

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 15 FEBRUARY 2017 AT 10:00 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 Chairman to advise the meeting to note that this meeting will be webcast for live and subsequent broadcast via the Council's Internet site (www.birminghamnewsroom.com) and that members of the press/public may record and take photographs. The whole of the meeting will be filmed except where there are confidential or exempt items.

2 APOLOGIES

To receive any apologies.

3 - 12

3 MINUTES

To confirm and sign the Minutes of the last meeting held on 18 January 2017.

13 - 60

4 CONTROL OF SEX ESTABLISHMENTS SEXUAL ENTERTAINMENT
VENUE LEGS 11, 193-194 BROAD STREET, BIRMINGHAM, B15 1AY

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

61 - 86

5 REVIEW OF LICENSING AND PUBLIC PROTECTION FEES AND
CHARGES 2017/2018

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

87 - 104

6 REVIEW OF LICENSING SERVICE FEES AND CHARGES 2017/2018

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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<u>141 - 160</u>	11	<u>PROSECUTIONS AND CAUTIONS DECEMBER 2016</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>161 - 162</u>	12	<u>SCHEDULE OF OUTSTANDING MINUTES</u>	To consider the Schedule of Outstanding Minutes.
	13	<u>OTHER URGENT BUSINESS</u>	To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
	14	<u>AUTHORITY TO CHAIRMAN AND OFFICERS</u>	Chairman 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 2017

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 18 JANUARY 2017 AT 1000
HOURS IN COMMITTEE ROOMS 3 AND 4,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Nawaz Ali, Bob Beauchamp, Alex Buchanan,
Basharat Dad, Neil Eustace, Des Flood, Jayne Francis, Penny
Holbrook, Nagina Kauser, Mike Leddy, Gareth Moore, Habib
Rehman and Rob Sealey.

NOTICE OF RECORDING

785 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.birminghamnewsroom.com) and that members of the press/public may record and take photographs.

The whole of the meeting would be filmed except where there were confidential or exempt items.

APOLOGIES

786 Apologies were received from Councillor Linda Clinton for her inability to attend the meeting.

MINUTES

787 The Minutes of the meeting held on 14 December 2016, having been previously circulated were confirmed as a correct record and signed by the Chairman.

**LICENSING AND PUBLIC PROTECTION COMMITTEE BUDGET
MONITORING 2016/17 (MONTH 8)**

The following report of the Acting Service Director Regulation and Enforcement and Strategic Director Finance and Legal was submitted:-

(See document No. 1)

David Jones, Finance Manager, provided a comprehensive breakdown of the report highlighting the additional item that had been moved to budget in November 2016 relating to the 1% pay award that had been paid to staff since April 2016.

Comments were received relating to the Registry Office Service and whether any surplus income generated in that particular area could be used to offset other pressures within the committee's budget, and whether additional resources, could be sought within Birmingham City Council to assist the Mortuary and Coroners into the future inquest into the 1976 Pub Bombings rather than just Central Government. Following a question from the Chair, David Jones confirmed that, subject to full Council agreeing the proposals in the budget consultation relating to the ring fenced licensing budget, the pressures on that service would be resolved as money was being restored to the Committee's budget.

David Jones referred to the Registry Office Service and stated that the forecast was reviewed on a monthly basis and although the position was continuing to improve which would be reflected in future forecasts, at the moment, they were trying to remain as prudent as possible and anticipated that they would break even at the end of the year. With regard to the 1976 Pub Bombings, he agreed to feed back the comments to the relevant department.

In response to a further comment relating to additional resources, David Jones confirmed that the additional resources were helping to mitigate the pressures around the administration of the Coroners Service. He added that although it had helped with those particular pressures there still continued to be an increased volume of referrals to the Coroners Service.

The Chair concluded by thanking David Jones for attending the meeting and reporting.

Upon further consideration, it was:-

788

RESOLVED:-

The Licensing and Public Protection Committee noted:-

The latest Revenue budget position at the end of November 2016 (Month 8) and Forecast Outturn as detailed in Appendix 1.

The position with regard to the Savings Programme for 2016/17 as detailed in Appendix 2.

The expenditure on grant funded and Proceeds of Crime funded programmes in Appendix 3.

The position on reserves and balances, as detailed in Appendix 4.

“LOAN SHARKS” – ILLEGAL MONEYLENDING PROJECT

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

(See document No. 2)

Tony Quigley, Head of Illegal Money Lending, provided a comprehensive breakdown of the report.

The Chair and elected members congratulated the team on their excellent work that they had achieved not just within the city but nationally and specifically referred to paragraph 1.9 of the report which detailed very significant and positive outcomes. Members were impressed with the high number of victims and their families that had been helped and the fact that the courts had imposed 300 plus years' worth of custodial sentences which indicated how serious this area of work was being taken. It was further noted that with the financial support from the government, work would continue in helping far more people.

Tony Quigley thanked members for their kind words highlighting that the team were very committed and professional in wanting to see loan sharks stopped.

Following a further comment pertaining to the fact that it was important that the achievements of the City Council were publicised and that the City was not just a great place to invest but that it made a difference not just to the people of this City but also to the Country. Tony Quigley highlighted that when the project began in 2004 there were only two councils that were willing to take on the risk which were Birmingham and Glasgow which he highlighted was testament to this City Council.

In response to questions relating to credit unions, Tony Quigley confirmed that they were seen as a key partner in this particular issue. He detailed how they now had a credit union hub located at Birmingham Markets and that there were now three credit unions within Birmingham that had signed into it and were promoting the service to the public.

He highlighted that at times they offered incentive schemes with credit unions encouraging people to join and if they saved for a specific amount of time they would receive some funding from the proceeds of crime money from the loan sharks as an incentive for them to continue saving. He provided several examples across the country whereby it was proving to be a successful way of encouraging people to save, adding that with the incentives it also raised public awareness of the ills of illegal money lenders due to the promotional material that accompanied this.

Following further comments from members, Tony Quigley referred to the re-launch in schools which was probably necessary and the need for support in

this area from the committee. He referred to several key school packs that they had been developed with key partners which could all be re-launched together, adding that this could be something one of his officers could be progressing in the new financial year.

Tony Quigley referred to the piece of software that was used by the City Council and businesses to target consumers that were vulnerable. He detailed the various other ways they engaged with the public which included targeting specific streets and having face to face conversations with people, and also through schools and shopping centres. He added that in some cases when the action was carried out by the team, the outcomes were not always as positive as anticipated however, requests for help from the public may often come through to the department some time later when their situations become most desperate.

The Chair concluded by thanking Tony Quigley for his very positive report and once again expressed appreciation and a vote of thanks to all officers on behalf of the committee.

789

RESOLVED:-

That the report be noted.

FIXED PENALTY NOTICESD FOR THE UNAUTHORISED DEPOSIT OF WASTE (FIXED PENALTIES) REGULATIONS 2016

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

(See Document No. 3)

Tony Quigley provided a comprehensive breakdown of the report

The Chair and Councillor Moore commented on the excellent results relating to the issuing of the fixed penalty notices and hoped to see more coming forward in the future.

Tony Quigley reported that as the City Council continued to prosecute offenders for fly tipping, the table within report at the particular time in November 2016 there were 28 cases submitted in respect of fly tipping offences. He highlighted that the figures were increasing month by month and there were currently 45 cases. He added that the department had to ensure that all the investigations were robust enough to prove that there was a case and that it would satisfy the court. He confirmed that they were currently conducting approximately 400 investigations and the figure tended to be the same month to month, adding that not all of those would result in a prosecution or fixed penalty notice.

790

RESOLVED:-

That the report be noted.

FIXED PENALTY NOTICES ISSUED NOVEMBER 2016

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

(See Document No. 4)

Mark Croxford, Head of Environmental Services, made introductory comments relating to the report.

791

RESOLVED:-

That the report be noted.

**TO NOTE THE DELETION OF THE REGISTRATION OF WESTHILL
PLAYING FIELDS FROM THE REGISTER OF TOWN/VILLAGE GREENS IN
COMPLIANCE WITH AN ORDER OF THE HIGH COURT**

The following report of the Acting City Solicitor was submitted:-

(See document No. 5)

Stuart Evans whilst providing a comprehensive breakdown of the report specifically drew members' attention to 5.3 onwards within the report.

Councillor Moore expressed disappointment that the people who had applied for the land to be registered as a village green had been unwilling to take part in the proceedings which he suggested may have had some influence on the outcome.

Stuart Evans confirmed that in this situation with Birmingham City Council taking a neutral stance a considerable cost had been saved.

792

RESOLVED:-

The committee noted the deletion of the Registration of Westhill Playing Fields from the Register of Town/Village Greens in compliance with an Order of the High Court.

INVESTORS IN PEOPLE

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

(See document No. 6)

Adrian Parkes, EFQM Project Officer, presented a detailed report on the success of Regulation and Enforcement in the recent assessment which had resulted in the retention of the 'Investors in People' accreditation.

The Chair thanked Adrian Parkes for presenting such a good report and requested that officers be congratulated on the excellent outcome of the report.

793

RESOLVED:-

That the report be noted.

COST RECOVERY AT COURT

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

(See document No. 7)

Chris Neville, Head of Licensing presented the report.

He reported that officers had been asked by members if it was possible to measure the amount of money the City Council actually received compared to the amount of money the Courts ordered the defendants to pay. He subsequently explained the reasons why this information could not be provided:-

- There was a time delay between costs order being made and payments received and even if defendants paid their cost in full there would always be a difference in any given period between the amount ordered and the amount paid.
- It was common for defendants to pay costs by instalments which meant that it may take a year or more for defendants to pay their costs. It was not uncommon for there to be a delay between a court order being made and the first payment being received which makes the disparity even greater in any given period of time, therefore the amount paid would never correspond to the amount ordered.
- The only way to accurately measure where the costs were being paid would be to ask the courts to run a report on every individual defendant to show what they had paid and then to manually cross reference that figure to the amount that was ordered. The resource to carry out this calculation would outweigh any benefit gained particularly given the responsibility ensuring that the defendant pays the prosecution costs rests with the Court.

He reported that the work that had been done as a consequence of the question raised by the Committee, had led to significant improvements in the system by which payments were made to the Council by the Court.

In response to comments of dissatisfaction from Councillor Leddy regarding the information that was unable to be provided, Chris Neville suggested that they could look into taking dip samples from a selection of defendants by working through their records to measure the amounts paid compared to the amounts ordered, adding that it would not be feasible to look at all prosecutions as it would be a huge piece of work.

He further added that even if some defendants had not paid their costs there was little the Council could do to influence this as the responsibility for cost recovery rested with the Court. He confirmed that the Court did emphasise that they placed huge importance on recovering costs and if a defendant did not pay they were brought back before the Magistrates Court where a decision would be made.

The Chair suggested that if dip samples were taken and there was found to be problem in the sample then at least the Courts could be approached.

Chris Neville confirmed that there was an audit trail with the Courts and that they could produce a report to the Committee providing named defendants, their costs ordered and how much they had paid. He suggested that they could ask for a report on every defendant and the costs that had been received however this would not still correspond to the amount ordered as previously explained.

Councillor Moore agreed with Councillor Leddy, that it would be useful to have the relevant information, however, understood the enormous cost and time implications involved and was of the opinion that funding was better spent on the Committee's resources in trying to tackle the people not complying with the law and prosecuting more people or issuing fixed penalty notices.

Councillor Moore's questioned whether the monthly remittance paid from the Courts could be included in the monthly list of prosecutions and cautions in order that the Committee was aware of what was being paid and over time, and would therefore have an idea of how much money should be received from the Courts.

Chris Neville confirmed that the information could be provided.

794

RESOLVED:-

That outstanding minute number 603 be discharged.

That the report be noted.

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
DURING NOVEMBER 2016**

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

(See Document No. 8)

Chris Neville, Head of Licensing, introduced the report and highlighted the 3 cases that had progressed to the magistrates' court whereupon all had been dismissed by the Court.

795

RESOLVED:-

That the report be noted.

PROSECUTIONS AND CAUTIONS DURING NOVEMBER 2016

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

(See Document No. 9)

The Acting Director of Regulation and Enforcement presented a comprehensive breakdown of the report and highlighted several notable cases.

796

RESOLVED:-

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 10)

Following a comment from the Chair relating to clean air omissions for hackney carriages and private hire vehicles, Chris Neville confirmed that following meetings with Cabinet Members and the Chair of Licensing it had now been agreed that the consultation with the trade in relation to the implication of the clean air zone for them and their vehicles would soon begin.

They were in the process of finalising a document which would soon be shared with the trade outlining the way forward. He confirmed that the process would appear to be that consultation would be firstly with the trade outlining proposals and then receiving feedback rather than how it was initially envisaged. He suggested then when all the information was made available that it was brought back to committee in order that an informed decision could be made on the new policy.

In response to the Chair's comment that it was not just the involvement of the trade but a much wider issue and that it would be useful to have a complete update, Chris Neville agreed that the clean air zone was a much broader issue than the taxi and private hire and agreed that an update report could be brought to committee on the wider implications.

Officers updated the dates for which reports would be forthcoming in relation to various Outstanding Minutes and it was:-

797

RESOLVED:-

That Outstanding Minute No. 603 be discharged and all other Outstanding Minutes be noted.

DATE OF NEXT MEETING

798

The date of next meeting was scheduled for Wednesday, 15 February 2017 at 1000 hours in Committee Rooms 3 & 4, Council House.

AUTHORITY TO CHAIRMAN AND OFFICERS

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RESOLVED:-

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

EXCLUSION OF THE PUBLIC

800

RESOLVED:-

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

Minutes - Exempt Paragraph 3

PRIVATE

MINUTES

801

The private section of the Minutes of the meeting held on 14 December 2016 were noted and the Minutes as a whole having been circulated were confirmed and signed.

The Committee ended at 11:45 hours.

