorities in its area. This methodology has also been introduced by the CEnTSA RIT to assist local authorities. These officers support the investigation, but the responsibility for the investigation lies with the local authority concerned.
- 3.10 Other RITs conduct the investigation themselves but then pass the prosecution file back to the originating authority to consider legal proceedings, and that local authority bears the costs of that prosecution, should it go ahead.
- 3.11 In most cases within CEnTSA, the RIT take on the case and then put any prosecution files that may follow through Birmingham City Council. This is

paid for through the annual grant. For this reason, a significant amount of the annual funding is allocated to, and used up on, legal costs.

- 3.12 The RIT, therefore, is small in staff numbers, currently comprising only 2 'core' members of staff but with those numbers bolstered on an 'as needs' basis with experienced investigators employed through agency. Typically, such agency staff are retired police officers with all of the necessary skills in conducting investigations. The Team have also recently made use of a 'managed service' provided through Red Snapper where the initial statement gathering is outsourced to provide an initial impetus to the investigation.
- 3.13 Cases are referred to the Team because intelligence shows that a trader is having a negative impact upon consumers within the Region. In most cases, the trader will also be based within CEnTSA but also, in most cases, consumers affected will be from much further afield than just CEnTSA.
- 3.14 Most of the intelligence used to identify 'problem' traders comes from access to the Citizens Advice complaints database. Citizens Advice now act as the 'front line' for providing consumer advice and for flagging issues of concern to Trading Standards through the Citizens Advice Consumer Service (CACS) reporting line (0808 223 1133).
- 3.15 Trading Standards have access to the CACS portal and can run a variety of reports to assist in identifying potentially problem traders.
- 3.16 The Regional Intelligence Analyst (RIA) based in Warwickshire Trading Standards produces a Tactical Assessment (TA) every 6 weeks. This TA will, amongst other things, highlight traders of possible concern to the Region as well as potential emerging threats.
- 3.17 The purpose for the CEnTSA RIT is to investigate traders and to ascertain whether there is evidence to show that they are acting contrary to any consumers protection legislation. If they are, then, depending on circumstances, a full investigation can follow including warrants, interviews under caution and prosecutions.
- 3.18 The investigative powers for the RIT come through The Consumer Rights Act 2015, a piece of legislation which, amongst other things, amalgamated investigative powers from disparate pieces of legislation into one set of investigative powers.
- 3.19 The 'core' offences considered by the RIT are typically contained within the Consumer Protection from Unfair Trading Regulations 2008, but there are, in addition, a host of other potential offences that are regularly included within case files, including offences under the Fraud Act 2006, Companies Act 2006, Proceeds of Crime Act 2002 and the Trade Marks Act 1994.
- 3.20 Since 2019, the Team has had additional funding from National Trading Standards to conduct Operation Beorma, which is an investigation into the trading activities of assorted Midlands based individuals involved in the manufacture, importation, wholesale and retail supply of counterfeit goods,

including clothing, footwear, electrical goods, perfumes and accessories. This funding has supported an officer on secondment from Birmingham Trading Standards as well as additional agency staff.

4. Operation Updates

- **Operation Coffee –**

This has previously been reported on and is now concluded. The two defendants did eventually satisfy the POCA order, paying back £424,560, the majority of which was paid back in compensation to victims.

- **Operation Swarm –**

Again, previously reported on, although sentencing had not taken place at that time. The main defendant, Adrian Hillman, was sentenced to 5 years imprisonment and banned from being a company director for 8 years. His wife, Rebecca Hillman, was sentenced to 30 months imprisonment and banned from being a company director for 6 years. The third defendant, Philip Farrington, was given a 21 month sentence, suspended for 2 years. He also received a ban from being a director for 4 years. The company operated by the Hillmans, Energenie Shield UK Ltd, received a fine of £8000.

POCA and costs payments totalling £106,899.22 were received, the majority of which were paid back to the victims as compensation.

- **Operation Beorma**

We have suffered in the court system over the last couple of years as the majority of our trial dates for cases have been vacated by the court due to backlogs caused by the pandemic. We have, however, had two matters dealt with at Birmingham Crown Court.

Inderjit SANGU – Mr Sangu was a Birmingham based manufacturer operating a factory in the B18 area of Birmingham. He had been caught following the development of intelligence from other Beorma enforcement exercises. He pleaded guilty to offences under The Trade Marks Act 1994 and was sentenced to 4 years imprisonment. On appeal, this was reduced to 3 years and 4 months.

He was also ordered to pay back £75,000 in POCA payments, and this money has now been received.

Usman SIKANDER and Wasim MEHMOOD – Units linked to Mr Sikander were raided on three separate occasions and significant quantities of counterfeit products seized. On the third occasion, it was apparent that Mr Mehmood was also involved with him and had, in fact, been the person who had rented that particular unit. Mr Sikander was supplying counterfeit clothing via online platforms such as Gumtree, and was either sending the goods out via a courier company or supplying directly from his unit.

Mr Sikander was sentenced to 12 months imprisonment, suspended for 2 years, with an order for 20 days of rehabilitation and an electronic curfew for 3 months. He was also disqualified from being a company director for 7 years.

Mr Mehmood was sentenced to a community order of 12 months, with a rehabilitation order of 25 days and ordered to do 50 hours of unpaid work.

Mr Sikander was ordered to pay back £25,000 within 3 months, with a default sentence of 9 months

Mr Mehmood was the subject of a nominal £1 POCA order.

Other matters

We also received a further POCA payment of £36,523 following a 're-visit' to one of the individuals convicted in an earlier case, Operation Orange.

5. Implications for Resources

- 5.1 The RIT is grant funded and therefore all costs for the service are recovered through this provision.

6. Implications for Policy Priorities

- 6.1 Enforcement action taken against dishonest traders protects not only affected consumers and potential future victims but also can help to protect legitimate traders. This can assist with achieving the following Corporate Priorities
- Priority 1 – inclusive economic growth by creating a level playing field for honest businesses to thrive
 - Priority 9 – helps to make the city safer and free from crime
 - Priority 10 – helps to protect and safeguard vulnerable consumers
 - Priority 16 – improve outcomes for older people
- 6.2 Often our victims are members of the most vulnerable groups and therefore enforcement action helps to protect many that often cannot help themselves.
- Priority 5 – helps to tackle inequality
 - Priority 9 – helps to make the city safer
 - Priority 10 – protect and safeguard vulnerable citizens
- 6.3 Prosecution of dishonest traders protects consumers and opens opportunities for honest traders.
- Priority 1 – support economic growth
 - Priority 2 – tackle unemployment (by creating a level and fair playing field to encourage people to set up new businesses)

7. Public Sector Equality Duty

- 7.1 It is often the case that the traders subject to investigation by the RIT prey on the most vulnerable members of society. Certain traders target people who may be extremely vulnerable, either through age or infirmity or for other reason. Taking robust enforcement action in these circumstances helps to protect not only those consumers but also the wider public.

DIRECTOR OF REGULATION AND ENFORCEMENT

BIRMINGHAM CITY COUNCIL

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

15 MARCH 2023
ALL WARDS

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

1. Summary

- 1.1 This report provides Committee with an update on work being undertaken to further manage unauthorised encampments in the city since the last report on the 16 November 2022.

2. Recommendations

- 2.1 That the report is noted.