.....
CHAIRMAN

BIRMINGHAM CITY COUNCIL

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

15 FEBRUARY 2017
LADYWOOD

**CONTROL OF SEX ESTABLISHMENTS - SEXUAL ENTERTAINMENT VENUE,
LEGS 11, 193 – 194 BROAD STREET, BIRMINGHAM B15 1AY**

1. Summary

- 1.1 Birmingham City Council's Sexual Entertainment Venue Policy became effective from 1st November 2014.
- 1.2 An application has been received for the renewal of the Sexual Entertainment Venue (SEV) Licence granted to Clear Blue Sky Thinking Limited in respect of premises known as Legs 11, 193 – 194 Broad Street, Birmingham B15 1AY.
- 1.3 An objection has been received from a member of the public to the renewal of the licence.
- 1.4 At the time of writing this report there are 8 SEV venues operating within Birmingham 7 of which, including this premises, are located within the area bounded by the ring road (A4540). One of the premises is currently operating by way of an appeal against the decision to refuse to renew the licence by this Committee on the 14th December 2016.
- 1.5 As stated in Birmingham City Council's SEV Policy the Council considers that the part of the City which falls within the ring road (A4540) is an area which is appropriate to have an upper limit guide on the number of SEV's the appropriate upper limit being eight.

2. Recommendation

- 2.1 That Committee consider and determine the application for the renewal of the Sexual Entertainment Venue licence in respect of Legs 11, 193 – 194 Broad Street, Birmingham B15 1AY having considered the objection received and having regard to the options contained in paragraph 6.1 of the report.

Contact Officer: Chris Neville, Head of Licensing
Telephone: 0121 303 6111
E-mail: chris.neville@birmingham.gov.uk

3. Background

- 3.1 An application has been received from Clear Blue Sky Thinking Limited to renew the Sexual Entertainment Venue Licence granted to them in respect of the premises known as Legs 11, 193 – 194 Broad Street, Birmingham B15 1AY. A copy of the application is attached at Appendix 1.
- 3.2 The applicant has confirmed that the internal layout of the premises remains unchanged as to that approved by the Licensing Committee on 21st September 2011.
- 3.3 The external scheme of the premises has changed. Photographs showing the current external scheme are attached at Appendix 2. However, the change only consists of a different colour scheme for some signs outside the building from blue on white to white on black. The signs remain consistent with our standard licence conditions for SEV premises in terms of their content.
- 3.4 The proposed hours of operation remain unchanged being 24 hours a day Monday to Sunday.
- 3.5 The nature of the entertainment as described on the application form is lap dancing, pole dancing, table dancing, strip shows, erotic and exotic dancing, burlesque dancing. The applicant has confirmed the relevant entertainment involves semi and full nudity.
- 3.6 The applicant has submitted a copy of the club rules. A copy of which is attached at Appendix 3.
- 3.7 A plan of the premises detailing where the Sexual Entertainment will take place is also part of the application procedure. A copy of which is attached at Appendix 4. An enlarged version of the plan will be made available to members at the Committee meeting.

4. Consultation

- 4.1 The applicant was required to advertise the application in a local newspaper, post a notice outside of the premises for a period of 21 days and serve a copy of the application to the Chief Officer of Police.
- 4.2 In addition upon receipt of an application the Licensing Section consults with the relevant Local Policing Unit, the Licensing Enforcement Team and also notifies the appropriate Ward Councillors.
- 4.3 West Midlands Police and the Licensing Enforcement Team have advised that they have no objections to the renewal of the SEV licence.
- 4.4 An objection has been received from a member of the public. A copy of which is attached at Appendix 5.

- 4.5 A copy of the Council approved standard conditions for Sexual Entertainment Venue licences are contained within the current Sexual Entertainment Venue policy a copy of which is attached at Appendix 6.
- 4.6 Location plans, including a plan showing the proximity of the other existing licensed Sexual Entertainment Venues to the premises, are attached as Appendix 7. Owing to the size of the plans, scaled down versions are included in the report, however, A3 copies of the plans will be available at the meeting.
- 4.7 The applicant and the objector have been invited to attend the hearing.

5. Matters for Consideration

- 5.1 When considering an application for the renewal of a licence, the Committee should have regard to any observations submitted to it by the Chief Officer of Police and any objections that the Licensing Authority has received from anyone else within 28 days of the date of the application.
- 5.2 Subject to any new information produced at the hearing it does not appear that any of the mandatory grounds of refusal apply to the application currently due for consideration. For example, a licence shall not be granted to a person who is under the age of 18 or who has had a previous application for the same premises refused within the last 12 months.
- 5.3 The only discretionary grounds upon which the Council may refuse an application are those grounds specified in Schedule 3 paragraph 12(3) of the Local Government (Miscellaneous Provisions) Act 1982 as amended:
- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or any other reason;
 - b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by, or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
 - c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - d) that the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

6. Options Available

6.1 The Committee may:

6.1.1 Grant the application as it stands in which case the licence will be renewed subject to the Council approved Standard Conditions.

6.1.2 Grant the application as it stands subject to the Council approved Standard Conditions unless they have been expressly excluded or varied and/or other Specific Conditions or restrictions that the Committee deem reasonable, necessary proportionate and justifiable.

6.1.3 Refuse the application on one or more of the grounds as outlined in paragraph 5.3 above.

7. Right of Appeal

7.1 An applicant has a right of appeal to the Magistrates Court against decisions to refuse to grant, renew, vary or transfer a licence, the imposition of conditions or the revocation of an existing licence.

7.2 It should be noted that although no right of appeal lies against a decision made on the discretionary grounds set out in paragraphs 5.3(c & d) above, the applicant could challenge a refusal on the aforementioned grounds by way of a judicial review.

8. Implications for Resources

8.1 A fee of £3,977 is payable for renewal of a Sexual Entertainment Venue licence, if the application is subsequently refused then 50% of the fee will be refundable.

8.2 In the event of an appeal hearing, the Magistrates power to award costs derives from Section 64 of the Magistrates Courts Act 1980 which entitles them to make such order as they think just and reasonable.

9. Implications for Policy Priorities

9.1 The application that is the subject of this report should be considered in accordance with the published Birmingham City Council Sexual Entertainment Venue Policy.

10. Public Sector Equality Duty

10.1 No specific implications have been identified. The renewal of a Sexual Entertainment Venue licence is a statutory process under the Local Government (Miscellaneous Provisions) Act 1982.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

SEX ENT 1.5

Fair Processing Statement – Any personal data held by Birmingham City Council in relation to your application for a Licence to use a premises, vehicle, vessel or stall as a Sexual Entertainment Venue, will be held in full compliance with the legal obligations as set out in the Data Protection Act 1998. This is in accordance with the Council's Privacy Policy; a copy is available on the Council's website: www.birmingham.gov.uk/privacy. To protect the public fund we may also use the information you have provided on this form to prevent and detect fraud. We may share this information for the same purposes with other Council Departments and organisations for example, other councils and the police.

BIRMINGHAM CITY COUNCIL

SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**Application for a Licence to use any Premises, Vehicle, Vessel or Stall as a
Sexual Entertainment Venue**

All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and will be returned to the applicant.

Section 1**Application details:**

Is this licence for the: Grant ☐ Renewal ☒ Transfer ☐

Is the application made by: an individual ☐ a partnership or other unincorporated body ☐
a company or other corporate body ☒

Section 2**Answer only if Applicant is an individual**

What is the full name of the individual?

Permanent Residential Address

Any former names

Date of Birth Place of Birth

Date Became Resident in the UK or E.U Member State

National Insurance Number or E.U Member State Equivalent

Telephone Number (during normal office hours)

Email Address:

Name and address to which correspondence to be sent (if different from above)

Has the applicant a financial interest in the business which is the subject of this application?

Yes ☐ No ☐ If "yes" to what extent

Is the whole business owned by the applicant?

Yes ☐ No ☐

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 31 OCT 2016 REF NO: 022008 INITIALS: ED E3977

Section 3***Answer only if the Applicant is an unincorporated body or a partnership***Full Name of Applicant
.....

What are the names of the applicant's partners? Please complete the table below:

Name (in full): Mr/Mrs/Miss/Other	Date of Birth	Address of permanent residence Throughout six months immediately preceding this application	Date became resident of United Kingdom or other E.U member state

Are there persons responsible for the management of the Applicant other than the partners? If so state their names.

.....

.....

.....

Please confirm if the whole of the business is owned by the applicant? Yes ☐ No ☐

Section 4.***Answer only where the applicant is a company or other corporate body***

What is the name of the Applicant?.....Clear Blue Sky Thinking Ltd

Has the Applicant previously been known by any other name and if so what name?

... No.....

If the Applicant is a company, what type of company is it (e.g., public or private, limited by share or guarantee, etc.)?Private limited by shares

What is the registered number of the Applicant?.....07065775

What is the registered office address?55 Symphony Court, Birmingham, England B16 8AF

In which country is the company incorporated?United Kingdom

What is the date of incorporation of the company?4 November 2009

Please complete the table in respect of each of the Directors, the Company Secretary or other persons responsible for the management of the body.

Name (in full): Mr/Mrs/Miss/Other	Date of Birth	Address of permanent residence throughout six months immediately preceding this application	Date became resident of United Kingdom or other E.U member State
Mr Sidney John Taylor (Director)			
Mr Thomas Winston Taylor (Director)			
Edmond Haxhia (Manager)			

SEX ENT 1.5

Does the Applicant use any other trading names? If so, please state the trading name(s).

.....Legs 11 Gentlemens Club

What is the Applicant's trading address?.....193-194 Broad Street, Birmingham, B15 1AY.....

Please confirm if the whole of the business is owned by the applicant? Yes ☐x No ☐

Section 5

All Applicants

Please give details of the person (if any) who is to be responsible for the management of the premises in the absence of the licence holder:

First Name.....Edmond..... Surname.....Haxhia.....

Former Name (if any)

National Insurance Number or E.U Member State Equivalent.....

Permanent Address:

.....

Date of Birth: .. Place of Birth.....

Has any person named at any place in this application been associated in any way with any other application for a licence for a sex establishment? Yes ☒ No ☐

If "yes" give full details.....Applicant and Directors are all involved with Legs 11, Ladywell

Walk, Birmingham, B5 4ST.....

Section 6**Premises details:**

Is this application in respect of: Premises ☒ Vehicle ☐ Vessel ☐ Stall ☐

Is the premises, vehicle, vessel or stall in use for sexual entertainment at the date of this application? Yes ☒ No ☐

If the answer is yes, state the name and address of the person or body currently operating the business.....Clear Blue Sky Thinking Ltd, 55 Symphony Court, Birmingham, England,
.....B16 8AF.....

What is full address of the premises for which a licence is sought?
.....1st and 2nd Floor, 193-194 Broad Street, Birmingham, B15 1AY.....

If the application is in respect of a vehicle, vessel or stall, please state where it is to be used as a sexual entertainment venue.....

Under what name is, or will the premises be known?.....Legs 11 Gentlemens Club.....

Is the whole of the premises to be used under the licence? Yes ☒ No ☐

If no, please state:

a) which part of the premises is to be used for the purposes of the licence

b) the use to which the remainder of the premises are to be put

c) the names of those responsible for the management of the remainder of the premises

If the Applicant's interest in the premises is a leasehold one, please state:

a) Head-lease ☐ Sub-lease ☒

b) the name and address of the landlord and of the superior landlord where applicable
...Hussain Marawat and Riaz Begum Marawat, Oak Tree Lodge, the Russells, Moseley,
Birmingham, B13 8RT.....

c) the length of the unexpired term9 years.....

Section 7.**Proposed operation times and activities**

Give the times it is proposed to operate the Premises for the purpose of this Licence;

Day	Start	Finish	<u>State any seasonal variations or non standard timings where you intend to use the Premises, which are different to those listed in the column on the left.</u>
Monday	00:00	24:00	
Tuesday	00:00	24:00	
Wednesday	00:00	24:00	
Thursday	00:00	24:00	
Friday	00:00	24:00	
Saturday	00:00	24:00	
Sunday	00:00	24:00	

Please give full details of the nature of the relevant entertainment e.g. lap-dancing, pole-dancing, stage strip show etc

.....Lap dancing, pole dancing, table dancing, strip shows, erotic and exotic dancing, burlesque dancing, semi and full nudity.....

Please confirm if the relevant entertainment involves full nudity ☒ Yes ☐ No

Section 8.**If the application is for the Transfer of a Premises Licence**

Name of current Premises Licence Holder

Please give the reason/s for the transfer application

Section 9.

Has the Applicant or any persons named in this form been convicted of a criminal offence whether in the UK or elsewhere? Yes ☐ No ☒

If so, please give details of unspent convictions below:

Convictions:

Forenames	Surname	Former Name (if any)	Court	Date	Offence	Penalty or Sentence

Has the Applicant or any persons named in this form been cautioned whether in the UK or elsewhere? Yes ☐ No ☒

If so, please give details below:

Cautions:

Forenames	Surname	Former Name (if any)	Offence	Date of Caution	Where caution administered

SEX ENT 1.5

Has any person or the corporate or unincorporated body referred to in this application: -

Been disqualified from holding a licence for a sex establishment?	No
Been refused the grant / renewal / transfer of a licence for a sex establishment?	No
Been the holder of a sex establishment licence when that licence has been revoked?	No
Been associated in any way with any other application for a sex establishment licence?	Yes
If 'Yes' to any of the above please provide details:	
<p>1) Applicant also the licence holder of an SEV in respect of premises at 30 Ladywell Walk, Birmingham, B5 4ST</p> <p>2) Director Sidney Taylor is the lease holder for the premises at 30 Ladywell Walk, Birmingham, B5 4ST</p>	

Is there any information in this application which you would **not** wish to be seen by members of the public?

Yes ☐ No ☒

If yes, state which information and the reasons why you would **not** wish it to be seen

.....

.....

.....

Is there any further information which the Applicant would wish the Council to take into account when considering this application?

.....

.....

.....

.....

(If necessary, please continue on a separate sheet)

SEX ENT 1.5

Please read the checklist below and tick to confirm you have enclosed all of the required information/documents;

I have made or enclosed payment of the fee ☒

Please check the following link for details of the cost of your application:-
<http://www.birmingham.gov.uk/licensingfeesandcharges>

I have enclosed a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority ☐ (see accompanying letter)

I have enclosed a copy of the "club rules". Such club rules must contain the required conduct of performers which shall include for example, no sex acts, no giving or taking phone numbers (including exchange of business cards). ☒

(see accompanying letter)

I have enclosed a scheme showing the exterior design for consideration by the Licensing Authority ☐

I understand and agree that I must send a copy of my completed application to the Chief Officer of Police no later than seven days after the date of the application. I also understand that I must produce evidence of due service of the Notice of Application upon the Chief Officer of Police as required by paragraph 10(14) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982. ☒

I understand that I must now advertise my application on or near the Premises for 21 days starting with the date of the application. ☒

I understand that I must advertise the application in a local newspaper within seven days after the date of the application and that a copy of the notice of application which has been published must be given to the Licensing Authority in accordance with paragraph 10 (8) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982. ☒

DECLARATION: I declare that the details in this application are true to the best of my knowledge and belief and acknowledge that if there are any omissions or incorrect statements of a serious nature this may result in the application being refused. I further declare that I have read and agree to abide by the conditions of Licence for a Sexual Entertainment Venue made by Birmingham City Council in accordance with Section 2 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 should my application be granted.

APPLICANTS ARE INFORMED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE, MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE, ON SUMMARY CONVICTION, TO A FINE NOT EXCEEDING £20,000.

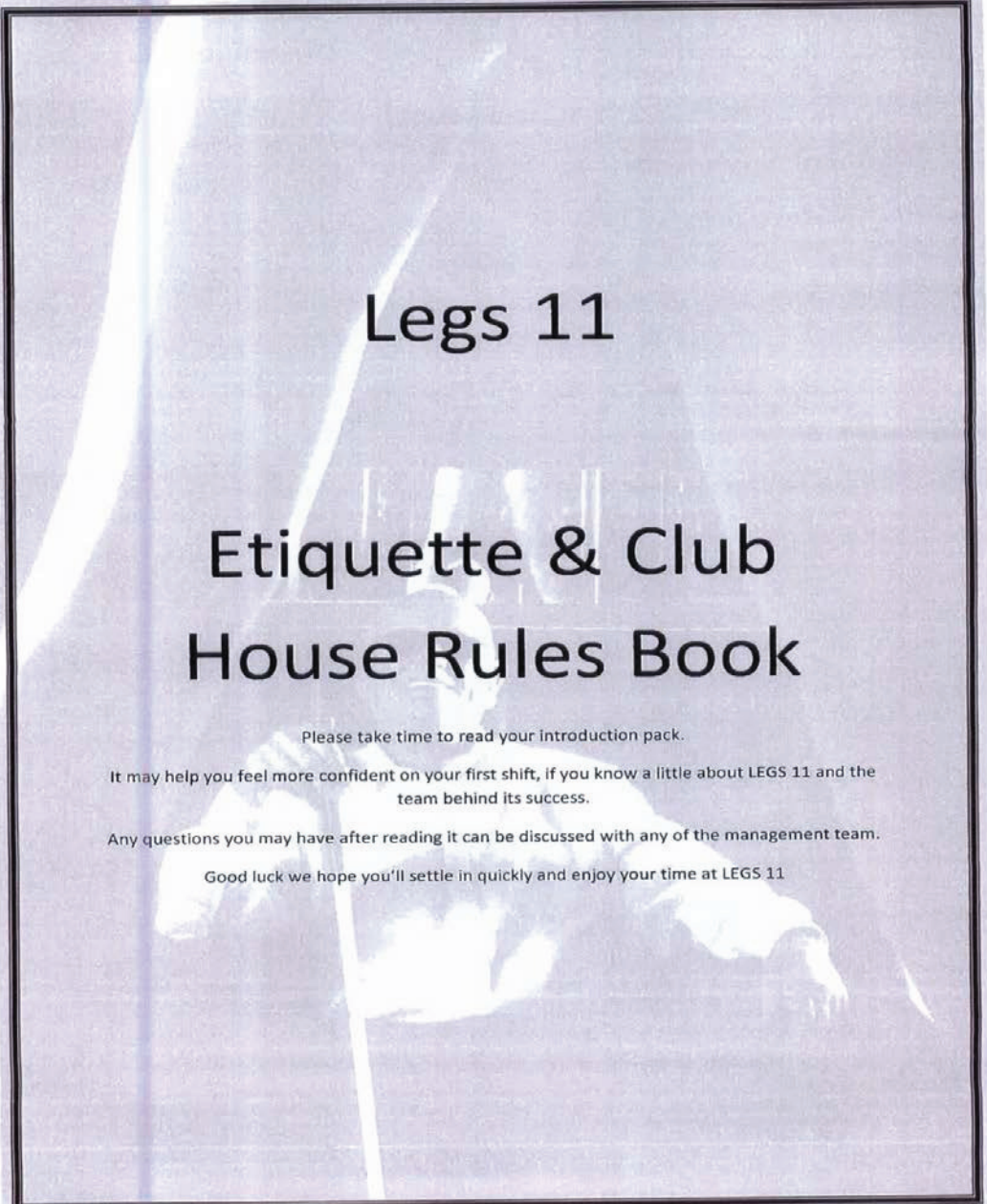
Signature

Name of SignatoryTHOMAS WINSTON THORP.....

Designation of SignatoryDirector.....

Date28/10/16.....





Legs 11

Etiquette & Club House Rules Book

Please take time to read your introduction pack.

It may help you feel more confident on your first shift, if you know a little about LEGS 11 and the team behind its success.

Any questions you may have after reading it can be discussed with any of the management team.

Good luck we hope you'll settle in quickly and enjoy your time at LEGS 11

WHAT MAKES A GOOD LAP DANCER

PLEASE DO THIS:

- Greet customers in a warm and friendly manner, a smile works wonders.
- You are an entertainer and you are on show as soon as you are in the club
- Make sure your appearance is immaculate, Hair, Nails, Make Up, Dress etc.
- Show self confidence (Even if you don't feel it)
- Have a sense of humour
- Pay full attention to the customer at all times, A conversation is often more important than the dance and it helps the customer to relax and makes them feel that they are more than just a £20.00 note.
- These may sound like obvious attributes, but when you're tired or fed up, you cannot let this affect your work or dancing performance.
- The customer is expecting the above and if you can't deliver, you can't earn.
- Do not; give the impression that you are too busy to talk.
- Do not, show a negative attitude.
- Do not, neglect your appearance.
- Do not, talk about other girls, customers or the club in a negative way.
- Do not; argue with customers or other dancers.
- Do not, talk about your private life.
- Do not, moan, complain or about customers or other dancers.
- Do not; approach a customer as soon as he walks through the door.

THE LAP DANCE EXPERIENCE

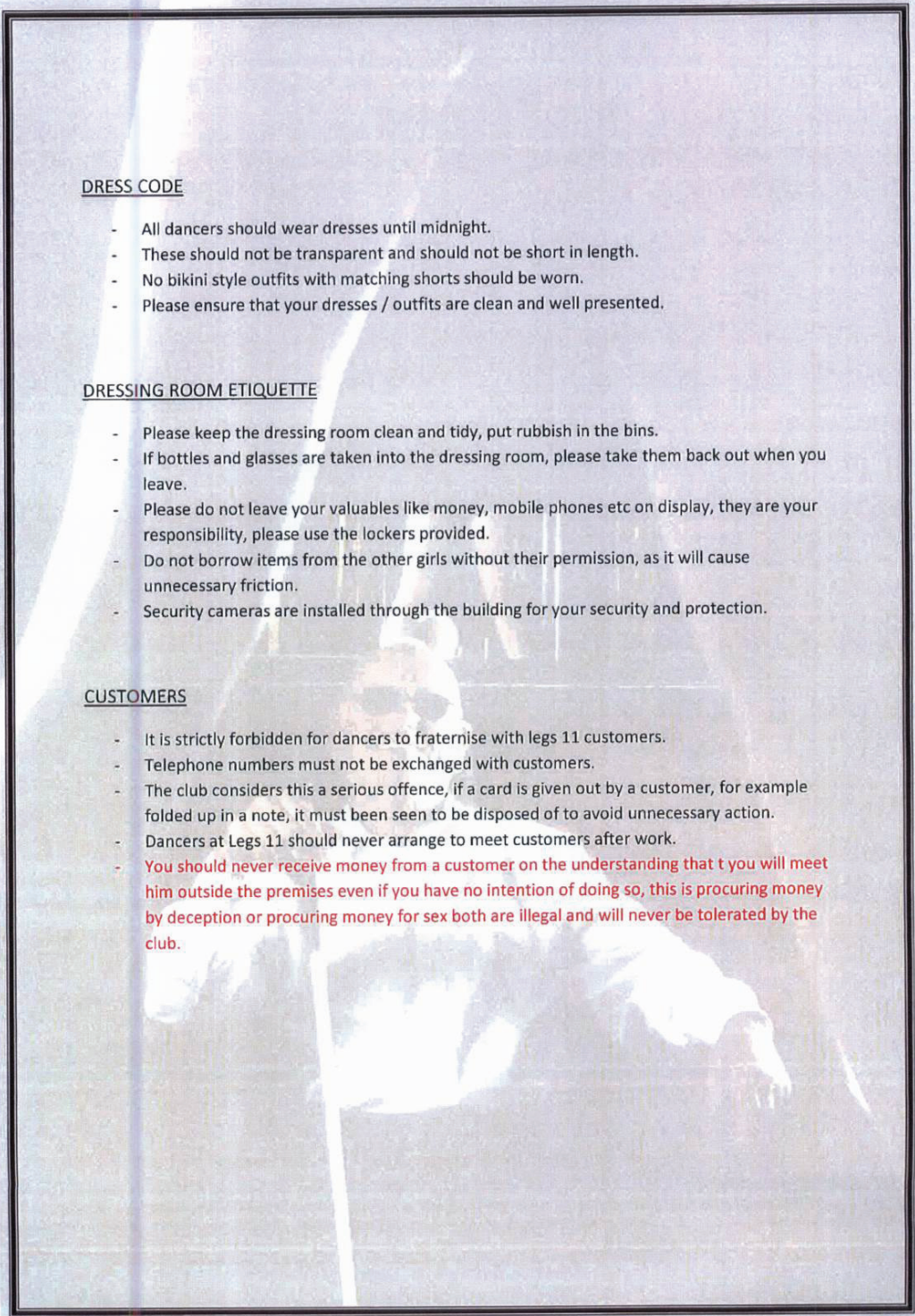
- A lap dance is a personal experience for both the customer and yourself; the customer should feel that you are only interested in them.
- Please make sure you get paid before you start a dance.
- The customer may not have the money or may refuse to pay.
- GETTING PAID IS YOUR RESPONSIBILITY.
- A good dancer will hold eye contact for as much of the dance as possible, follow your hands with your eyes and then back to the customer.
- Do not look around the room for your next customer whilst doing your dance.
- Ladies are using legs 11 more and more with their partners, you should treat them with the same courtesy and professionalism as our male clientele. They appreciate a good female body as much as a man and are often quite intrigued by your dancing. They are paying customers, the same as men, please make them feel welcome.
- There are clocks in the VIP rooms, discreetly check the time, do not keep checking your watch or phone

THE APPROACH

- Allow the customer to come in buy a drink and pay for it before you approach him.
- Approach the customer with a smile and ask can you join them.
- Introduce yourself with a handshake
- Make polite conversation if the time allows
- After 3-5 minutes of chat ask the customer if they would like you to dance for them, if they say no, ask is there anyone else that they would like to talk to or have a dance from, if he points someone out, let them know and move onto the next customer. This is dancer etiquette; remember another dancer will do the same for you if you show them this courtesy.
- If a customer says that they don't want a dance, do not be rude or pass comment, be polite, be professional and move on.
- When you finish, give them a kiss on the cheek and say goodbye and thank you.
- Sit down and put your clothes back on, then either chat or leave the dance area, do not leave the customer sitting there.
- You can still refer the customer to another dancer at the end of your dance if you wish, if he does not want another dance from you straight away.
- Your dance is only three minutes long, so with the chatting at the beginning and the end, you are only spending about 10 minutes with each customer.

THE POLE STAGES

- This is a chance to showcase yourself
- Make your stage show sexy, exciting, entertaining and erotic.
- You'll secure a few dances from customers who see your routine.
- The stage poles are no different to any other stage shows you may see.
- You are performing to an audience and your aim should be to get their attention.
- You know what the customers want to see, sexy, erotic, fun and approachable girls.
- Impress them on stage and its money in the bank.
- Many of you have two girl routines, you should practice them continuously
- This is great if you are worried about being on stage alone.
- An unrehearsed routine however, looks bad and won't earn you any money
- The more effort you put in the more you will get out.
- You will be introduced by the DJ, walk on stage with confidence and a smile.
- Act sexy, make eye contact with individual customers to make them feel special.
- Perform your pole tricks with as much sex appeal as possible
- Wear sexy outfits
- Use the whole of the stage during your show.
- Never go through the motions because you have to.
- Never try new tricks on the pole without a rehearsal
- Dancers, who earn well, take pride in their appearance and their job.
- This means constant practice and close attention to detail.
- Follow these simple rules and you should earn good money.



DRESS CODE

- All dancers should wear dresses until midnight.
- These should not be transparent and should not be short in length.
- No bikini style outfits with matching shorts should be worn.
- Please ensure that your dresses / outfits are clean and well presented.