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3. Background

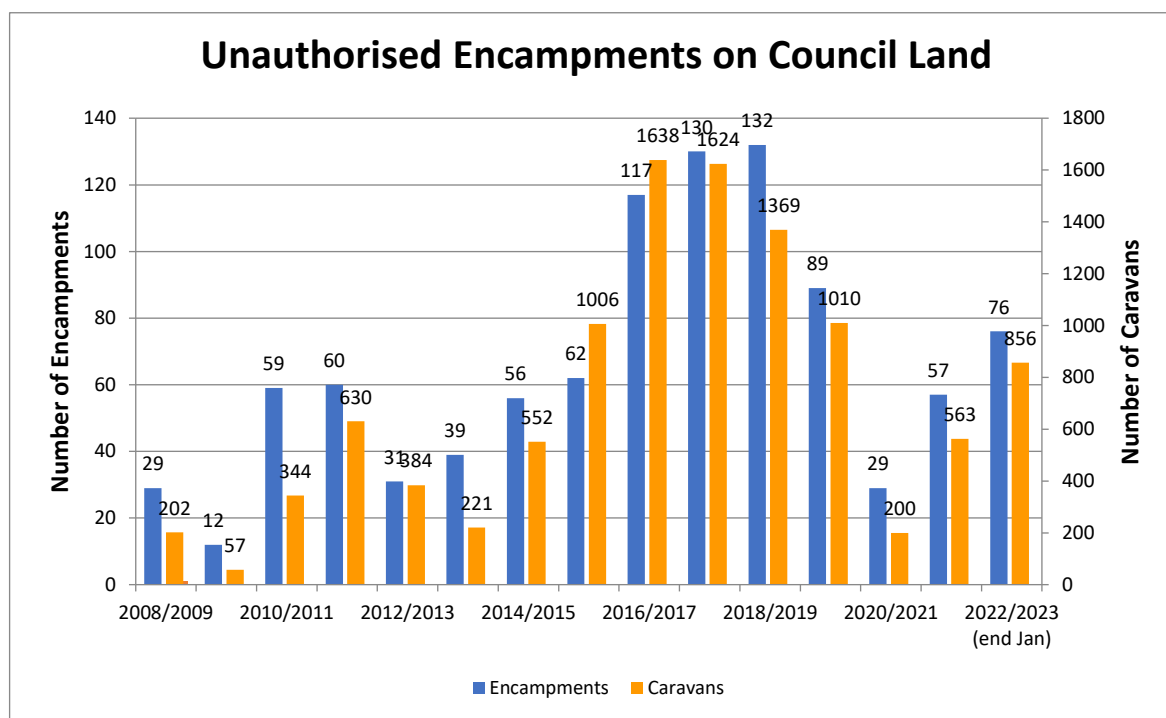
- 3.1 This report is an update on activities since the last report to your Committee on 16 November 2022.
- 3.2 An unauthorised encampment is one which is established on land without the express permission of the landowner. The groups responsible generally comprise elements of Gypsy, Romany, Traveller or other ethnic groupings and are collectively known colloquially as “travellers” or more correctly GRT.
- 3.3 The strategy employed by the City Council to manage unauthorised encampments is contained within a Memorandum of Understanding between the City Council and West Midlands Police (WMP) and is entitled a “Joint Protocol on the Management of Unauthorised Encampments” and is currently at edition 9 dated March 2020. This edition incorporates the presence of the transit sites.

4. Transit Sites

- 4.1. As previously reported, colleagues in Housing and the Inclusive Growth Directorate have applied for capital funding to develop the two transit sites identified in the Birmingham Development Plan (BDP).
- 4.2. Proctor Street transit site has been operational since 1st November 2020 and has seen almost constant use. The report taken to your Committee last November explained how that use had evolved from normalised use pre-lockdowns through to the challenges brought about by the lockdowns and persisting through to the date of the report. There has been no change in the behaviour of the travelling community in Birmingham since November ultimately leading to the site having been repossessed and closed pending repairs since mid-January.
- 4.3. The incidents around maintaining the sites in a usable condition have clearly shown the need for better day to day management of the sites. Your officers (1.8 FTE but also undertake other roles within environmental Health) are very much focused on the legal process of recovering land from unauthorised encampments. This is very different from managing the tenancy and daily needs of a transit site.
- 4.4. It has been clarified that the identification and approval of transit sites lies with colleagues in the Inclusive Growth Directorate. The details of the GRT need for both settled and transit site provision is contained within the Birmingham Development Plan and the GRT needs assessment within that. The operational provision of site(s) and the day-to-day services/operations is a housing function and is to be delivered by the Housing Department. This will leave your officers to focus on recovery of land.
- 4.5. The site at Aston Brook Street is presently vacant awaiting development. There is no update from housing on this.
- 4.6. Legal advice on Tameside Drive site has been requested but cannot be reported as the matter remains with Legal Services. All I am able to report is that your officers are continuing to work with colleagues in Legal Services to bring the site back into use.

5. Unauthorised Encampments

- 5.1. The number of incursions is recorded in the graph below. This shows the trend data for total encampments per year since 2008 with the data for 2022/2023 being up to the end of January 2023.



- 5.2. Although the number of encampments on Council land has dropped in the years after the transit site opened in 2019 it should be borne in mind that this also covers the period encapsulated by the pandemic and as such the actual benefit arising from the transit site cannot be clearly realized as the circumstances have not been 'normal'.
- 5.3. The numbers of unauthorised encampments in 2022/23 probably represent a shift to normalisation of the position post-Covid. Whilst the use of the transit site has done much to alleviate some of the pressures on open spaces and nearby settled residents it should be noted that there have been seven encampments on the transit site itself due to members of the travelling community breaking onto the site and staying for extended periods, usually until evicted.
- 5.4. This unauthorised use of the Proctor Street Transit Site has led to increased pressure on that neighbourhood and both EH and WM Police have come under pressure to deal with the behaviour of occupants of the site. Having additional Transit sites with effective management would alleviate some of the pressures being experienced in and around Proctor Street.

6. Strategic Management of Unauthorised Encampments

- 6.1. As noted in the background the strategic approach to managing unauthorised encampments is contained within a joint protocol between BCC and WMP. This protocol presently relies on the use by WMP of powers under the Criminal Justice and Public Order Act 1994 to direct groups to the transit site where their stay in the city can be 'managed'.
- 6.2. As well as the regulatory aspect, colleagues in Housing are leading on devising a mechanism for management of occupancy on the transit site, having regards to fee collection and the issuing of occupancy agreements. An overarching policy and strategy in this area, from a housing perspective is being developed with contributions from all areas. An action plan is also in development in terms of the management of the site with contribution from relevant stakeholders.
- 6.3. Furthermore, colleagues in Planning are working on delivering the outputs specified in the most recent Gypsy and Traveller Accommodation Assessment (GTAA) from February 2019 which sought to identify need for the community in terms of permanent and transit pitch provision. Searches have been undertaken since that time but a suitable site or sites to meet the recommended provision have not yet been found. A coordinated site search is continuing as part of the new Local Plan for Birmingham to identify and allocate potential sites and an updated GTAA is being carried out during 2023 as part of the evidence for the Plan.
- 6.4. The GTAA (2019) identified the need for 19 additional permanent pitches up to 2033 with the spread by year show in the table below.

Years	0-5	6-10	11-13	13-15	Total
	2018-2023	2023-2028	2028-2031	2031-2033	
	15	1	1	2	19

- 6.5. With regards to transit pitches the GTAA identified that the proposed provision of sites (Proctor Street, Aston Brook Street and Tameside Drive) "should be sufficient to either deal with smaller groups of Travellers stopping off in Birmingham or as a means of requiring households to leave Birmingham." Furthermore, the GTAA recommended that for larger groups that "the Council consider establishing a larger overspill transit site(s)" that can be used in a similar vein to the smaller sites for smaller groups.

7. Consultation

- 7.1. The report is for information and, therefore, no consultation has been undertaken.
- 7.2. Information continues to be made available to MPs and elected members to offer support in reducing the impact on communities that unauthorised encampments have and to reduce the burden on land owning departments.

8. Implications for Resources

- 8.1. Regulation and Enforcement is responsible for the assessments leading up to legal action, the service of notices and arrangement of resources for an eviction to occur. The default costs (bailiff actions), the repair of land and its cleansing, is borne by the land-owning departments. The Environmental Health resources employed in carrying out the work detailed in this report are contained within the approved budget available to your Committee.
- 8.2. The resources required for developing and managing transit site operations is the responsibility of the Housing Department.

9. Implications for Policy Priorities

- 9.1. The work to provide a good quality transit site provision meets with the statutory duties the council has for all residents of Birmingham, which includes the travelling community. It also means that Birmingham is an entrepreneurial city to learn, work and invest in.
- 9.2. This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

10. Public Sector Equality Duty

- 10.1. The management of unauthorised encampments is a process that affects groups and individuals who are (mostly) from specific and defined ethnic minorities e.g. Romany Gypsies, Irish Travelers.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

BIRMINGHAM CITY COUNCIL

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

15 MARCH 2023
ALL WARDS

PROSECUTIONS & CAUTIONS REPORT – NOVEMBER AND DECEMBER 2022

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of November and December 2022.
2. Recommendation
 - 2.1 That the report be noted.

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3. Results

3.1 During the months of November and December 2022, the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 162 Environmental Health cases were finalised resulting in fines of £77,628. Prosecution costs of £37,611 were awarded.
- No Licensing cases were finalised in November and December.
- One Trading Standards case was finalised resulting in a fine of £360. Prosecution costs of £1,185 were awarded.
- One Waste Enforcement case was finalised resulting in a fine of £500. Prosecution costs of £457 were awarded.
- Appendix 1 details all prosecutions finalised during November 2022 by ward.
- Appendix 2 details all prosecutions finalised during December 2022 by ward.
- Appendix 3 details all cautions administered during November and December 2022
- Appendix 4 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2022 to March 2023.
- Appendix 5 lists Penalty Charge Notices issued by Parking Enforcement specifically for individuals parking on Taxi Ranks across the City from April 2022 to March 2023. 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 2022 to March 2023 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)
£211,719 has been requested with £156,097 awarded (74%)

Licensing
£7,801 has been requested with £5,468 being awarded (70%)

Trading Standards
£7,603 has been requested with £2,828 awarded (37%)

- 5.3 For the months of November and December 2022 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)
£51,030 has been requested with £38,068 awarded (75%)

Licensing
No costs were requested.