DRESSING ROOM ETIQUETTE

- Please keep the dressing room clean and tidy, put rubbish in the bins.
- If bottles and glasses are taken into the dressing room, please take them back out when you leave.
- Please do not leave your valuables like money, mobile phones etc on display, they are your responsibility, please use the lockers provided.
- Do not borrow items from the other girls without their permission, as it will cause unnecessary friction.
- Security cameras are installed through the building for your security and protection.

CUSTOMERS

- It is strictly forbidden for dancers to fraternise with legs 11 customers.
- Telephone numbers must not be exchanged with customers.
- The club considers this a serious offence, if a card is given out by a customer, for example folded up in a note, it must be seen to be disposed of to avoid unnecessary action.
- Dancers at Legs 11 should never arrange to meet customers after work.
- You should never receive money from a customer on the understanding that t you will meet him outside the premises even if you have no intention of doing so, this is procuring money by deception or procuring money for sex both are illegal and will never be tolerated by the club.

ALCOHOL AND DRUGS

- **Drugs will not be tolerated.**
- Dancers may drink in moderation
- Dancers are requested not to carry or drink from a bottle, use a glass.
- Any dancer suspected of being drunk will be sent home.
- There are those of you who can drink all night without it showing, and there are those that can't, you know who you are.
- Never drink so much that you are not in control of your dance and your customer, if you're drunk you may not think you're slurring your words and stumbling, but chances are, you probably are.
- There is nothing more unattractive than a girl who is drunk. This is a fantasy and you are supposed to be their ideal woman.
- No one wants a drunk slurring woman to dance or talk to them.
- Please limit your alcohol intake or you will be sent home.

LEGS 11 WILL NEVER TOLERATE DRUG USE.

- **Anyone caught using, supplying or believed to be under the influence of drugs will be sacked without hesitation.**
- **We are not prepared to risk everyone's jobs for the sake of a few who put the license of Legs 11 in jeopardy if you bring drugs into the club.**
- **If you are found to be in possession of a controlled drug. You will be dismissed with immediate effect.**
- **If you are found to be in possession of drugs with intent to supply to assist in the supply or distribution of controlled drugs, you will be dismissed with immediate effect and the police will be called.**
- **We appreciate that you do a difficult job, but if you need drugs to get you through, then you need to re-assess your choice of work.**

LEGS 11 OPERATES A ZERO TOLERANCE POLICY TOWARDS DRUGS

PAYMENT OF FEES and FINES

- House fees must be paid on arrival.
- Fines will be implemented for all late arrivals and late cancellations.
- Fines of £20.00 will be charged for lateness and the full fee will be payable for late cancellations and no shows.
- A fine of £10.00 will be imposed for use of mobile phones in public areas.
- A fine of £10.00 will be imposed for use of chewing gum in public areas.
- The cost of damage to the seating caused by high heels will be passed on to the dancers working that night (minimum £20.00 each)
- A dance will cost £20.00 for a full strip non VIP dance.
- Receipts for house fees and any additional charges are provided by management.



DANCES

- A dance will last for one song (approximately 3 minutes)
- The customer is not allowed to touch the dancer, politely tell the customer to stop or you will end the dance if he / she continues.
- Touching of breasts or buttocks or any intimate area is strictly forbidden.
- If the customer requests you to continue for another dance, you must replace your G string before you continue into the next song and any other subsequent songs.
- Chewing gum whilst working is not permitted
- When using mobile phones whilst in the club please use the designated areas.
- You are not allowed to use a mobile phone in view of customers.
- Fines will be imposed for the breaking of club rules regarding mobile phones, lateness and chewing gum.

OTHER ISSUES

- No one should leave the club without a member of management being made aware.
- Dancers for their own security will be escorted to their cars at the end of a night or be seen getting to a pre booked taxi by one of the management or security.
- You must not have your boyfriend / husbands in the club when you are working.

CUSTOMERS, COMMENTS AND BEHAVIOUR

- It is unacceptable for customers to be rude to you, the reverse also applies.
- Do not swear at customers, walk away and let management or security handle the problem.
- If you have a problem with a customer, please inform management or security and let them deal with it.
- You should not attempt to deal with it yourself as it can make the situation far worse.
- If you are in any of the private rooms and feel unable to deal with a customer, either leave the room and report it to management or security failing that use the wall mounted panic alarm.
- Do not put yourself at risk.

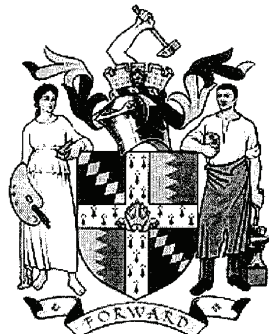


From:
Sent: 23 November 2016 16:56
To: Licensing
Subject: renewal of sex establishment licence

RE-Legs 11-Gentleman's club 193/4 Broad St B15 1AY

We wish to oppose the granting of this licence.
Broad Street and surrounding streets are becoming more and more residential areas. A move obviously encouraged by Birmingham City Council with the granting of planning permission for several large residential developments.
We want the area to be safe and friendly to everyone who visits or lives in the area.
This includes families with children visiting the Crescent Theatre and the Sea Life centre and business people staying in hotels in the area.
We wish to encourage Broad Street to be a safe friendly area for all visitors and therefore oppose the renewal of this licence.

Sent from [Mail](#) for Windows 10



BIRMINGHAM CITY COUNCIL SEXUAL ENTERTAINMENT VENUE POLICY

EFFECTIVE FROM 1st November 2014

Licensing Service at Crystal Court,
Aston Cross Business Village
50 Rocky Lane,
Aston,
Birmingham, B6 5RQ

OR alternatively by email to: licensing@birmingham.gov.uk

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1. **Introduction**

- 1.1 Birmingham City Council ("the Council") is able to regulate sex establishments through Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act"), in particular sex shops and sex cinemas.
- 1.2 On 6 April 2010 the Policing and Crime Act 2009 ("the 2009 Act") came into force and amended Schedule 3 of the 1982 Act. Sexual Entertainment Venues ("SEVs") were added as a category of sex establishments to enable local authorities to regulate those premises which provide lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows and other similar entertainment.
- 1.3 The Council resolved on 12 October 2010 to adopt the new amendments to gain regulatory control of SEVs with effect from 3 January 2011. Consequently, this SEV policy applies to the whole of Birmingham.
- 1.4 The adoption of Schedule 3 allows the Council to prescribe standard conditions and fees for the grant, variation, renewal and transfer of SEV licences and the appropriate number of premises to be licensed in a relevant locality, which may be nil.
- 1.5 The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing and Public Protection Committee when making a determination on an application. This policy will be reviewed regularly and revised where necessary.
- 1.6 Each application will be dealt with on its own merits
- 1.7 Consideration will be given to the provisions of the Human Rights Act 1998, the Provision of Services Regulations 2009 and the Home Office guidance issued in March 2010 entitled "Sexual Entertainment Venues – Guidance for England and Wales" when considering applications for SEVs.
- 1.8 The Council does not take a moral stance in adopting this policy. The Council recognises that Parliament has made it lawful to operate sex establishments and that such businesses are a legitimate part of the retail and leisure industries. It is the Council's role as a Licensing Authority to regulate such premises in accordance with the law.

2. **Sexual Entertainment Venues**

- 2.1 An SEV is defined in the 2009 Act as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer".
- 2.2 The meaning of 'relevant entertainment' is "any live performance or live display of nudity which is of such a nature that, ignoring financial gain it must

reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)". An audience can consist of just one person.

2.3 This definitions would apply to the following forms of entertainment [as they are commonly known]: lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows. This list is not exhaustive and should only be treated as indicative. The decision to licence premises as sexual entertainment venues shall depend on the content of the relevant entertainment rather than the name given to it.

2.4 The 2009 Act provides exemptions from the definition of SEVs as follows:

- Sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act).
- Premises which provide relevant entertainment on an infrequent basis. These are detailed as premises where:
 - (a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - (b) no such occasion has begun within a period of one month beginning with the end of the previous occasion; and
 - (c) no such occasion has lasted longer than 24 hours.
- Other premises or types of performances or displays exempted by an order of the Secretary of State.
- Private dwellings to which the public are not admitted

2.5 Premises which provide regulated entertainment on an infrequent basis will continue to be regulated under the 2003 Act insofar as they are providing regulated entertainment under that Act either by virtue of a premises licence or club premises certificate or a temporary events notice issued under that Act.

2.6 In practice this means that the vast majority of lap dancing clubs and similar venues will require both a SEV licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provisions of other types of regulated entertainment not covered by the definition of relevant entertainment.

2.7 Live music or the playing of recorded music which is integral to the provision of relevant entertainment such as lap dancing for which a SEV licence is required is specifically excluded from the definition of regulated entertainment in the 2003 Act. Therefore, a SEV will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance to.

3. **Waivers**

3.1 Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it

considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit. Applications for waivers will be considered in exceptional circumstances.

- 3.2 The Council may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate on a date not less than 28 days from the date the notice is given.

4. **Making an Application**

- 4.1 The 1982 Act provides a maximum licence period of one year. The authority may grant a shorter licence if it thinks fit. A shorter period may be granted for example where a licensee wants a licence for a limited period for a trade exhibition or a show.

- 4.2 An application for the **grant, variation, renewal or transfer** of a licence must be made in writing to the Licensing Authority together with the application fee in accordance with the requirements set out below.

- 4.3 There are three separate notice requirements:

1. The applicant must, within seven days after the date of the application, publish an advertisement in a local newspaper circulating in the local authority's area. A suggested form of advertisement is available on request from the Licensing Section.
2. Where the application is in respect of premises the applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days starting with the date of application. Again a suggested form of notice is available on request.
3. The applicant must send a copy of the application to the Chief Officer of Police no later than seven days after the date of the application. Where the application is made electronically it is for the Local Authority itself to send the copy within seven days of receipt of the application.

- 4.4 The application form can be used for grant, variation, transfer and renewal applications. Applicants must provide their name, address, age (where the applicant is an individual), the premises address and the proposed licensed name of the premises.

- 4.5 Applicants must, at the time of submission of a new grant or variation application, provide a scheme showing the exterior design for consideration by the Licensing Authority before the premises are opened for business in order to ensure that exterior design of the premises complies with the Standard Conditions of Licence.

- 4.6 In addition applicants must, at the time of submission of a new grant or variation application, provide a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority.
- 4.7 Applicants for SEVs must also submit a copy of their "club rules" and customer code of conduct. Such club rules must contain the required conduct of performers.
- 4.8 Such club rules will form part of the conditions of licence (if granted) and may be subject to amendment by the Licensing Authority prior to approval.
- 4.9 Applicants must provide evidence to the satisfaction of the Licensing Service of the registration for, and payment of business rates for the premises in question at the time of application.
- 4.9 Officers of the Licensing Service may, as part of the application process, visit the relevant locality of the premises to establish and report on whether there are any characteristics of the locality which may require consideration by the Licensing and Public Protection Committee.
- 4.10 Officers of the Licensing Service may also consult with colleagues from other Departments such as Planning
- 4.11 With regards to online application tacit authorisation does not apply to applications for SEV licences. This means the applicant must wait for the Licensing Authority to determine the application before they can operate a SEV.

5. **Fees**

- 5.1 The 1982 Act permits the authority to set a reasonable fee. Fees for Sex Establishments are reviewed annually by the Licensing and Public Protection Committee and set at a level appropriate to recover the costs of carrying out the licensing function under that Act namely: administration (including any hearings or appeals), inspection and compliance.
- 5.2 The above process is also applicable to the function of licensing SEVs and the appropriate fees for applications can be found on the Council's website at: www.birmingham.gov.uk/licensingfeesandcharges.
- 5.3 Application fees must be paid in full at the time of submission of the application.

6. **Making Objections to Applications**

- 6.1 The 1982 Act permits a wide range of persons to raise objections about the **grant, renewal, variation or transfer** of a SEV licence. Objectors can include residents, resident associations, trade associations, businesses, Councillors (providing they do not sit on the Licensing and Public Protection Committee),

regulatory agencies such as Planning and Environmental Health, or MPs. The Police are a statutory consultee for all applications.

- 6.2 Objections must be made in writing (email is acceptable) no later than 28 days after the date of the application to the Licensing Authority and should include the following:

- the name and address of the person or organisation making the objection;
- the premises to which the objection relates;
- the proximity of the premises to the person making the objection, a sketch map or plan may be helpful to show this.

- 6.3 Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act. The relevant grounds for objection are:

- That the applicant is unsuitable to hold an SEV Licence;
- That the SEV, if granted would be carried on for the benefit of person/s who would be refused an SEV licence if they had applied themselves;
- That the layout, character or condition of the premises are inappropriate for the proposed SEV;
- That the use of the premises as an SEV would be inappropriate due to the use of premises in the vicinity;
- That the use of the premises as an SEV would be inappropriate due to the character of the relevant locality; and/or
- That the number of sex establishments or sex establishments of a particular type is inappropriate in the relevant locality.

Any objections received by the Licensing Authority which do not relate to the grounds set out in the 1982 Act will be rejected by the Licensing Service.

- 6.4 The courts have consistently stated that moral objections are inadmissible in such applications and will therefore be rejected.
- 6.5 Objections will be considered by the Licensing and Public Protection Committee determining the application. The applicant will be informed of any objections received in respect of their application and the objection(s) will become public documents. (However, objector's personal details such as name, address and telephone number will be removed.) A copy of the hearing procedure will be sent to the applicant and any objectors prior to the hearing.

7. **Determination of an Application**

- 7.1 **All applications for the grant of a SEV licence will be determined by the Licensing and Public Protection Committee.** Valid objections to any application will be considered by the Licensing Committee or delegated to a Licensing Sub Committee at the hearing to consider the application.