Trading Standards
£1,185 has been requested with £360 awarded (30%)

- 5.4 The following income has been received so far from the courts in 2022/23.

Licensing
£7,910 has been received.

Environmental Health
No income has been received including Waste Enforcement cases.

Trading Standards
No income has been received.

(Total £7,910).

- 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 Business Plan 2015+.

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.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

Nov-22

Department	Date Case Heard	Name & Address	Ward of defendant	Offence details (including Legislation)	Fine issued	Costs awarded	Costs requested	Penalty Total	penalty details	Ward - Offence committed
Environmental Health	10/11/2022	Chuckys Chippy Ltd 162 Stratford Road Birmingham B11 1AG	Sparkbrook & Balsall Heath East	Food Safety and Hygiene (England) Regulations 2013. Pleaded guilty to 10 offences relating to conditions found at Chuckys Chippy, 162 Stratford Road, Birmingham. There was evidence of cockroach activity at the premises and gaps in the structure allowing cockroach ingress. Flooring, chillers, shelving, hand contact points, walls, pipework, a wash hand basin and sink, a preparation table, a gas cooker and a fryer, were all found to be dirty. Floor tiles and external wall tiles were in disrepair. No hot running water was provided to the washbasin serving the sanitary accommodation. Chopping boards were blackened and heavily scored. The external bin container was overflowing.	£7,000.00	£2,379.00	£2,379.00	£9,379.00		Sparkbrook & Balsall Heath East
Environmental Health	10/11/2022	The Grain Bakery Ltd 7 Greenfield Crescent Birmingham B15 3BE	Edgbaston	Food Safety and Hygiene (England) Regulations 2013. The Food Safety Act 1990 The Food Information Regulations 2014 Pleaded guilty to 12 offences relating to conditions at The Grain Bakery, 15 Proctor Street, Edgbaston, Birmingham on three separate dates. There were mouse droppings throughout the premises and gaps in the structure of the premises allowing access to pests. The premises was dirty with food debris and grease. The ceiling in the bakery had a leak. Food was not covered during storage to protect it from contamination. A whisk used to whisk raw shell egg was placed on a yellow chopping board which was also used to chop ready to eat bread and store ready to eat tuna. There were no procedures in place based on HACCP. Damaged equipment was being used. Floor surfaces were not maintained in a sound condition and were not easy to clean or disinfect. The Company failed to comply with Hygiene Improvement Notices requiring they have up to date and accurate information available for all foods and drink with regards to the 14 prescribed allergens and that they comply with the labelling requirements for all foods produced on site. Also, the information provided to identify the prescribed allergens in the food served was not accurate and there was no suitable system to ensure that accurate and verifiable information was available.	£8,000.00	£2,529.00	£2,529.00	£10,529.00		Nechells

Environmental Health	24/11/2022	Unique Bakers Ltd 113 Electric Avenue Birmingham B6 7EF	Aston	Food Safety and Hygiene (England) Regulations 2013. Pleaded guilty to 16 offences relating to conditions found at Royal Bakeries 113 Electric Avenue, Birmingham on three separate dates. The standard of cleaning throughout was poor and the shutter was not pest proofed. Food was not protected from contamination, food ingredients were left uncovered, scoops/spoons were left in food items increasing the likelihood of contamination from repeated use of the same scoops/spoons. Cooling products were stored next to incoming products and dirty trolleys. Equipment was dirty and damaged. There were no procedures based on HACCP. On the next visit to the premises, the standard of cleaning was poor throughout and the external shutter in the production room was not fully closed allowing access to pests. Food was not protected against contamination. Lids were missing from storage bins, a bowl containing flour was dirty. Metal baking trays were dirty and damaged. Cardboard, which is not a hygienic surface had been placed on machinery as a surface. There were no procedures based on HACCP. On the third visit, the standard of cleaning throughout was still poor. Food was not protected against contamination, articles, fittings and equipment could not be effectively cleaned. There were still no permanent procedures based on HACCP principles.	£12,000.00	£2,889.00	£2,889.00	£14,889.00	£4,000 x 3 separate inspections	Aston
Environmental Health	24/11/2022	Yemeni Oasis Restaurant Ltd 57 Alfred Street c/o Kaiser Nouman Nathan LLP Birmingham B12 8JP	Sparkbrook & Balsall Heath East	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to 10 offences relating to conditions found at Al Fursan Restaurant, 155-157 Stratford Road, B11 1RB on two separate occasions. The standard of cleaning was poor, including floors, walls, cooking equipment, equipment, pipework, shelving, hand wash basins, ventilation canopies, fridges and freezers and sinks. Food was not protected against contamination, there was food in open food containers on the floor of the kitchen. Food was stored in open food containers in the kitchen, there was evidence of contamination between trays. There were no hand drying materials in the hand wash basin in the kitchen, front display area, upstairs kitchen and toilet. Food storage containers were dirty. Plastic used to cover dough was not food grade. The chopping boards were dirty and heavily scored/damaged. Utensils, e.g tongues, were damaged. Scrapers were dirty and hardware wallpaper scrapers not food grade equivalent. There were no procedures based on HACCP principles. During the second visit the standard of cleaning was still poor. In the rear store area, the plastic-coated preparation table was heavily scored and damaged. There was plant life growing in the wall in the area between the upstairs kitchen and walk in chiller. Food was not protected against contamination; raw liver was in the countertop chiller unit adjacent to pulses and cooked chicken. Food storage containers in the countertop chiller unit were	£6,000.00	£1,000.00	£1,791.00	£7,000.00		Sparkbrook & Balsall Heath East

				placed directly on top of other food items. There were no hand drying materials at the hand wash basin in the upstairs kitchen. Open food preparation was taking place in an area (rear of dry store) without a suitably located hand wash basin. The metal racks used on the charcoal grill were dirty with a heavy build-up of grease. There were no procedures implemented based on HACCP.						
Environmental Health	08/11/2022	Samme Ahmed Birmingham	Yardley East	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	08/11/2022	Maruntelu Amalia Birmingham	Sparkhill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	08/11/2022	James Aston Birmingham	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moor Street Queensway, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	08/11/2022	Jozef Dano Walsall	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Lower Temple Street, Birmingham	£220.00	£175.00	£175.00	£375.00		Ladywood
Environmental Health	08/11/2022	Jacqueline Doherty Kingshurst	Out of area	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in High Street, Birmingham	£123.00	£175.00	£175.00	£298.00		Ladywood
Environmental Health	08/11/2022	Jason Donovan Birmingham	Longbridge & West Heath	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	08/11/2022	Rianna Edwards Dudley	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Temple Row, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	08/11/2022	Hangu Florin Birmingham	Edgbaston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	08/11/2022	Rebecca Garner Telford	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	08/11/2022	Maihale Ghita Birmingham	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	08/11/2022	Ju Gu Birmingham	Bournbrook & Selly Park	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	08/11/2022	Laura Hands Birmingham	Tyseley & Hay Mills	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moor Street Queensway, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	08/11/2022	Hamled Hild Wolverhampton	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette at the junction of Bull Street and Corporation Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	08/11/2022	James Hollingsworth Birmingham	Heartlands	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Priory Queensway, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood

Environmental Health	08/11/2022	Zyber Hoxer Birmingham	Edgbaston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Warwick Road, Acocks Green, Birmingham	£220.00	£175.00	£175.00	£395.00		Acocks Green
Environmental Health	08/11/2022	Paul Costilla Illuta Birmingham	North Edgbaston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	08/11/2022	Muhammed Ishmeal Birmingham	Sparkbrook & Balsall Heath East	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in High Street, Birmingham	£40.00	£76.00	£175.00	£116.00		Ladywood
Environmental Health	08/11/2022	Kun Jhou Birmingham	Edgbaston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	08/11/2022	Zait Karakus Birmingham	Bartley Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	08/11/2022	Michael Kurtz Redditch	Out of area	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in Bennetts Hill, Birmingham	£40.00	£85.00	£175.00	£125.00		Ladywood
Environmental Health	08/11/2022	Daniel Landsdown Birmingham	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Old Square, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	08/11/2022	Zeline Li Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	08/11/2022	Zi Li Birmingham	Bournbrook & Selly Park	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Bromsgrove Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	08/11/2022	Linkai Liu Bristol	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Inge Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	08/11/2022	Rui Lu Birmingham	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	08/11/2022	Siji Lu Oxford	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Inge Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	08/11/2022	Sophie Jayne Randell Halesowen	Out of area	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in Corporation Street, Birmingham	£124.00	£175.00	£175.00	£299.00		Ladywood
Environmental Health	09/11/2022	George Mihai Lupu Birmingham	North Edgbaston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Joanne Lynch Birmingham	Handsworth Wood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Erdington, Birmingham	£220.00	£175.00	£175.00	£395.00		Erdington
Environmental Health	09/11/2022	David Malbon Wolverhampton	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Snowhill, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Linda McArthur Birmingham	Bromford & Hodge Hill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Church Road, Stechford, Birmingham	£220.00	£175.00	£175.00	£395.00		South Yardley