Applicants and objectors will be given an equal opportunity to state their case in accordance with the Licensing and Public Protection Committee's procedure for hearings, which is available from the Licensing Service.

- 7.2 The 1982 Act provides five mandatory grounds and four discretionary grounds for refusal of a SEV licence. Each application for a SEV will be decided upon its own merits and the Licensing Authority will give clear reasons for its decisions. Any decision to refuse a licence **MUST** be relevant to one or more of the following grounds:

7.3 Mandatory grounds for refusal

Specific mandatory grounds for refusal of a licence are set out in paragraph 12(1) (a to e) of Schedule 3 in the 1982 Act. A licence cannot be granted:

- (a) to any person under the age of 18 years;
- (b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to any person who has, within a period of 12 months immediately preceding that date when the application was made, been refused that grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

7.4 Discretionary grounds for refusal

The only discretionary grounds upon which the Council may refuse an application for the grant or renewal of a licence on one or more of the grounds specified in Schedule 3 paragraph 12(3) are that:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reasons;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he/she made the application himself/herself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for the locality;
- (d) the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

8. Suitability of an Applicant

8.1 In respect of 7.4(a) and (b) above with regard to the suitability of an applicant to hold a licence, the criteria for Members to consider include, but are not limited to:

- that the operator is honest
- that the operator is qualified by experience to run the type of sex establishment in question
- that the operator understands the general conditions
- that the operator is proposing a management structure which delivers compliance with the operating conditions e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers
- that the operator can be relied upon to act in the best interests of performers e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored
- that the operator can be relied upon to protect the public e.g. transparent charging, freedom from solicitation
- that the operator can show a track record of management of compliant premises, or that he/she will employ individuals who have such a track record.
- Compliance with other regulatory and taxation schemes

9. Suitability of Premises

9.1 The Council would expect that when an application for an SEV licence at permanent commercial property is made, that the applicant will be able to demonstrate that the layout, character and/or condition of the premises is appropriate to the relevant entertainment proposed at the premises.

9.2 The Council would expect that when an application for an SEV licence at permanent commercial property is made, that property should have the appropriate planning consent.

10. Use of Premises in the Vicinity

10.1 In considering the grant, renewal or variation of the licence would be inappropriate to the use which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations:

- (a) the fact that the premises are sited in a residential area;
- (b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;
- (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
- (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities

- such as parks, libraries or swimming pools, markets and covered markets;
- (e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.
- (f) the premises are sited near civic buildings

11. Character of the Relevant Locality

11.1 With reference to paragraph 8.4(d) 'relevant locality' for the purposes of paragraph 12 of Schedule 3 of the Act means:

- (i) in relation to the premises, the locality where they are situated, and
- (ii) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a Sexual Entertainment Venue.

11.2 In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations, whether the grant of the application would be inappropriate, having regard to:

- (a) the fact that the premises are sited in a residential area;
- (b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;
- (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
- (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets;
- (e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.
- (f) the premises are sited near civic buildings

11.3 The Council will consider relevant locality on a case by case basis taking into account the particular circumstances of each case. However, the Council will not seek to define locality as the whole of the Council's administrative area or an entire town.

12. Appropriate Number of Sexual Entertainment Venues

12.1 As set out within paragraph 7.4(c) above, paragraph 12 of Schedule 3 provides that a Local Authority may refuse an application if it is satisfied that the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.

12.2 The Council may choose to set an upper limit guide on the number of SEVs which it considers appropriate in any area within the Council's administrative control. Each application MUST in any event be considered on its merits at the time the application is determined by the local authority.

12.3 The Council considers that the City Centre, being that part of the City which falls within the ring road (A4540) is an area in which it is appropriate to have an upper limit guide on the number of SEVs within it. The Council considers the appropriate upper limit for this area is eight.

13. **Conditions**

13.1 When issuing an SEV licence the Licensing Authority is permitted to issue it on such terms and conditions and subject to restrictions as specified at the time the licence is issued either in the form of conditions specific to the individual or standard conditions applicable to all SEVs.

13.2 The Council has decided to produce regulations prescribing standard conditions and these shall apply to every licence granted, varied, renewed or transferred by the authority unless they have been expressly excluded or varied. These regulations are attached to this policy at Annex A.

13.3 It is an offence to operate an SEV without a licence or contravene a condition of the licence. The maximum penalty upon conviction is £20,000

14. **Renewal Applications**

14.1 Provided an application for renewal has been accepted by the Licensing Service prior to the date of expiry, the licence shall be deemed to remain in force until such time as the renewal is determined by the Council, or the application is withdrawn.

14.2 The statutory requirements for advertising and giving notice, are the same as those applying to initial grants, which are dealt with at paragraphs 5-13. Renewal applications will be dealt with by way of delegated authority to officers, unless there are any objections or other matters of concern, in which case, the application will be heard by the Committee.

15. **Revocation of a Sexual Entertainment Venue Licence**

15.1 A licence can be revoked by the Council at any time on any one of the grounds set out in 7.3(a - e) or any one of the grounds set out in 7.4(a and b) of the policy.

15.2 The Council will not revoke a licence without the licence holder being given an opportunity to appear before the Licensing and Public Protection Committee and be heard.

15.3 Where a licence is revoked, the Council shall give the licensee a statement in writing of reasons for its decision within seven days of the request being

made. Where a licence is revoked its holder will be disqualified from holding or obtaining a licence in the area of the Local Authority for a period of 12 months from the date of revocation.

- 15.4 When the authority revokes a licence, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

16. Cancellation of a Sexual Entertainment Venue Licence

- 16.1 The Council may at the written request of the licence holder cancel the licence.

- 16.2 If a licence holder dies then the licence will be deemed to have been granted to the licence holder's personal representatives and will remain in force for three months from the date of the licence holder's death and will then expire.

- 16.3 The Council can, however, on the application of the licence holder's personal representatives extend the three month period if the Council is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Council will only do so where there are no circumstances that make such an extension undesirable.

17. Variation of a Sexual Entertainment Venue Licence

- 17.1 A licence holder may at any time apply to vary a term, condition or restriction of a licence or apply to change the location of a licensed vessel. The statutory requirements for advertising, giving notice, consideration by the Council, hearings and the giving of the reasons are the same as those applying to initial grants, which are dealt with at paragraphs 5-12. On receiving such an application, the Council can either:

- (a) make the variation as requested;
- (b) make such variations as it thinks fit;
- (c) refuse the application.

- 17.2 The applicant will be given an opportunity to attend a Licensing and Public Protection Committee before a decision is made to make a variation other than that being applied for or to refuse the application.

- 17.3 Where the Council imposes some other term, condition or restriction other than one sought in the variation application, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

18. Right to Appeal a Decision

- 18.1 The decisions against which a right of appeal lies are refusals for the grants, renewals, variations or transfers, the imposition of conditions and also revocation.
- 18.2 Appeals must be made to the Magistrates Court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision.
- 18.3 It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further, no appeal lies against the Licensing Authority's decision made on the discretionary grounds set out at paragraphs 7.4(c and d), namely:
- that it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
 - the use of premises in the vicinity or the layout, character or condition of the premises.
- 18.4 The only discretionary grounds against which an appeal lies are those in paragraph 7.4(a and b) relating to the suitability of the applicant, the manager and/or the beneficiary of the operation.

ANNEX A

BIRMINGHAM CITY COUNCIL

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES (SEV)

These regulations are made under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the "1982 Act") as amended by the Policing and Crime Act 2009 (the "2009 Act") to prescribe conditions. In these Regulations, except when the context otherwise requires, the following expressions shall have the following meanings:

- (i) "The Council" shall mean the Birmingham City Council and all enquiries concerning these Regulations and its conditions shall be directed to Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ. 0121 303 9896. licensing@birmingham.gov.uk
- (ii) These conditions apply to all premises licensed as a "sexual entertainment venue" as defined by the said 1982 Act that is to say terms, conditions and restrictions on or subject to which licences under Schedule 3 of the 1982 Act are in general to be granted, renewed, varied or transferred.
- (iii) "Sexual Entertainment Venue" ('SEV') means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser or the entertainer.
- (iv) "Premises" includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.
- (v) 'Relevant Entertainment' means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of

sexually stimulating any member of the audience (whether by verbal or other means).

- (vi) The Council may at any time waive, modify or vary these conditions or impose additional special conditions in any particular case.
- (vii) If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council.
- (viii) In the event of a conflict between the prescribed conditions and special conditions contained in a SEV licence the special conditions shall prevail.

OPENING HOURS

- 1. The licensed premises shall not be open or used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing and Public Protection Committee.

WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS

- 2. Save for the entrance lobby, the interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.
- 3. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
 - (a) The address of the premises.
 - (b) The licensed name of the premises.
 - (c) A notice stating the opening hours of the establishment.
 - (d) In the case of a licence granted to a body corporate:

- (i) If the premises name is not the same as the full name of the body corporate then such corporate name and;
 - (ii) If the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.
- 4. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Council.
- 5. The licensee shall not permit the display outside of the premises of photographs or other images, which indicate or suggest that relevant entertainment takes place in the premises.

LICENSED NAME

- 6. At the time of granting the licence in respect of the premises the Council will authorise a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licensee shall ensure that the premises are known solely by that name and by no other, save as provided for by the paragraph below.
- 7. To change the licensed name, an application shall be made to the Council not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

EXHIBITION OF LICENCE

- 8.
 - a) A copy of the licence (two pages) shall be suitably framed and exhibited in a position that can easily be read by all persons entering the premises.
 - b) The conditions of licence and all such documents listed as Appendices to said licence shall be retained in a clean and legible condition and immediately available for inspection by anyone who so requests.

9. The licensee shall retain a copy of a form signed by each employee and performer confirming that they have read and understood the licence and conditions. The copy shall be retained for a period of six months after they cease work at the premises. A copy of the licence and conditions shall be given to each performer.

RESPONSIBILITY OF THE LICENSEE

10. The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the SEV in their absence shall be in charge of and upon the premises during the whole time they are open to the public.
11. The written nomination referred to in condition 10 above shall be maintained in a daily register, kept on the premises and made continuously available for inspection by an officer authorised by the Council or police officer.
12. The person in charge shall not be engaged in any duties that will prevent them from exercising general supervision and they shall be assisted as necessary by suitable adult persons to ensure adequate supervision.
13. The licensee must ensure that there is a current insurance policy in force to cover the performers whilst the premises are open and that a copy is displayed in areas where all staff have access.

EMPLOYEES AND MANAGEMENT STAFF

14. The licensee shall keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers permitted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such

records available for inspection to them. (see Conditions regarding Door Supervisors)

15. Condition 14 does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, such persons must be aged 18 years and over if the premises are open for the purpose of providing sexual entertainment.
16. The licensee shall ensure that all persons employed or permitted to work within the licensed premises hold the appropriate rights to work and shall keep copies of any documentation used to verify the details of these rights where necessary.
17. The licensee shall maintain a register of the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence.
18. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified to the Licensing Authority

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

19. Where the licensed premises is a vessel or stall, the licensee shall not move the licensed vessel or stall from the location specified in the licence unless a variation application is submitted for the Council's determination giving not less than 28 days notice. n.b. this requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another place such location as is specified in the licence.
20. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises as shown on

the plan, including any change in the permitted signs on display shall not be made except with the prior approval of the Council.

CLUB RULES

21. Any club rules imposed on the performers shall be displayed in a prominent position within the premises for all employees to have easy access whilst at work.
22. A copy of the club rules shall be provided to performers engaged by the premises by means of a written contract signed by the recipient. Copies of the same must be retained on the premises and produced to an authorised officer of the Council or police officer on request.

FEES

23. Receipts or records of payments received should be provided to performers where "house fees" are charged or when any fines are issued.

PERFORMANCES

24. No person under the age of 18 shall be permitted to be on the licensed premises when sexual entertainment is provided. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person under 18 will be admitted when sexual entertainment is being provided" so that it can be easily read by persons entering the premises.
25. Each area where relevant entertainment is conducted shall be supervised and/or contain a panic alarm for the safety of performers.
26. A customer code of conduct shall be prominently displayed in each area to which the public are admitted.
27. Performers shall be aged not less than 18 years.

28. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence. In all other public areas within the premises the performers and employees must at all times wear at least a G string (female) and or pouch (male) covering the genitalia
29. During all performances (including performances usually termed 'private dances') there must not be any deliberate contact, by the performer, with any patron or person within the audience except:
 - a). Leading a patron by the hand to and from a chair or private room or designated dance area.
 - b). Simple handshake greeting at the beginning and/or end of the performance.
 - c). A customary ("peck on the cheek") kiss at the end of the performance.
 - d). the placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
30. No performances shall include any sex act involving any other persons or objects (or involve any form of auto-erotic stimulation).
31. A price list shall be displayed in a prominent position giving the price and the duration of any 'private dances'.
32. Any person employed to supervise or attend to the exterior or entrance area of the premises must, at all times be suitably and sensibly dressed so as not to indicate or suggest the nature of the relevant entertainment taking place at the premises.
33. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except as shown on the plan; within the toilets, within the performers' dressing rooms and/or staff areas.

34. At all times during a performance, performers shall have unrestricted access to a dressing room.
35. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phones

DOOR SUPERVISORS

36. The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitably licensed by The Security Industry Authority or appropriate agency.
37. Where door staff are used, the licensee shall maintain profiles for all door staff that are, or have been, working at the premises in the last six months. The profile is to contain proof of identity (copy of passport /photo driving licence) and proof of address dated within the last six months (bank statement /utility bill). Separate proof of address is not necessary when the proof of identity is a photo driving licence. All profiles are to be made immediately available to Authorised Officers upon request.
38. An adequate number of licensed door supervisors, based on a risk assessment undertaken by the licensee, shall be on duty on the premises whilst relevant entertainment takes place.
39. At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place.