Environmental Health	09/11/2022	Kyle Morrison Birmingham	Oscott	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Erdington, Birmingham	£220.00	£175.00	£175.00	£395.00		Erdington
Environmental Health	09/11/2022	Halo Muhammad Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Kia Nguang Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	09/11/2022	Harry Nguyeh Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in St Martins Queensway, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Kevin Nguyen Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Stephenson Place, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Yishuai Nie Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Smallbrook Queensway, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Laura Parks Bromyard	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Aleesha Perkins Birmingham	Acocks Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Westley Road, Acocks Green, Birmingham	£220.00	£175.00	£175.00	£395.00		Acocks Green
Environmental Health	09/11/2022	Llie Petru Smethwick	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Katarzna Poplawska Birmingham	South Yardley	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Frank Pritchard Cannock	Out of area	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in High Street, Erdington, Birmingham	£40.00	£40.00	£175.00	£80.00		Erdington
Environmental Health	09/11/2022	Sara Privitera Birmingham	Ward End	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Michael Robinson Birmingham	Sparkbrook & Balsall Heath East	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Warwick Road, Acocks Green, Birmingham	£220.00	£175.00	£175.00	£395.00		Acocks Green
Environmental Health	09/11/2022	John Serge Birmingham	Gravelly Hill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Jessica Slater Rowley Regis	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Cherry Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Dan Smith London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Stefano Sorin Birmingham	Sparkbrook & Balsall Heath East	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood

Environmental Health	09/11/2022	Sriuban Thirunavukarasu Birmingham	Brandwood & Kings Heath	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	09/11/2022	Lee Tibbins Birmingham	Aston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Bull Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Katie Tinklin Wales	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Steve Tull Birmingham	Gravelly Hill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Yao Wang Birmingham	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Teng Xiaohu Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Jack Yates Chelmsley Wood	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	09/11/2022	Chris Yu London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Inge Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	09/11/2022	Baisong Zhao Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Pershore Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	09/11/2022	Lafrowda Wang Zhuhong Exeter	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	22/11/2022	Lee Andy Birmingham	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	22/11/2022	Patrick Attiave Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Cherry Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	22/11/2022	Pavan Bskka Birmingham	Stirchley	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	22/11/2022	Jason Hartshorn Liverpool	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moat Lane, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	22/11/2022	Shawn Juo Liverpool	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moat Lane, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate

Environmental Health	22/11/2022	Arain Karbassi London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	22/11/2022	Bhana Kursa Leicester	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Dean Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	22/11/2022	Grzegorz Kwietniewski Birmingham	Tyseley & Hay Mills	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Union Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	22/11/2022	Mary McCann Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	22/11/2022	Loma Norton Birmingham	Kingstanding	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	22/11/2022	Di Pan Manchester	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	22/11/2022	Lok Yee Angle Pang Rowley Regis	Out of area	Environmental Health Act 1990 Section 87 Pleaded guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£40.00	£175.00	£175.00	£215.00		Ladywood
Environmental Health	22/11/2022	Chien Phan Nuneaton	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in St Martins Walk, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	22/11/2022	Milan Ribarski Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	22/11/2022	Mya Richardson Oldbury	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	22/11/2022	Sydney Robertson Leicester	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Pershore Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	22/11/2022	John Round Bedlington	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	22/11/2022	Adeel Saqaf Birmingham	Sparkbrook & Balsall Heath East	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	22/11/2022	Lisa Smith Birmingham	Kingstanding	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	22/11/2022	Laura Tambling Birmingham	Billesley	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Colmore Row, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	22/11/2022	Vasile Paris Tocila Wolverhampton	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood

Environmental Health	22/11/2022	Clare Turner Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	22/11/2022	David Christopher Wainwright Birmingham	Oscott	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moor Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	22/11/2022	Chenyi Wang West Bromwich	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Bromsgrove Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	22/11/2022	Joe Wise Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moor Street, Birmingham	£220.00	£175.00	£175.00	£375.00		Bordesley & Highgate
Environmental Health	22/11/2022	Lee Xia West Bromwich	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Essex Street, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	22/11/2022	Wendy Xu Liverpool	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moat Lane, Birmingham	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate

Row Labels	Count of Department	Sum of Fine issued	Sum of Costs awarded
Environmental Health	89	£50,787.00	£23,348.00
Grand Total	89	£50,787.00	£23,348.00

Dec-22

Department	Date Case Heard	Name & Address	Ward of defendant	Offence details (including Legislation)	Fine issued	Costs award	Costs requested	Penalty Total	penalty details	Ward - Offence committed
Environmental Health	08/12/2022	Haqnawaz Khan Walsall Mohammed Aqeel Aslam Walsall	Out of area	Food Safety and Hygiene (England) Regulations 2013 Both defendants pleaded guilty to six offences relating to conditions at Soho Sweets and Coffee House, 165 Soho Road, Birmingham. There was cockroach activity in the food preparation area and the passageway gate could allow ingress to pests, potatoes were stored in this passageway. The premises was not kept clean, there were mouldy skirting boards, missing wall tiles and bare wood exposed on shelving in the rear food handling/storage area. Paint was flaking off the inside of the walk-in chiller door. Floors, walls, pipework, the gas cooker, shelving beneath the microwave and a plug and socket were dirty. Cookie dough pucks and muffins were not properly covered, and wraps were completely uncovered during storage.	£5,500.00	£1,992.00	£1,992.00	£7,492.00	Each defendant fined £2,750.00 & ordered to pay £996 costs	Soho & Jewellery Quarter
Environmental Health	08/12/2022	The Woodhouse Café Ltd 7 Olton Boulevard East Birmingham B27 7RR Raju Hobibur Rahman Birmingham	Tyseley & Hay Mills	Food Safety and Hygiene (England) Regulations 2013 Food Information Regulations 2014 Company and Director both pleaded guilty to 28 offences relating to conditions found at The Woodhouse Cafe, 7 Olton Boulevard East, Birmingham on two separate occasions. There was extensive rat activity in the kitchen and the rear of the bar and flies throughout the premises. Behind the standalone freezers in the kitchen, there was evidence that rodents had gnawed through the structure of these to gain access to the internal components. The external construction of the room behind the bar and internal construction of the premises from this area into the kitchen were significantly poor, with gaps large enough to allow rodent ingress. The business was dirty and structurally in poor condition. The wash hand basin in the kitchen was used to store equipment and not accessible for washing hands. The yellow chopping board was extensively scored with black mould present. Clean crockery including bowls and plates were found to contain debris and hair. Takeaway containers had fallen behind equipment and were contaminated with rat droppings. There was no evidence of any food handlers having food hygiene training and no documentation based on the HACCP principles. They failed to comply with four Hygiene Improvement Notices served after the first visit. The premises was dirty and in poor condition. The kitchen wash basin was obstructed with a food	£6,500.00	£310.00	£2,374.00	£6,810.00	Company fined £6,500 Director - 16 weeks custody suspended for 12 months	Tyseley & Hay Mills

				container. Walls were dirty and greasy. Chopping boards were heavily scored and ingrained with mould. Food containers and equipment were in a poor, dirty condition. An open tub of cooked prawns was defrosting in the white fridge below raw meat. Raw salmon was stored next to ready to eat cheese and above ready to eat salads and cream.						
Environmental Health	12/12/2022	Dean Richards Birmingham	Birchfield	Environmental Protection Act 1990 Pleaded guilty to two offences of failing to comply with an Abatement Notice and causing a noise nuisance by the playing of amplified sound equipment and voice at 2E Grosvenor Road, Birmingham.	£450.00	£516.00	£9,494.00	£966.00	£225 x 2	Birchfield
Environmental Health	13/12/2022	Saliful Ahasan London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Lower Temple Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Habibullah Ahmadzai Birmingham	Holyhead	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Rashid Alfoudari Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Yusuf Ali Birmingham	Moseley	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Hill Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Abdullah Aljmi Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Ansar Amin Birmingham	Sparkhill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Warstone Lane, Birmingham.	£220.00	£175.00	£175.00	£395.00		Soho & Jewellery Quarter
Environmental Health	13/12/2022	Chloe Baird Birmingham	Alum Rock	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in High Street, Birmingham.	£40.00	£85.00	£175.00	£125.00		Ladywood
Environmental Health	13/12/2022	Anna Bennett Birmingham	Shard End	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Jason Bonsall Nuneaton	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Nico Brasko London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Hinckley Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Liam Brook Birmingham	Bromford & Hodge Hill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Daniel Chambers Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Luke Chambers Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood

Environmental Health	13/12/2022	Jasir Chukwuebu ka Smethwick	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Digbeth, Birmingham.	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	13/12/2022	Tsoeiab Cibrabtun Birmingham	Erdington	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Matthew Clarke Braintree	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Hill Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Liam James Cottle Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Bull Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Jake Curtis Coleshill	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Iosif Dumitru Birmingham	Glebe Farm & Tile Cross	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Allison Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	13/12/2022	Mikaela Edwards Birmingham	Stockland Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Priory Queensway, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Ben Egan Birmingham	Sparkhill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Cherry Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Michael Elstob Birmingham	Brandwood & Kings Heath	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in Moor Street Queensway, Birmingham.	£40.00	£0.00	£175.00	£40.00		Bordesley & Highgate
Environmental Health	13/12/2022	Lee Farnell Birmingham	Sheldon	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in New Street, Birmingham.	£125.00	£85.00	£175.00	£210.00		Ladywood
Environmental Health	13/12/2022	Jordan Flynn Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Richard Green Birmingham	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Temple Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Lynda Haine London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Hill Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Monique Harris Birmingham	Edgbaston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Kat Hart Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Union Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Matthew Heathcote Birmingham	Edgbaston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Bennetts Hill, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Alexandru Hose Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood

Environmental Health	13/12/2022	Marius Hose Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Jass Huttenik Birmingham	Holyhead	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Colmore Row, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Richard Hutton Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Smallbrook Queensway, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Fatbardh Jakupaj Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Temple Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Ross Jones Birmingham	Kingstanding	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	James Kennedy Birmingham	Brandwood & Kings Heath	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Kings Heath, Birmingham.	£220.00	£175.00	£175.00	£395.00		Brandwood & Kings Heath
Environmental Health	13/12/2022	Nguyen Khai Birmingham	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Ali Khan London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Upper Dean Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	13/12/2022	Bilal Khan Matlock	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Hill Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Mihai Khan Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Mahde Kharrulah Smethwick	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Cherry Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Amii Khrun London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Upper Dean Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	13/12/2022	Martyna Konieczna Birmingham	Frankley Great Park	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Ethel Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Ali Khrun Leeds	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Tomasz Libront Birmingham	Sheldon	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Aryan Mahmoud Leicester	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Anthony Mainwood Birmingham	Balsall Heath East	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Corporation Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood

Environmental Health	13/12/2022	Tina Mason Birmingham	Quinton	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in Snowhill Queensway, Birmingham.	£146.00	£85.00	£175.00	£231.00		Ladywood
Environmental Health	13/12/2022	Gemma Mortiboys Birmingham	Perry Common	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in Union Street, Birmingham.	£40.00	£40.00	£175.00	£80.00		Ladywood
Environmental Health	13/12/2022	Costel Nica Sandwell	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Antonia Panti Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Natalie Perry Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Union Street, Birmingham.	£40.00	£40.00	£175.00	£80.00		Ladywood
Environmental Health	13/12/2022	Carla Poole Birmingham	Kings Norton South	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in St Martins Walk, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Chloe Rafferty Wolverhampton	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Royal Mail Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Shahir Rahman Bromyard	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Sutton Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Aaron Ryan Birmingham	Handsworth Wood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Tracey Sanders Birmingham	Stirchley	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Roman Nicolae Sebastian Birmingham	Alum Rock	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	John Smith Shrewsbury	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Ronnie Thynne Birmingham	Bournbrook & Selly Park	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Corporation Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Katherine Tims Birmingham	Castle Vale	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in New Street, Birmingham.	£100.00	£85.00	£175.00	£185.00		Ladywood
Environmental Health	13/12/2022	Anthony Todd Spennymore	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Carrs Lane, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Vlad Vornica Stoke on Trent	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in St Martins Walk, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Zhansen Wang	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter	£220.00	£175.00	£175.00	£395.00		Ladywood

		Birmingham		in New Street, Birmingham.						
Environmental Health	13/12/2022	Mohead Watnkh Oldbury	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Liam Wooder Birmingham	Bartley Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Environmental Health	13/12/2022	Amanda Woolley Burntwood	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Digbeth, Birmingham.	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	13/12/2022	Chen Xing Birmingham	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Ladywell Walk, Birmingham.	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	13/12/2022	Chen Xui Stevenage	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Ladywell Walk, Birmingham.	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
Environmental Health	13/12/2022	Troy Yeomans Birmingham	Balsall Heath East	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
Trading Standards	08/12/2022	Amrik Singh Ark Smethwick	Out of area	Trademarks Act 1994 Pleaded guilty to one offence of having goods, namely 69 bottles of 70cl Yellow Tail wine, in possession for supply at Ark Convenience Store, 85 Turves Green, Northfield, Birmingham which bore a sign identical to or likely to be mistaken for a registered trademark, namely "Yellow Tail", without the consent of the proprietor, Casella Family Brands.	£360.00	£1,185.00	£2,370.00	£1,545.00		Longbridge & West Heath
Waste Enforcement	15/12/2022	Marinache Dumitru Birmingham	Bordesley Green	Environmental Protection Act 1990 Pleaded guilty to one offence of knowingly causing or permitting waste, namely a red settee, large fridge freezer, two trays and two black bags containing domestic waste and clothing, to be deposited on land on Baker Street, Small Heath, Birmingham.	£500.00	£457.00	£457.00	£957.00		Bordesley Green

Row Labels	Count of Department	Sum of Fine issued	Sum of Costs awarded
Environmental Health	73	£26,841.00	£14,263.00
Waste Enforcement	1	£500.00	£457.00
Trading Standards	1	£360.00	£1,185.00
Grand Total	75	£27,701.00	£15,905.00

SIMPLE CAUTIONS ADMINISTERED DURING NOVEMBER AND DECEMBER 2022

ENVIRONMENTAL HEALTH

No simple cautions were administered.

LICENSING

Six simple cautions were administered during November and December 2022.

Local Government (Miscellaneous Provisions) Act 1976

Section 48(6) Four cautions were issued for failing to display a private hire vehicle licence plate.

Local Government (Miscellaneous Provisions) Act 1976

Section 57 One caution was issued for knowingly failing to disclose previous motoring endorsement convictions on a vehicle application form

Licensing Act 2003

Section 136 One caution was issued for carrying on licensable activities at a public house outside of licensable hours

TRADING STANDARDS

One simple caution was administered during November 2022.

Trade Marks Act 1994

Section 92 One caution was issued for having goods in possession for supply which bore a registered trademark without the consent of the trademark holder

WASTE ENFORCEMENT

No simple cautions were administered.

APPENDIX 4**WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY**

Waste Investigation Outcomes														
	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Total	
Duty of care inspections into the waste disposal arrangements of commercial premises	192	47	56	39	30	48	29	96	45				582	
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	147	43	35	31	24	39	25	78	37				459	
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	6	17	11	11	17	16	20	17	6				121	
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences (£80)	0	0	0	0	0	0	0	0	0				0	
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	14	12	7	11	9	2	6	10	1				72	
Prosecutions														
Number of prosecution files submitted to legal services, (number produced quarterly.	2	2	0	4	3	2	3	3	5				24	

APPENDIX 5

Monthly Parking PCNs Issued in Taxi Ranks	Processing
April 2022	198
May 2022	243
June 2022	264
July 2022	330
August 2022	249
September 2022	307
October 2022	364
November 2022	381
December 2022	419
January 2023	
February 2023	
March 2023	
TOTAL	2755

BIRMINGHAM CITY COUNCIL

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

15 MARCH 2023
ALL WARDS

**HIGHWAY AND REGISTRATION SERVICES
FEES AND CHARGES ADDENDUM 2023/24**

1. Summary

- 1.1 At the January 2023 Committee meeting, the Division's Fees and Charges report was considered, in line with The Corporate Charging Policy and Financial Regulations. At that time, it became apparent that there were two inaccuracies with the report.
- 1.2 This report corrects the error in room bookings at the Register Office and provides the missing fee table in the appendix 6(a) that applies to the Highways fees and charges.

2. Recommendations

- 2.1 That the changes to the non-statutory fee for the Registration Service, as detailed in **4.1**, is approved to take effect from 1 April 2023.
- 2.2 That the changes to the fees and charges for Highway Services as detailed in **Appendix 6**, are approved to take effect from 1 April 2023.

Contact officer: Mark Croxford, Head of Environmental Health
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Email: mark.croxford@birmingham.gov.uk

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 This report corrects one error and one omission from the January 2023 fees and charges report.

4 Proposals

- 4.1 That the following table for Approved building Licence Fees be approved. This corrects the anomaly that it was cheaper to book "Additional rooms added after the application approved 6 years" than booking rooms at the time of application.