CCTV

40. CCTV shall be installed in each room within the premises where the public has access save for the toilet and staff only areas. All cameras shall continuously record whilst the premises are open to the public and recordings shall be kept available for a minimum of twenty-eight days.

- 41. A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers.
- 42. The premises will provide copies of any recordings upon request by a police officer or an authorised officer of the Council within 24 hours of the request.

TOUTING FOR BUSINESS AWAY FROM THE PREMISES.

- 43. The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.
- 44. The collection of patrons and or potential clients is not permitted unless the vehicle is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
- 45. The licensee shall not permit any person whilst on a public thoroughfare to encourage any other person to visit the SEV premises by any means.
- 46. The licensee shall endeavour to ensure any marketing communications associated with the SEV or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

ADMISSION OF AUTHORISED OFFICERS

- 47. Officers of the Council, Police, and other authorised agencies who are furnished with authorities (which will be produced on request) shall be admitted immediately to all parts of the premises at all reasonable times and at any time the premises are open for business.

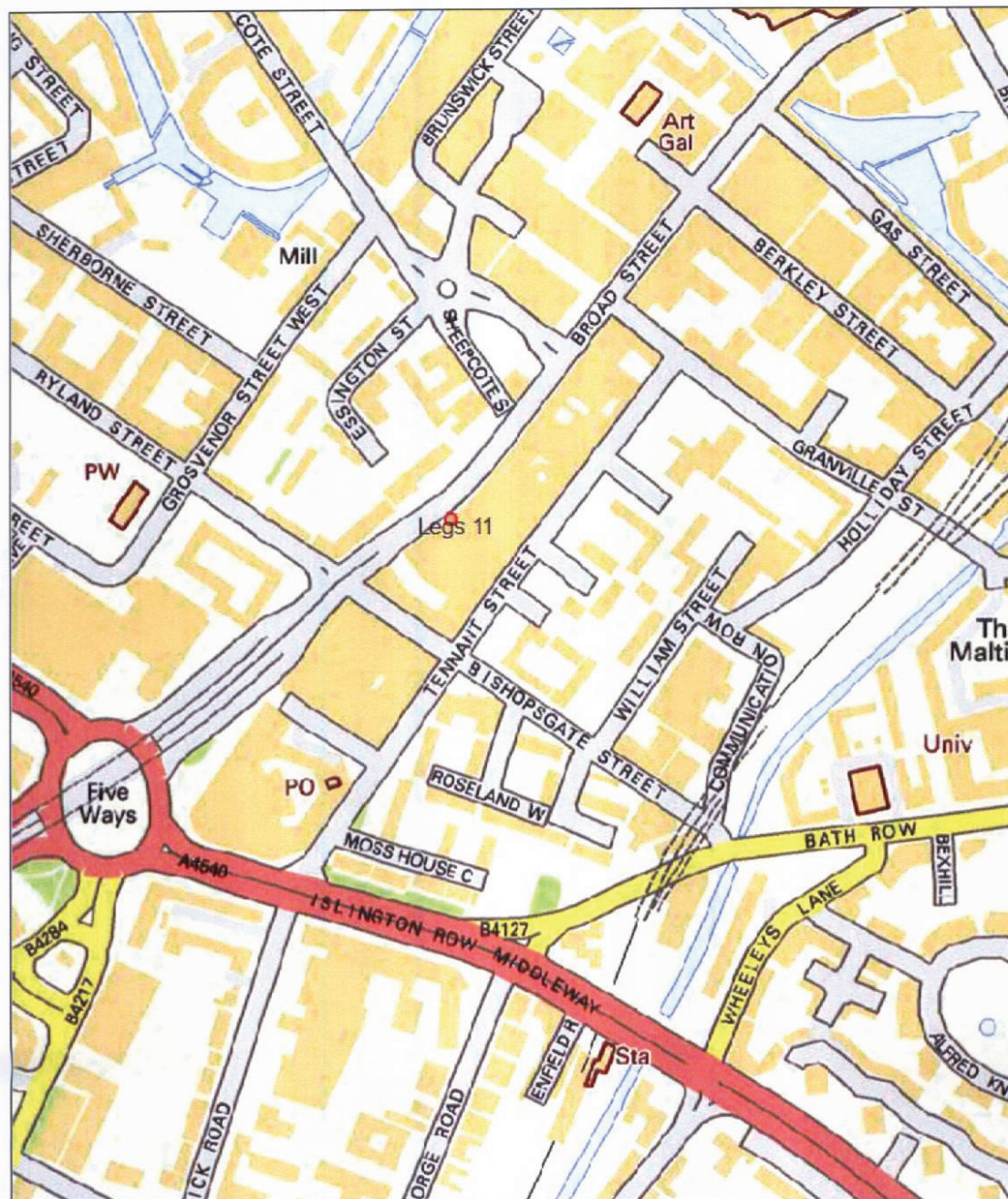
ANNEX B

SCHEME OF DELEGATION OF DECISION-MAKING AND FUNCTIONS

The Licensing and Public Protection Committee is responsible for making licensing decisions with Sub-Committees and officers having delegated powers to make some decisions. The table below describes how licensing decisions will be made. This scheme of delegations will be subject to regular review

Nothing within this scheme of delegations shall prevent matters being referred to a higher level where appropriate. E.g. officers may refer matters to a sub committee, or a sub-committee may refer a matter to full committee.

Matter to be dealt with:	Decision to be made by:		
	Full Committee	Sub-Committee	Officers (Senior Licensing Officer or above)
Application for grant or transfer	All cases		
Application for renewal or variation	If relevant objection made		If no relevant objection made
Minor variation application	If relevant objection made		If no relevant objection made
Revocation of Licence	All cases		
Cancellation of Licence			All cases
Make/amend regulations prescribing standard conditions, terms and restrictions	All cases		
Setting of fees	All cases		
Waiver	All cases		
To make and amend policy relating to the licensing of sex establishments	All cases		
To enforce the provisions of Part II and Schedule 3 of the Local Government Miscellaneous Provisions Ac 1982			All cases



Birmingham City Council

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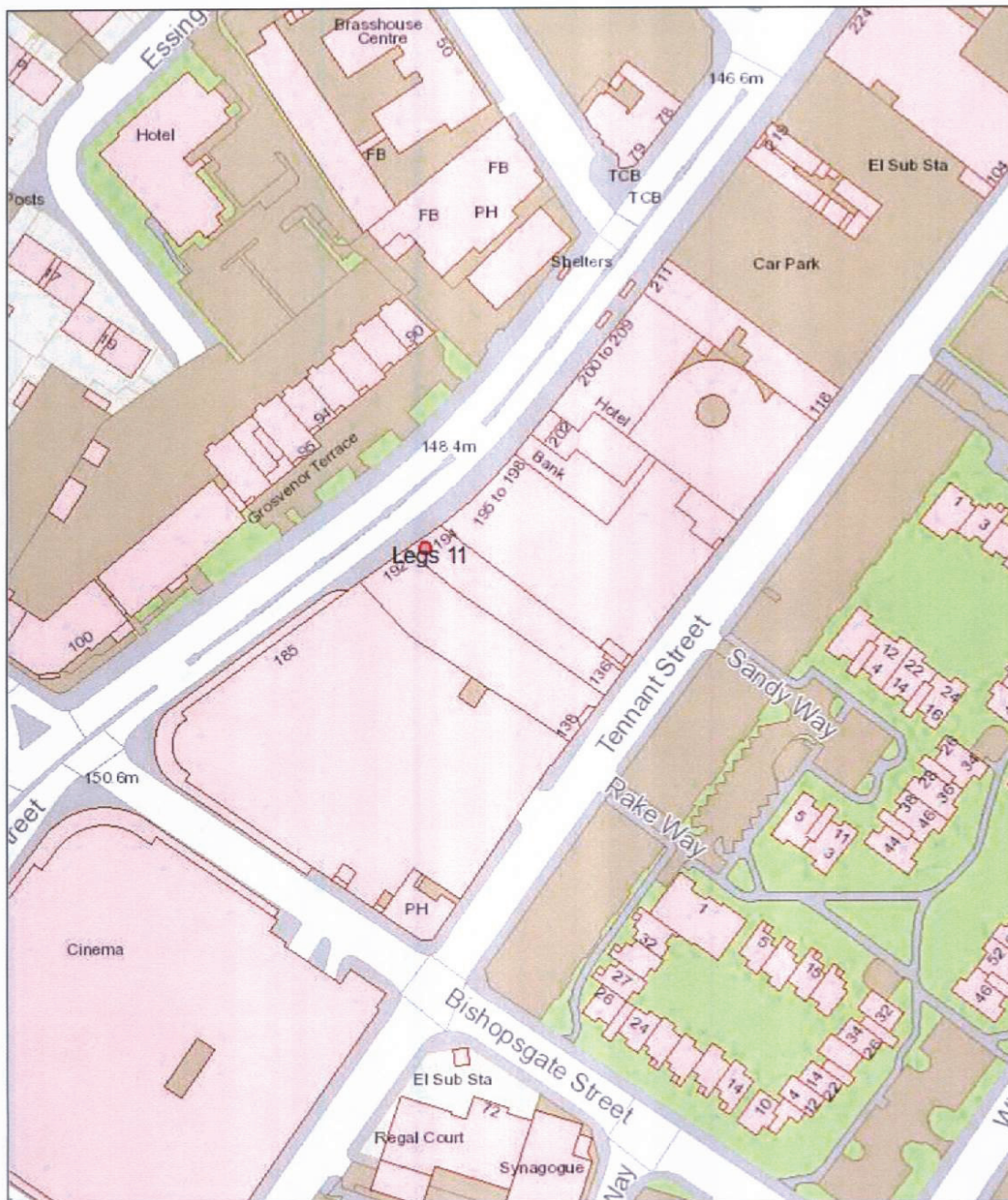
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BIRMINGHAM CITY COUNCIL

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

15 FEBRUARY 2017
ALL WARDS

**REVIEW OF LICENSING AND PUBLIC PROTECTION
FEES AND CHARGES 2017/2018**

1. Summary

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

2. Recommendations

- 2.1 That the changes to the fees and charges as below be approved to take effect from 1 April 2017:
 - i. Trading Standards Services as detailed in Appendix 1.
 - ii. Environmental Health and Pest Control Services as detailed in Appendix 2.
 - iii. Register Office Services as detailed in Appendix 3; statutorily set charges are shown in Appendix 3(a) and a benchmarking comparison is shown in Appendix 3(b).
 - iv. The Coroner's Service as detailed in Appendix 4.
 - v. Birmingham Account Team (formerly Surveying Services) as detailed in Appendix 5.
- 2.2 That the tariffs for Fixed Penalty Notices, as detailed in Appendix 2a be set at the levels specified for the year 2017/2018. [All FPNs have been set at the maximum prescribed tariff with no discount for early payment except where a statutory discount applies.]

- 2.3 That authority be delegated to the Acting 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.

Contact officer: Alison Harwood, Acting Director of Regulation and Enforcement
Telephone: 0121 303 0201
Email: alison.harwood@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.

4. Proposals

- 4.1 The fees proposed in this report are calculated to maximise income and recover the full cost of carrying out the various services in line with City Council policy. This includes all overheads, administrative costs, expenses and any appropriate recharge of officers' time.
- 4.2 The areas covered are as follows:
- Appendix 1 – Review of Charges for Trading Standards.
 - Appendix 2 – Review of Charges for Environmental Health and Pest Control Services.
 - Appendix 3 – Review of Charges for Register Office.
 - Appendix 4 – Review of Charges for the Coroner's Service.
 - Appendix 4 – Review of Charges for Birmingham Account Team (formerly Surveying Services).
- 4.3 Where the fees are not covered by the appendices or a recovery of monies is to be levied then the recharge will be based on the following table. It includes full overhead recovery and is broken down by the seven salary grading bands the Local Authority appoints its officers under.

OFFICER SALARY GRADE	CHARGEABLE HOURLY RATE 2016/2017	CHARGEABLE HOURLY RATE 2017/2018
Grade 2	£33	£33
Grade 3	£43	£44
Grade 4	£56	£58
Grade 5	£71	£73
Grade 6	£91	£93
Grade 7	£122	£124

- 4.4 In carrying out this annual review of charges reference has been made to the requirements of the Corporate Charging Policy. Particular attention has been paid to the need to ensure that income is maximised insofar as possible.
- 4.5 With regard to matters which relate to trading in the open market consideration has been given to competitors pricing and what the market can sustain. Where a fee has been proposed that does not achieve full cost recovery (for instance due to the need to compete with alternative providers, it has been indicated in the relevant appendix).
- 4.6 During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary and alternative savings proposals developed to meet new and emerging pressures.

5. Consultation

- 5.1 A draft version of this report was presented to the Deputy Leader's Star Chamber on 9 February 2017. Any recommendations from Star Chamber will be identified in the verbal presentation by Heads of Service owing to the publication deadlines on the Committee Information Management System (CMIS).

6. Implications for Resources

- 6.1 The proposals do not represent any increases to budgeted income for 2017/2018. The proposed increases to charges for Pest Control and Registrars are designed to bridge the ongoing financial pressures that both services are under.

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.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Birmingham City Council – Corporate Charging Policy

REVIEW OF CHARGES – TRADING STANDARDS 2017/2018

It is proposed that the revised fees are based on the 2016/2017 fees with a 2% increase; this takes account of 1% pay award and increased superannuation costs. Fees have been rounded up or down as appropriate.

1.1 Measuring Instruments for Measuring Liquid Fuel or Lubricants or Mixtures Thereof

	Current Charge 2016/2017 (£)	Proposed Charge 2017/2018 (£)
Unsubdivided container types	88	89
1 meter tested	110	112
2 meters tested	180	183
3 meters tested	250	255
4 meters tested	315	321
5 meters tested	387	384
6 meters tested	461	470
7 meters tested	525	535
8 meters tested	580	591

All work undertaken under the Measuring Instruments Directive will be charged on the basis of time on site at the appropriate officer (GR5) hourly rate £73.00 and where tested outside the Birmingham boundary, the charges imposed will be subject to mileage costs from base plus an overhead of 10%. For equipment tested off-site within the Birmingham boundary this will not be subject to the 10% overhead.