TABLE 1 Approved Building Licence Fees

1. Register Office - Approved Buildings	2022/23	2023/24	2024/25	VAT
New Application for approval of premises to include ONE room 3 years	£3,507.00	£3,682.00	£3,866.00	NB
Renewal of existing approved premises to include ONE Room 3 years	£2,450.00	£2,573.00	£2,702.00	NB
Additional rooms included in the application (per room) 3 years	£779.00	£818.00	£859.00	NB
Additional rooms added after the application approved 3 years	£891.00	£936.00	£983.00	NB
Application for approval of religious building for Civil Partnerships 3 years	£689.00	£723.00	£759.00	NB
Renewal of existing approved premises to include ONE Room 6 years	£4,343.00	£4,560.00	£4,788.00	NB
Additional rooms included in the application (per room) 6 years	£891.00	£936.00	£983.00	NB
Additional rooms added after the application approved 6 years	£1,113.00	£1,169.00	£1,227.00	NB
Application for approval of religious building for Civil Partnerships 6 years	£689.00	£723.00	£759.00	NB
New Application for approval of small premises - 3 years		POA	POA	NB
New Application for approval of small premises - 6 years		POA	POA	NB
Registrar acting as a celebrant		POA	POA	NB

- 4.2 That for Highway Services Appendix 6 is considered and the fees detailed in Appendix 6(a), which was missing from the January 2023 report, be agreed.

REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2023/2024

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 in April 2021.
- 2.2 Specific licences, under the, are by the Council's Provider Interim Service Provider Kier.
- 2.3 The Interim Service Provider will not be entitled to retain any fee / charge associated with the issue of certain licences.

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 2023/24.

Appendix 6(a)

Service/ Charge	Charge 2022/23	Proposed Charge 2023/24	£ change (23/24 - 22/23)	% change (after rounding)	% input	Traded Service (Y/N)	Statutory/non Statutory (S/NS)
Highway Licences							
New licence for private services in highway	£935.00	£952.00	£17.00	1.82%	5%		
Additional inspection fee for over 200 metres	£220.00	£226.00	£6.00	2.73%	5%		
New licence for overhanging canopies etc. on public highway	£904.00	£921.00	£17.00	1.88%	5%		
Amendment to existing canopy etc. licence	£498.00	£508.00	£10.00	2.01%	5%		
Street Café Specified Licences							
Up to 5 tables	£927.00	£944.00	£17.00	1.83%	5%		
5 tables or more	£1,359.00	£1,384.00	£25.00	1.84%	5%		
Transportation, Connectivity & Highways							
Specified Licence to plant trees, shrubs, etc., in a highway.							
New licence to plant and maintain vegetation in highway.	At Cost	At Cost			5%		NS
Individual Specified Licence Fee							
Application Fee (non-refundable)	£105.00	105.00	£0.00	0.00%	5%		NS
Specified Licences for Developments with a Value up to £1million:							
Scaffolding (up to 28 days)	£185.00	189.00	£4.00	2.16%	5%		NS
Hoarding (up to 28 days)	£185.00	189.00	£4.00	2.16%	5%		NS
Carting Over (Temporary Access) (up to 28 days)	£185.00	189.00	£4.00	2.16%	5%		NS
Deposit of Materials (up to 28 days)	£185.00	189.00	£4.00	2.16%	5%		NS
Crane - for one day only	£95.00	95.00	£0.00	0.00%	5%		NS
Crane up to 2-28 days	£185.00	189.00	£4.00	2.16%	5%		NS
Excavation (up to 28 days)	£185.00	189.00	£4.00	2.16%	5%		NS
Licences for Developments with a Value up to £1million:							
Scaffolding (from 29 days over)	£440.00	£452.00	£12.00	2.73%	5%		NS
Hoarding (from 29 days over)	£440.00	£452.00	£12.00	2.73%	5%		NS
Carting Over (Temporary Access) (from 29 days over)	£440.00	£452.00	£12.00	2.73%	5%		NS
Crane (from 29 days over)	£440.00	£452.00	£12.00	2.73%	5%		NS
Excavation (from 29 days over)	£440.00	£452.00	£12.00	2.73%	5%		NS

Deposit of Materials (from 29 days over)	£440.00	£452.00	£12.00	2.73%	5%		NS
Additional Street Frontages							
Administration Fee per additional street frontage	£105.00	£105.00	£0.00	0.00%	5%		NS
Extension or Amendment to Specified Licence							
Administration Fee - up to & including a 4-week extension from date of original start	£105.00	£105.00	£0.00	0.00%	5%		NS
Large Development Highways Specified Licence							
Project Value ≥£1million and over 4 weeks	0.15%	0.16%	£0.00	5.00%	5%		NS
Administrative Fee for processing Development Bond	£55.00	£58.00	£3.00	5.45%	5%		NS
Retrospective Specified Highway Licence issued							
Retrospective Highway Licence	2 x equivalent preapproved total permit value	2 x equivalent preapproved total permit value			5%		NS
Skip Placements on the Highway							
Registration Fee	No charge	No charge			5%		NS
Permit Fee	£23.00	£24.00	£1.00	4.35%	5%		NS
Retrospective Permit Fee	£210.00	£216.00	£6.00	2.86%	5%		NS
Removal of non-permitted skips	£243.00	£248.00	£5.00	2.06%	5%		NS

5 Consultation

5.1 This report does not require consultation.

6 Implications for Resources

6.1 The proposals represent an increase to budgeted income for 2023/24, assuming the same level of work being delivered. The proposed increases are in line with the budget strategy for 2023/24 onwards.

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.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Birmingham City Council – Corporate Charging Policy

BIRMINGHAM CITY COUNCIL

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

15 MARCH 2023
25 Wards

**PRIVATE RENTED SECTOR - SELECTIVE LICENSING FEES AND CHARGES
2023/2024**

1.0 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.

2.0 Recommendations

- 2.1 That the selective licensing fees and charges as detailed in Appendix 1 be approved to take effect from 1 April 2023 for any licence commencing on or after 5 June 2023, which is the date of commencement of the scheme.

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3.0 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 selective licensing designation budget is a ring-fenced account and therefore 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 licences, the fee calculations are based on the predicted number of licences that will be issued over the course of the licensing designation (5 years). Predictions have been based on the experience of other Local Authorities administering similar schemes.
- 3.4 The fees proposed in this report are calculated to recover the full cost of carrying out the service. This includes all administrative costs (including premises and service costs), any recharge of officers' time in appropriate cases when carrying out inspections of premises and other compliance duties (where applicable).
- 3.5 The fees proposed fulfil the main requirement of assuring that full costs are recovered from the income generated wherever possible.
- 3.6 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.
- 3.7 In setting the fees we have also taken account of the various precedents set by case law in the various areas of licensing. A summary of these cases is provided at Appendix 2

4.0 Selective Licensing

- 4.1 From the 5 June 2023, 25 of the city's wards will become subject to the Council's selective licensing designation. The 25 wards are:

Acocks Green, Alum Rock, Aston, Balsall Heath, Birchfield, Bordesley Green, Bordesley & Highgate, Bournbrook & Selly Park, Edgbaston, Gravelly Hill, Handsworth, Heartlands, Holyhead, Ladywood, Lozells, North Edgbaston, Small Heath, Soho & Jewellery Quarter, South Yardley, Sparkbrook & Balsall Heath, Sparkhill, Stockland Green, Tyseley & Hay Mills, Ward End, Yardley West & Stechford.

- 4.2 Any landlord of a self-contained, private rented property and where the property is not a house in multiple occupation will require a selective property licence (subject to specific exemptions detailed in the regulations).
- 4.3 Houses in Multiple Occupation (HMO) within these 25 wards will require either a Mandatory HMO licence (5 people or more) or an Additional licence (3 or 4 occupants).
- 4.4 A separate licence is needed for each property.
- 4.5 Failure to apply for a licence is a criminal offence and can result in a civil penalty or an unlimited fine.
- 4.6 To grant a licence, we must be satisfied that:
- the proposed licence holder is the most appropriate person to hold the licence
 - the proposed licence holder, and any manager of the property, is a “fit and proper person”
 - proper management standards are in place at the property
 - valid gas, electrical, and energy performance certificates are in place for the property
- 5.0 Who must hold the licence?
- 5.1 The landlord, or someone they nominate, such as a manager or agent, can hold the licence, provided that person is in agreement, as the licence must be held by the most appropriate ‘fit and proper’ person.
- 5.2 In determining whether a licence-holder is ‘fit and proper, we will consider:
- any previous convictions relating to violence, sexual offences, drugs and fraud
 - whether the proposed licence holder has broken any laws relating to housing or landlord and tenant issues
 - whether the person has been found guilty of unlawful discrimination
- 6.0 The Proposed Fees:
- 6.1 Appendix 1 shows the proposed licence fees
- 6.2 In order to ensure the fees reflect the cost of administering the licensing scheme and processing the licences, as well as compliance with those licences (and a proportion for enforcement against landlords illegally operating without a licence, but not related to any prosecution costs), the fee calculations are based on projections for salary, premises and other costs for the duration of the designation.
- 6.3 Members will note that the proposed fees are split into a non-refundable application fee and a licence fee. This split is required further to case law set by R (Hemming and Others) vs Westminster City Council. Each fee takes account of salary costs, overhead costs, and processing and activity times.

6.5 There is no separate fee proposed for renewals as the time spent assessing renewal applications and administering the licence scheme for renewals is the same as that spent for any new licence application.

6.6 The fee will enable the Council to ensure that it is meeting its obligations and duties in relation to processing licences within a reasonable timeframe and carrying out the appropriate inspections to ensure that the conditions of the licence are complied with and that the standard and safety of premises is at the required level. It also enables the scheme to identify premises that are operating illegally and bring them into the scheme using appropriate enforcement powers.

7.0 Duration of a Licence

7.1 Licences issued under the designation may be issued for a duration up to five years. However, the duration is at the discretion of the local authority when considering each application on its merit. It is our intention to issue a licence for five years unless one of the matters below are raised in which case we will consider limiting the duration of the licence to one year:

- the application follows an investigation made by the council
- the application follows a request made by the council
- where a property should have been licensed previously
- there is evidence of previous poor property management
- the planning status for use of the property is unconfirmed

7.2 In relation to the last bullet point consideration has been given to [Waltham Forest v Khan \[2017\] UKUT 153 \(LC\)](#) referred to in Appendix 3.

In this case the Upper Tribunal (UT) recognised that the grant of a shorter licence was found to be a sensible solution to problems that can arise from the overlapping and sometimes irreconcilable planning and licensing regimes. Landlords seeking to regularise the planning status of a property are often required to obtain possession. However, under the Housing Act 2004 a landlord is not able to serve a section 21 notice to regain possession of an unlicensed property. Therefore, if the local authority refused to grant a licence, the landlord would not be able to gain possession in order to regularise the planning status. However, if the local authority granted a licence it would be sanctioning the letting of a property in breach of planning control. The grant of a one-year licence, which allowed the landlord time to regularise the planning issues whilst lawfully letting the property was found by the UT to be a sensible and practical solution to this problem.

7.3 The duration of the licence will not impact on the amount of work required to assess the application and to carry out at least one compliance visit. As such no separate licence fee applies in these circumstances.

8.0 Consultation

- 8.1 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA 82), a district council may charge such fees as they consider reasonable for the grant or renewal of a licence. There is no requirement to consult.
- 8.2 Over a ten-week period between 25 October 2021 and 4th January 2022, the Council consulted on a proposal to designate parts of the city as subject to selective licensing, with the views of respondents on the proposed fee structure sought. A fee was proposed in this consultation document, that fee being £670. There was no legal requirement to consult on the proposed fee.
- 8.3 Almost all (97%) of the landlords and letting/managing agents who responded felt that the proposed licence fee was too high. In contrast, the views of the remaining stakeholder groups were quite evenly split. Among businesses and organisations, a third felt the proposed fee was about right (33%), a third felt it was too high (33%) and the remaining third or so (34%) felt it was too low. Similarly, around three-in-ten tenants, residents and other stakeholders felt the proposed fee was about right (29%). Nearly two-fifths (38%) felt it was too high, whereas a third (33%) felt it was too low.
- 8.4 In response to concerns that there would be insufficient resources to identify unlicensed properties and “rogue” landlords, the licence fee has been increased by £30 from £670 to £700 to employ additional officers to undertake enforcement activities.

9. Implications for Resources

- 9.1 The fees and charges proposed within this report are calculated on forecasts 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.
- 9.2 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.
- 9.3 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.

- 9.4 The proposed fees have been calculated having regard to projected costs and 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.
- 9.5 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.
10. Implications for Policy Priorities
- 10.1 The recommendations are in accordance with Financial Regulations and budget requirements.
- 10.2 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.
11. Public Sector Equality Duty
- 11.1 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 and consequently an Equalities Assessment has not been undertaken.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers:

Birmingham City Council – Corporate Charging Policy

APPENDIX 1

Selective Licence Individual Property Licence Fee(s)	Standard Fee
Total Licence Fee	£700
Part A – Application Fee	£375
Part B - Fee on approval	£325

Other fees

Change of licence holder	Standard fee (Part A & B)
Licence variation instigated by the Council	No fee
Licence application following revocation	Standard fee (Part A & B)
Licence application refused	Part A fee
Property ceases to be licensable during application process	Part A fee
Application withdrawn by applicant	Part A fee
Application made in error	No fee

APPENDIX 2

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

APPENDIX 3

Background

Part 3 of the Housing Act 2004 enables local authorities to implement selective licensing schemes to cover all privately rented accommodation within a particular area. Selective licensing is designed to assist local authorities improve housing conditions in the private rented sector. Schemes are often introduced to deal with low housing demand or anti-social behaviour.

Waltham Forest introduced a borough-wide selective licensing scheme in 2015. The effect of the scheme is that all landlords in the borough, even those who let to one family or one individual, have to apply to Waltham Forest for a property licence.

Licences are usually granted for the maximum length of five years. Local authorities, however, have the discretion to grant shorter licences and they usually have policies setting out factors that housing officers should consider when determining the length of a licence.

If a landlord is not satisfied with the local authority's decision it is able to appeal to the First-Tier Tribunal (Property Chamber) (FTT). Appeals of FTT decisions lie to the Upper Tribunal (UT).

[Waltham Forest v Khan \[2017\] UKUT 153 \(LC\)](#)

Waltham Forest v Khan

In Khan, the Upper Tribunal agreed with the local authority's decision to grant the landlord a shorter licence on the basis that the planning status of the property needed to be regularised.

Mr Khan, the landlord, had converted several flats without obtaining planning permission from the local authority. When Waltham Forest's selective licensing scheme came into force he applied for licences for the flats. Waltham Forest granted licences but limited their duration to one year so that Mr Khan could regularise the planning status of the flats in that period. Mr Khan appealed the local authority's decision to the FTT.

The FTT overturned the local authority's decision increasing each licence to the maximum period of five years. The FTT was of the view that compliance with planning law was not relevant to the issue of licensing. As planning considerations did not fall within the statutory criteria that local authorities are required to take into account when determining licensing applications, it was commonly thought that breaches of planning were not relevant to the local authority's decision to grant or refuse a licence or the terms of the licence.

The local authority successfully appealed to the UT. The UT stated that in light of the objective behind Waltham Forest's selective licensing scheme, to reduce the area's significant and persistent problem with ASB which landlords were failing to combat, it was not possible to state that a breach of planning control was irrelevant to the local authority's licensing decisions. Martin Rodger QC, the Deputy Chamber President commented that it was unnecessary and unrealistic 'to regard planning control and Part 3 licensing as unconnected policy spheres in which local authorities should exercise their powers in blinkers.' Local authorities were perfectly entitled to consider the planning status of a property when determining whether to grant or refuse a licence or the terms of any licence granted. Waltham Forest's policy of granting landlords in breach of planning law shorter licences to allow them time to resolve outstanding planning issues was deemed to be a rational and pragmatic course.

Reference: <https://www.londonpropertylicensing.co.uk/khan-and-reid-upper-tribunal-considers-length-landlords%E2%80%99-property-licences>

BIRMINGHAM CITY COUNCIL

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

15 MARCH 2023

All wards

**SMALLER HOUSES IN MULTIPLE OCCUPATION - ADDITIONAL LICENSING
FEES AND CHARGES 2023/2024**

1.0 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.

2.0 Recommendations

- 2.1 That the additional licensing fees and charges as detailed in Appendix 1 be approved to take effect from 1 April 2023 for any licence commencing on or after 5 June 2023, which is the date of commencement of the scheme.

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3.0 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 additional licensing designation is a ring-fenced account and therefore 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 licences, the fee calculations are based on the predicted number of licences that will be issued over the course of the licensing designation (5 years). Predictions have been based on the experience of other Local Authorities administering similar schemes.
- 3.4 The fees proposed in this report are calculated to recover the full cost of carrying out the service. This includes all administrative costs (including premises and service costs), any recharge of officers' time in appropriate cases when carrying out inspections of premises and other compliance duties (where applicable).
- 3.5 The fees proposed fulfil the main requirement of assuring that full costs are recovered from the income generated wherever possible.
- 3.6 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. License fees prescribed by statute also take precedence over the Corporate Charging Policy.
- 3.7 In setting the fees we have also taken account of the various precedents set by case law in the various areas of licensing. A summary of these cases is provided at Appendix 2

4.0 Additional Licensing

- 4.1 From the 5 June 2023, all of the city's wards will become subject to the Council's additional licensing designation. Any landlord of a smaller House in Multiple Occupation (HMO) with 3 or 4 occupants not already covered by the mandatory licensing scheme (covering larger HMOs with 5 or more occupants), will require a property licence (subject to specific exemptions detailed in the regulations).
- 4.2 A separate licence is needed for each property.