1.2 Other Weighing Or Measuring Equipment Or Other Forms Of Test

A minimum charge, equivalent to one hour of the appropriate officer (GR5) hourly rate £73.00 will apply to all jobs carried out on the Garretts Green site. Please note that some services have been discontinued and are, therefore, not shown below. (VAT is applicable to those charges at the prevailing rate.)

1.3 Other Fees And Charges

	Current Charge 2016/2017 (£)	Proposed Charge 2017/2018 (£)
Duplicate certificates or duplicate statements of accuracy (each)	21	21

1.4 Metrology (out of hours)

All of the fees assume that the work will be undertaken during the standard opening times of the City Council, that is to say 9.00 am – 5.15pm Monday – Thursday and 9.00 am – 4.15pm on Friday. Work undertaken, at the request of the trader or person submitting the item, outside of these hours will be charged at an extra 50%.

1.5 Metrology (cancellation of appointments)

Where an appointment is made in advance and that appointment is subsequently cancelled at short notice by the trader (less than 24 hours) a fee equivalent to one hour at the appropriate officer (GR5) hourly rate £73.00 shall be payable.

1.6 Bespoke seminars/training

A charge for businesses or trade sectors expressing an interest in a bespoke seminar or training on Trading Standards legislation relevant to that business or trade sector; this would include certification of Weighbridge Operators. It is proposed that the charge is £82 + Vat per attendee (minimum of 10 attendees) remains unchanged.

1.7 Primary Authority Partnership

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

The current charging arrangements which have already been agreed with our current partners are based on an officer's hourly rate. The proposed charge, therefore, reflects the 2017/2018 Grade 5 Officer hourly rate of £73 plus expenses. (Current charge £71.)

1.8 Financial Investigations

Accredited Financial Investigators within Trading Standards are able to provide financial investigation services to both internal and external (public sector) clients. It is proposed that the charge be at a GR5 hourly rate of £73.00 plus expenses.

Any incentivisation money resulting from a Proceeds of Crime Act 2002 investigation will be shared according to the Home Office incentivisation scheme.

The current Home Office Asset Recovery Incentivisation Scheme (ARIS) stipulates:

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

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

Confiscation order receipts

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

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

Cash Forfeitures

All agencies with cash seizure and detention powers under the Proceeds of Crime Act 2002 – 50% share of the forfeited amount to the agency.

It is proposed that where the services of the Accredited Financial investigator has resulted in cash forfeiture, then 25% of the total forfeited amount will be retained by Birmingham Trading Standards.

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

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

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

1.9 Trading Standards Fixed Penalty Notice and Penalty Charge Tariffs

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

OFFENCE	LEGISLATION	FPN TARIFF Existing FPN or PN 2015/2016	FPN TARIFF FOR 2016/2017
Nuisance parking	s.6(1) Clean Neighbourhoods and Environment Act 2005	£100 No discount for early payment	£100 No discount for early payment
Energy Performance Certificates (duty to provide to prospective buyers, tenants or owners) (also to provide recommendations pertaining to the report and provide a copy of the reports etc to an officer of the enforcing authority)	Energy Performance of Buildings (England and Wales) Regulations 2012; Regulation 6(2), 6(5), 7(2), 7(3), 7(4), 7(5) and 36	£200 set by statute	£200 set by statute
Energy Performance Certificates (duty to display)	Energy Performance of Buildings (England and Wales) Regulations 2012; Regulation 10(2), 14(3)(a) and 14(3)(b)	£1000 set by statute £500 set by statute	£1000 (EPB 14(3)(a) set by statute £500 (EPB 14(3)(b) set by statute
Energy Performance Certificates (duties of controllers of air conditioning systems)	Regulation 18(1), 20 and 21	£300 set by statute	£300 set by statute
Redress schemes (requirement of estate agents to belong to a redress scheme)	Estate Agents (Redress Scheme) (Penalty Charges) Regulations 2008	£1000 set by statute	£1000 set by statute

1.10 Mobile Forensics

Officers are trained in the recovery of data from mobile devices. This service can be offered to other law enforcement agencies, including local authorities. To remain competitive the proposed fee will be charged at £146.00 per device; this is on the basis of two hours at the appropriate officer (GR5) hourly rate of £73.00. Any additional work required may incur further costs at the stated officer rate.

1.11 Surveillance assistance and test purchases

Officers are trained in surveillance techniques and this service can be offered to other law enforcement agencies, including local authorities. Recent examples of work undertaken for colleagues in CEnTSA included following suspects and procuring a test purchase using covert surveillance techniques with the provision of an evidence package. The recharge will be based on the hourly rate appropriate for the officers engaged in the exercise; either GR4 at £58.00 or GR5 at £73.00.

REVIEW OF CHARGES – ENVIRONMENTAL HEALTH 2017/2018

For 2017/2018 Environmental Health and Pest Control have used the rationale of maximising the income based on market forces to assist in meeting the income targets for the sections.

(All charges exclusive of VAT, except where specified).

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

It is proposed that the fee for issuing condemnation/surrender notes for freezer breakdowns and for similar insurance purposes be increased to £100 per hour (unchanged due to little take up). This is based on the hourly rate for a GR5 officer plus administration support cost.

2.2 Provision of Food Export Certificates

It is proposed that where an inspection of the premises is required, this will be subject to a minimum of £135 (current charge £130) plus an administrative charge of 10%. Inspections that are longer than one hour will be charged at a hourly rate for a GR5 Officer per hour or part of an hour thereafter (increased from £71).

Where no visit is required it is proposed that the fee increases to £95 for the certificate (an increase from £90).

2.3 FHRS revisits

It is proposed to continue at £150 for all FHRS revisits that are requested by businesses to obtain a new food hygiene score. These requests are received following a programmed inspection that gave a lower score than a business would like to trade under and is additional work over and above our statutory duty for food interventions. The charge is to be charged at the Grade GR5 hourly officer rate.

2.4 Health and Safety

On occasions solicitors request copies of health and safety accident reports. The Health and Safety at Work etc. Act 1974, Section 28, sub-section 9, allows a disclosure by an authorised officer of a "written statement of relevant facts observed by him" (Employment Protection Act 1975). It is proposed to make a minimum charge of £146 (two hours at GR5) plus the hourly rate of £73 per hour or part hour thereafter. (Current charge is £142 & £71 per hour).

2.5 Your officers can deliver a range of bespoke training courses specifically for other local authority officers for example on practical incident investigation. This service assists other local authorities who have less experience and

smaller health and safety teams. It is proposed that the charge is held at £75 per delegate for one day's training [excluding any refreshments] with a minimum number of ten delegates per course. This proposed cost brings it in line with other training providers offering similar courses and will enable your officers to continue to be a centre of excellence in the field of health and safety.

2.6 Food and Health and Safety Primary Authority Partnerships.

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

The current charging arrangements which have already been agreed with our current partners are based on an officer's hourly rate. The proposed charge, therefore, reflects the 2017/2018 Grade 5 Officer hourly rate of £73 plus expenses. (Current charge £71).

2.7 Environmental Conveyancing Searches

A number of requests are made (usually by solicitor firms) for environmental information held by the Service to assist in conveyancing. The information has to be supplied (where held) under the Environmental Information Regulations. Although no charge can be made for providing the raw information, a charge can be made for the cost of processing the information into a usable report. In order to remain competitive it is proposed that the fees remain unchanged, £68 for a Basic Search and £100 for an Advanced Search.

2.8 Statutory Default Work

Where work is carried out in default, reasonable costs of the work are recovered i.e. the officers' time (at their respective hourly rates) plus the costs associated with the work necessarily required from third party agents such as locksmiths or vehicle recovery contractors. It would also include any statutory fees and daily charges that are applicable. It is proposed to charge £84 for administration costs for invoices. This work is undertaken by a GR4 officer and the costs reflect both the raising of the invoice and chasing up and close down of invoices that are paid. The total time of this is estimated to be 1½ hours on average per invoice. (This is unchanged from last year.) Officer time relating to seizure of sound equipment is charged at a fixed rate of £100. This is designed to minimise the likelihood of seized equipment not being reclaimed by owners, which would potentially result in excessive/on-going storage and disposal costs for the council that may not be rechargeable.

2.9 Attendance at Exhumations

It is proposed to increase the fixed fee from £284 to £300 (excludes VAT) to be received in advance of an exhumation. This is inclusive of early starts and completion of documentation before and after such work. If human remains are to be added to an existing grave requiring an exhumation approval then the charges for this work will be based on an hourly rate of a GR5 officer.

2.10 Licences for the Distribution of Free Literature

The three areas of the city which are designated as consent areas for the distribution of free literature are: the City Centre, Digbeth and Hurst Street. The current charge for consents is £260 and it is proposed not to increase this as the income supports the implementation and enforcement of this consent regime and this avoids putting any further burdens on businesses advertising in the City by way of free literature. Under the legislation local authorities may only make reasonable charges for setting up and enforcement activities within the consent zones and the consent zones are designed to prevent the defacement that can be caused by discarded material. All of the receipts from the scheme must be reinvested in its implementation, operation and enforcement and no charge can be levied for clear-up costs.

2.11 Pest Control

The Pest Control service has an income target for 2017/2018 of £1.1m for the financial year.

DOMESTIC

Chargeable Service	Current Charge 2016/2017	Proposed Charges 2017/2018
<u>Rats</u>		
All treatments	Free of charge	Free of charge
Pest proofing of holes on site when treating for rats	£55.00 for first hour £27.50 per half hour thereafter plus materials and VAT	No change, as there has been very little take up in this service.
Covering of broken or defective air vents on site when treating for rats	£20.00 for one airbrick including material and VAT £10.00 for every additional airbrick to be covered	No change, as there has been very little take up in this service.
<u>Cockroaches</u>		
All treatments	£75.00 for first visit, any follow up visits for the same treatment £27.50 per half hour thereafter plus materials and VAT	£85.00 for first visit, any follow up visits for the same treatment £30 per half hour thereafter plus materials and VAT
<u>Bedbugs</u>		
All treatments	£85.00 for first hour and £27.50 per half hour thereafter plus materials and VAT	£85.00 for first hour and £60 per hour thereafter plus materials and VAT

<u>Mice</u>		
All enquiries requesting control of mice (see notes below)	Free mouse poison is provided via Neighbourhood Offices	Free mouse poison is provided via Neighbourhood Offices

1. Customers will be offered break-back traps plus advice on how and where to set the traps at a cost of £50.00. This is only when already on site and the infestation is mice rather than rats. There is no change as there has been no take up last year.
2. A chargeable service for mice minimum initial charge of £85.00 plus materials and VAT for first hour on site plus £30 (increased from £27.50) thereafter for every half hour connected with the same treatment plus materials and VAT.

<u>Wasps</u>	Current Charge 2016/2017	Proposed Charges 2017/2018
Minimum call out charge for a treatment	£50.00 including VAT	£60.00 including VAT
Treatments where there are 2 or more nests entailing multiple treatments. Revisits are free within one month of treatment.	£60.00 including VAT	£70.00 including VAT

<u>Insects</u>	Current Charge 2016/2017	Proposed Charges 2017/2018
Fleas (includes up to 3 treatments/monitoring visits approximately one week apart)	Visit to put in monitoring traps £27.50 plus materials and VAT. Treatment £135.00 per property for two treatment visits plus materials and VAT	Visit to put in monitoring traps £30 (increased from £27.50) plus materials and VAT. Treatment £135.00 per property for two treatment visits plus materials and VAT
Squirrels (excludes proofing works)	£150.00 to include up to 4 visits plus materials and VAT	To be quoted at £85 per hour plus materials and VAT for pest proofing, lopping branches or trapping. Each reset trap is charged at £85 per hour for subsequent visits. No charge for final visit to collect of trap. (No change due to no take up last year)
Ants (one visit, demonstrate how to treat ants and sale of appropriate bait stations excludes pharaoh ants).	£90.00 plus materials and VAT	No change, as there has been very little take up in this service.
Other insect treatments	Any requests to treat a property for insects (not specified in the appendix) will be charged at £75.00 for the first hour and £42.00 for every half hour thereafter.	Any requests to treat a property for insects (not specified in the appendix) will be charged at £85.00 for the first hour and £30.00 for every half hour thereafter.

COMMERCIAL

Chargeable Service	Current Charge 2016/2017	Proposed Charges 2017/2018
All treatments for commercial / non-domestic and landlords that are responsible for property wide infestations	£85.00 plus materials and VAT £55 per hour for a further revisit plus materials and VAT or competitively quoted see 1 below.	£85.00 plus materials and VAT £60 (increased from £55) per hour for a further revisit plus materials and VAT or competitively quoted see 1 below.
<u>Bedbugs / All Pharaoh Ants</u>		
All treatments for commercial landlords that are responsible for property wide infestations	£85.00 (plus materials and VAT) for first hour on site. £27.50 thereafter for every half hour (plus materials and VAT)	£85.00 (plus materials and VAT) for first hour on site. £30 (Increased from £27.50) thereafter for every half hour (plus materials and VAT)
<u>Clearance work</u>		
Rodent/insect control, bird control and clearance of premises including land (see notes below)	£85 per officer for the first hour then £55 per officer per hour thereafter plus materials and VAT	£85 per officer for the first hour then £60 (increased from £55) per officer per hour thereafter plus materials and VAT

1. Commercial jobs that are competitively tendered, at a rate above or below the agree rate above will be authorised by the Head of Service or Director, plus materials and VAT.
2. Additional charges will apply at a minimum of £150.00 for jobs involving hazardous waste. This may include clinical waste, such as faeces or used needle clearance.