- 4.3 Failure to apply for a licence is a criminal offence and can result in a civil penalty or an unlimited fine.
- 4.4 To grant a licence, we must be satisfied that:
- the proposed licence holder is the most appropriate person to hold the licence
 - the proposed licence holder, and any manager of the property, is a “fit and proper person”
 - proper management standards are in place at the property
 - valid gas, electrical, and energy performance certificates are in place for the property
- 5.0 Who must hold the licence?
- 5.1 The landlord, or someone they nominate, such as a manager or agent, can hold the licence, provided that person is in agreement, as the licence must be held by the most appropriate ‘fit and proper’ person.
- 5.2 In determining whether a licence-holder is ‘fit and proper, we will consider:
- any previous convictions relating to violence, sexual offences, drugs and fraud
 - whether the proposed licence holder has broken any laws relating to housing or landlord and tenant issues
 - whether the person has been found guilty of unlawful discrimination
- 6.0 The Proposed Fees:
- 6.1 Appendix 1 shows the proposed licence fees
- 6.2 In order to ensure the fees reflect the cost of administering the licensing scheme and processing the licences, as well as compliance with those licences (and a proportion for enforcement against landlords illegally operating without a licence, but not related to any prosecution costs), the fee calculations are based on projections for salary, premises and other costs for the duration of the designation.
- 6.3 Members will note that the proposed fees are split into a non-refundable application fee and a licence fee. This split is required further to case law set by R (Hemming and Others) vs Westminster City Council. Each fee takes account of salary costs, overhead costs, and processing and activity times.
- 6.5 There is no separate fee proposed for renewals as the time spent assessing renewal applications and administering the licence scheme for renewals is the same as that spent for any new licence application.
- 6.6 The fee will enable the Council to ensure that it is meeting its obligations and duties in relation to processing licences within a reasonable timeframe and carrying out the appropriate inspections to ensure that the conditions of the licence are complied with and that the standard and safety of premises is at the required level. It also enables the scheme to identify premises that are

operating illegally and bring them into the scheme using appropriate enforcement powers.

7.0 Duration of a Licence

7.1 Licences issued under the designation may be issued for a duration up to five years. However, the duration is at the discretion of the local authority when considering each application on its merit. It is our intention to issue a licence for five years unless one of the matters below are raised in which case we will consider limiting the duration of the licence to one year:

- the application follows an investigation made by the council
- the application follows a request made by the council
- where a property should have been licensed previously
- there is evidence of previous poor property management
- the planning status for use of the property is unconfirmed

7.2 In relation to the last bullet point consideration has been given to [Waltham Forest v Khan \[2017\] UKUT 153 \(LC\)](#) referred to in Appendix 3.

In this case the Upper Tribunal (UT) recognised that the grant of a shorter licence was found to be a sensible solution to problems that can arise from the overlapping and sometimes irreconcilable planning and licensing regimes. Landlords seeking to regularise the planning status of a property are often required to obtain possession. However, under the Housing Act 2004 a landlord is not able to serve a section 21 notice to regain possession of an unlicensed property. Therefore, if the local authority refused to grant a licence, the landlord would not be able to gain possession in order to regularise the planning status. However, if the local authority granted a licence it would be sanctioning the letting of a property in breach of planning control. The grant of a one-year licence, which allowed the landlord time to regularise the planning issues whilst lawfully letting the property was found by the UT to be a sensible and practical solution to this problem.

7.3 The duration of the licence will not impact on the amount of work required to assess the application and to carry out at least one compliance visit. As such no separate licence fee applies in these circumstances.

8.0 Consultation

8.1 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA 82), a district council may charge such fees as they consider reasonable for the grant or renewal of a licence. There is no requirement to consult.

8.2 Over a ten-week period between 4 July 2022 and 13 September 2022, the Council consulted on a proposal to designate all of the city's wards as subject to additional licensing, with the views of respondents on the proposed fee structure sought. There was no legal requirement to consult on the fee.

8.3 Around a quarter (23%) of the 545 respondents to the online survey felt that the proposed fee was about right, compared to over half (55%) who felt the fee was too low, and 16% too high.

8.4 However, there was a disparity between the views of landlords and lettings agents, and that of other respondents, with 60% of landlords and agents believing the proposed fee to be too high. 16% of landlord and agents consider the fee is too low, with 18% believing the fee is about right.

9. Implications for Resources

9.1 The fees and charges proposed within this report are calculated on forecasts 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.

9.2 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.

9.3 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.

9.4 The proposed fees have been calculated having regard to projected costs and 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.

9.5 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.

10. Implications for Policy Priorities

10.1 The recommendations are in accordance with Financial Regulations and budget requirements.

10.2 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.

11. Public Sector Equality Duty

- 11.1 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 and consequently an Equalities Assessment has not been undertaken.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers:

Birmingham City Council – Corporate Charging Policy

APPENDIX 1

Additional Licence Individual Property Licence Fee(s)	Standard Fee
Total Licence Fee	£755
Part A – Application Fee	£325
Part B - Fee on approval	£430

Other fees

Change of licence holder	Standard fee (Part A & B)
Variation of licence – <ul style="list-style-type: none"> • Change of property owner, freeholder, mortgagee, or leaseholder • Change of property manager • Change of address details • Agreed change in number of occupiers • Increase in number of rooms or changes in room size and/or amenities 	No fee
Licence variation instigated by the Council	No fee
Licence application following revocation	Standard fee (Part A & B)
Licence application refused	Part A fee
Property ceases to be licensable during application process	Part A fee
Application withdrawn by applicant	Part A fee
Application made in error	No fee

APPENDIX 2

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

APPENDIX 3

Background

Part 2 of the Housing Act 2004 enables local authorities to implement additional licensing schemes to cover all HMOs not already required to be licensed under the mandatory scheme within a particular area. Additional licensing is designed to assist local authorities improve housing conditions in shared accommodation. Schemes are often introduced to deal with anti-social behaviour and waste incidents.

Waltham Forest introduced a borough-wide selective licensing scheme in 2015. The effect of the scheme is that all landlords in the borough, even those who let to one family or one individual, have to apply to Waltham Forest for a property licence.

Licences are usually granted for the maximum length of five years. Local authorities, however, have the discretion to grant shorter licences and they usually have policies setting out factors that housing officers should consider when determining the length of a licence.

If a landlord is not satisfied with the local authority's decision it is able to appeal to the First-Tier Tribunal (Property Chamber) (FTT). Appeals of FTT decisions lie to the Upper Tribunal (UT).

Selective licensing legislation has many parallels with that covering additional licensing and the following case is applicable to both types of schemes.

[Waltham Forest v Khan \[2017\] UKUT 153 \(LC\)](#)

Waltham Forest v Khan

In Khan, the Upper Tribunal agreed with the local authority's decision to grant the landlord a shorter licence on the basis that the planning status of the property needed to be regularised.

Mr Khan, the landlord, had converted several flats without obtaining planning permission from the local authority. When Waltham Forest's selective licensing scheme came into force he applied for licences for the flats. Waltham Forest granted licences but limited their duration to one year so that Mr Khan could regularise the planning status of the flats in that period. Mr Khan appealed the local authority's decision to the FTT.

The FTT overturned the local authority's decision increasing each licence to the maximum period of five years. The FTT was of the view that compliance with planning law was not relevant to the issue of licensing. As planning considerations did not fall within the statutory criteria that local authorities are required to take into account when determining licensing applications, it was commonly thought that breaches of planning were not relevant to the local authority's decision to grant or refuse a licence or the terms of the licence.

The local authority successfully appealed to the UT. The UT stated that in light of the objective behind Waltham Forest's selective licensing scheme, to reduce the area's significant and persistent problem with ASB which landlords were failing to combat, it was not possible to state that a breach of planning control was irrelevant to the local authority's licensing decisions. Martin Rodger QC, the Deputy Chamber President commented that it was unnecessary and unrealistic 'to regard planning control and Part 3 licensing as unconnected policy spheres in which local authorities should exercise their powers in blinkers.' Local authorities were perfectly entitled to consider the planning status of a property when determining whether to grant or refuse a licence or the terms of any licence granted. Waltham Forest's policy of granting landlords in breach of planning law shorter licences to allow them time to resolve outstanding planning issues was deemed to be a rational and pragmatic course.

Reference: <https://www.londonpropertylicensing.co.uk/khan-and-reid-upper-tribunal-considers-length-landlords%E2%80%99-property-licences>