Chargeable Service	Current Charge 2016/2017	Proposed Charges 2017/2018
Land clearance and associated weed control when treating for rodents	£85.00 per hour per officer plus materials (consumables such as herbicides etc.) and VAT £27.50 per half hour thereafter £15.00 per power tool. Any hired equipment will be fully recharged. Notifiable weeds such as Japanese knotweed are subject to treatment programme during the year, will be competitively quoted for based on these figures and note 1 above. Disposal of controlled waste (where applicable)	£85.00 per hour per officer plus materials (consumables such as herbicides etc.) and VAT and £30 (increased from £27.50) per half hour thereafter. Any hired equipment will be fully recharged. No change. Re-charge for costs incurred
Materials	All materials will be charged at retail prices plus 10% and rounded up to the nearest full pound	No change

2.12 Animal Welfare – Stray Dog Charges

It is not proposed to alter the charges applied to dogs that have strayed. Where dogs are reclaimed from the Birmingham Dogs Home or where dogs are returned directly to their owners there will be a £25 charge made. (The £25 fee from a collection centre is prescribed in the Environmental Protection Act 1990, however, the charge where the dogs are taken to the owners premises is not). Failure to pay this charge, will lead to the raising of an invoice and this will incur an additional £109 made up of £25 plus £84 as per paragraph 2.8. Where dog(s) have strayed more than once from a household, then the £109 plus all officers time, at GR3 hourly rate, will be charged. (Assistance dogs will be exempt from this.)

It is proposed to charge £85 for dog handling services, in respect of restraining or removing dogs for example at an eviction or forced entry. Where the attendance on site extends beyond an hour additional time spent will be charged at GR3 per hour or part thereof. Any additional Dog Wardens that need to attend for multiple or large / difficult dogs, will be charged at an additional GR3 per officer per hour.

2.13 Animal Welfare Licensing

The following tables identify licences which are issued under the animal welfare legislation. The fees are in line with charges made by other local authorities and have been based on the average times taken by GR4 and GR5 officers undertaking this work.

Where officers carry out assessments of dogs kept by any person looking to adopt or foster a child, it is proposed to charge £85. This includes providing a report on the suitability or otherwise of any dog(s) kept by the potential parents to the adoption/fostering team. Assessments out of the Birmingham area will be charged at full hourly rate of GR4 (minimum £85), to cover the additional travel time.

Type of Licence	Current Fee New 2016/2017	Current Fee Renewal	Proposed Fee New 2017/2018	Proposed Fee Renewal
Riding Establishments*	£208 Plus vets fees	£183 Plus vets fees	£210 Plus vets fees	£185 Plus vets fees
Animal Boarding Establishments	£173	£139	£175	£140
Home Dog Boarding	£133	£105	£135	£110
Pet Shops	£150	£123	£155	£125
Performing Animals	£135	n/a	£140	n/a
Dangerous Wild Animals*	£205 Plus vets fees	£190 Plus vets fees	£205 Plus vets fees	£190 Plus vets fees
Breeding of Dogs*	£135 Plus vets fees	£120	£145 Plus vets fees	£125

*The cost of an independent vet required to be used by the Council as part of the application process will be charged to the applicant as an additional fee.

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

Costs for periodic inspections required to be carried out by the Inspector appointed by the Secretary to State are charged to the applicant as an additional fee.

2.14 Fixed Penalty Notice Tariffs

The Fixed Penalty Notice (FPN) tariffs are detailed at Appendix 2(a). Previous Licensing and Public Protection Committees have set FPN tariffs at their maximum permissible levels where legislation allows for variable tariffs. It is proposed to continue with this policy and to offer no early payment discount in order to maximise income and to ensure a full cost recovery except where identified.

FIXED PENALTY NOTICE TARIFFS

APPENDIX 2(a)

OFFENCE	LEGISLATION	EXISTING TARIFF 2015/2016 Existing FPN & Early Discount	PENALTY CAN BE SET	FPN TARIFF FOR 2016/2017
Street litter control notices and litter control notices *these provisions have been repealed by the Anti-social Behaviour, Crime and Policing Act 2014. Notices that have been served will continue in effect until October 2017. They have been replaced by Community Protection Notices (as below).	s.94A(2) Environmental Protection Act 1990	£100 No discount for early payment (this brings the penalty in line with the Community Protection Notices issued by other teams as the Street Litter Control Notices will only exist for 3 years and have been replaced by the CPN)	Between £75 - £110 Minimum discount for early payment £60	£100 No Discount for early payment (this brings the penalty in line with the Community Protection Notices issued by other teams as the Street Litter Control Notices will only exist for 3 years and have been replaced by the CPN)
Community Protection Notice. (For fixed penalty notices repealed under Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005, including former Street Litter Control notices and Litter Clearing Notices)	s.52(7) Anti-social Behaviour Crime and Policing Act 2014	£100 No discount for early payment	Maximum £100 Indeterminate discount can be offered for early payment (the range is not specified)	£100 No Discount for early payment
Unauthorised distribution of literature in a consent area	Schedule 3A, para.7(2) Environmental Protection Act 1990	£80 No discount for early payment	Between £50 - £80 Minimum discount for early payment £50	£80 No Discount for early payment
Offences under Dog Control Orders	s.59(2) Clean Neighbourhoods and Environment Act 2005	£80 No discount for early payment	Between £50 - £80 Minimum discount for early payment £50	£80 No discount for early payment
Graffiti and Flyposting	s.43 Anti-social Behaviour Act 2003	£80 No discount for early payment	Between £50 - £80 Minimum discount for early payment £50	£80 No Discount for early payment

Failure to produce written particulars of waste [waste transfer notes]	s.34A (2) Environmental Protection Act 1990	£300 set by statute No discount for early payment	Set by statute Minimum discount for early payment £180	£300 No Discount for early payment
Failure to furnish documentation of waste carriers registration	s.5B(2) Control of Pollution (Amendment) Act 1989	£300 set by statute No discount for early payment	Set by statute Minimum discount for early payment £180	£300 No Discount for early payment
Failure to comply with notice for commercial or industrial waste receptacles and presentation	s.47ZA, 47ZB of the Environmental Protection Act 1990	£100 No discount for early payment	Between £75 - £110 Minimum discount for early payment £60	£110 No Discount for early payment
Failure to comply with notice for household waste receptacles and presentation	s.46, Environmental Protection Act 1990	£60	Set by statute No discount allowed	£60
Noise from domestic dwellings exceeding a permitted level	s.8 Noise Act 1996	£110 No discount for early payment	Between £75 - £110 Minimum discount for early payment £60	£110 No Discount for early payment
Noise from licensed premises	s.8 Noise Act 1996	£500	Set by statute No discount allowed	£500
Litter	s.88(1) Environmental Protection Act 1990	£80 No discount for early payment	Between £50 - £80 Minimum discount for early payment £50	£80 No Discount for early payment
Unauthorised deposit of waste (fly-tipping)	33A Environmental Protection Act 1990	£400 No discount for early payment	Between £150 and £400 Minimum discount for early payment £120	£400 No Discount for early payment
Abandoning a vehicle	s.2A (1) Refuse Disposal (Amenity) Act 1978	£200 set by statute No discount for early payment	Set by statute Minimum discount for early payment £120	£200 No Discount for early payment
Smoking in a smokefree place or vehicle	S.7 Health Act 2006	£50 £30 If paid in 15 days	Set by statute Discount set by statute £30 if paid within 15 days	£50 £30 If paid in 15 days
Failure to display no smoking signs	s.6 Health Act 2006	£200 £150 if paid in 15 days	Set by statute Discount set by statute £150 if paid within 15 days	£200 £150 if paid in 15 days

REVIEW OF CHARGES - REGISTER OFFICE 2017/2018

Approved Buildings

- 3.1 Birmingham City Council has the responsibility for the process of approving non-religious venues for Civil Marriage and Partnerships. The fees for this service was last reviewed and revised by Committee on 17 February 2016.
- 3.2 Some fees relate to services that are traditionally booked well in advance. For these services the fees are set out for more than one financial year.

Approved Building Fees	Current Fees 2016/2017	Proposed Fees 3 Year Approval 2017/2018	Proposed Fees 6 Year Approval 2017/2018
New Application for approval of premises to include ONE room	£2,950	£3,150	n/a
Renewal of existing approved premises to include ONE Room	£2,000	£2,200	£3,900
Additional rooms included in the application (per room)	£600	£700	£1,000
Additional rooms added after the application approved	£700	£800	£800
Application for approval of religious building for Civil Partnerships	£600	£600	£600

- 3.3 A new fee for the approval of non-religious buildings venues for Civil Marriage and Civil Partnerships for a period of six years has been introduced in line with recommendations from the General Register Office (GRO).

Ceremony Suites

- 3.4 A new fee for the use of Ceremony room 1 on Monday to Thursday mornings where available has been introduced.
- 3.5 An enhanced service in Rooms 2 and 3 for Friday and Saturday afternoons only was introduced for 2016/2017, this will continue and an increased fee will be charged for these bookings.
- 3.6 The fees for a ceremony within the Superintendent Registrar's office are statutory by nature. There is no indication that any statutory fees will be changed for this forthcoming year. By setting the fees so far in advance it allows couples, wishing to marry, to plan and budget ahead with confidence.

Ceremony Fees	Current Fees 2016/2017	Proposed Fees 2017/2018	Proposed Fees 2018/2019
Register Office Room (up to 2 guests) statutory fee	£46	£46	£46
Room 1 Capacity 20 Guests Monday to Thursday morning only where available.	n/a	£100 to include 1 certificate	£110 to include 1 certificate
Ceremony Suite Room 1, 2, and 3 Monday – Thursday afternoon. Friday and Saturday all day	£150	£165 to include 1 certificate	£175 to include 1 certificate
Friday afternoon - Rooms 2 and 3 only	£180	£205 to include 1 certificate	£225 to include 1 certificate
Saturday afternoon - Room 2 (capacity 50 guests)	£200	£230 to include 1 certificate	£250 to include 1 certificate
Saturday afternoon - Room 3 (capacity 100 guests)	£250	£280 to include 1 certificate	£300 to include 1 certificate

Attendance at Approved Premises

- 3.7 Fees for registration staff to attend a ceremony taking place at one of the City's 60 approved venues are also set out for more than one financial year for the same reason as above.

Attendance Fees	Current Fees 2016/2017	Proposed Fees 2017/2018	Proposed Fees 2018/2019
Monday to Friday	£400	£420	£450
Weekend and Public Holidays	£500	£530	£550

Other Fees

- 3.8 The charge for making an advanced booking for a ceremony at the Register Office will remain at £30 following a review of the staff time and resources involved.

Other Fees	Current Fees 2016/2017	Proposed Fees 2017/2018
Advanced Booking and Change of Appointment Fee	£30	£30

- 3.9 It is proposed to introduce a tiered priority service and the production of a certificate in line with other Local Authorities following a review of the staff time and resources.

Certificates	Current Fees 2016/2017	Proposed Fees 2017/2018
Certificate Priority Fee (additional charge)	£30	£30 Same day
		£20 Next working day
		£10 Three working days

- 3.10 Following a review of The Nationality Checking Service (NCS) fees there will be an increase to fees from 1st April 2017 as shown below which will help to cover costs of the provision of this service.
- 3.11 It is proposed to increase the fee for a private citizenship ceremony following a benchmarking exercise from 1st April 2017.
- 3.12 It is proposed to increase the fee for the hire of a pitch at the Wedding Fayre from 1st April 2017 following a benchmarking exercise.
- 3.13 It is proposed that the remaining fees in the table will remain as 2016/2017 following a benchmarking exercise.

Other Fees and Charges	Current Fees 2016/2017	Proposed Fees 2017/2018
Nationality Checking service - one adult	£80	£85
Nationality Checking service - couple	£120	£125
Nationality Checking service - family (up to 4)	£140	£145
Nationality Checking service - additional minors	£50	£50
Private Citizenship Ceremony	£150	£160
NCS change of appointment fee	£30	£30
NCS additional appointment fee	£30	£30
Fee for change of ceremony appointment	£30	£30
Fee charged for research (per half hour)	£30	£30
Advance booking fee for Register office and Ceremony Suite ceremony	£30	£30
Fee for each application via an on-line certificate application form	£5	£5
Fee for international postage via on-line application form	£3	£3

Other Fees and Charges (continued)	Current Fees 2016/2017	Proposed Fees 2017/2018
Additional appointment / change of appointment	£30	£30
Celebratory Certificates (at time of birth registration)	£6	£7
Change of Name deed (includes certificate)	£50	£50
Change of name certificate additional copies	£10	£10
Checking service for adult making application to remain indefinitely	£90	£95
Checking service for minor making application to remain indefinitely	£60	£65
DVD of ceremony (where available)	£20	£20
Special Celebratory Certificates (birthday, grandparents, anniversary)	£20	£20
Photographs and flowers package	POA	POA
Pitch at Wedding Fayre	£30	£35
Hire of ceremony rooms 2 or 3 for function/event - half day or full day	POA	POA
Hire of conference room for function/event - half day or full day	POA	POA
Training for authorised person to register marriages / quarterly returns	£60	£60
Appointment to check completeness / validity of notice for Marriage / Civil Partnership (non-refundable)	£30	£30
Save the day – approved premises- ceremony more than 12 months in advance	£75	£75
Save the day – ceremony suites- ceremony more than 12 months in advance	£50	£50
Priority service at approved premises – ceremony to take place within 12 weeks in addition to statutory fee.	£75	£75
Provision of folder	£1.00	£1.00
Provision of envelope	£0.50	£0.50
Postage	£1.50	£1.50

New Fees and Charges for 2017/2018 Onwards

- 3.14 It is proposed to introduce a priority correction/ re-registration appointment fee on line with neighbouring districts.

- 3.15 It is proposed to introduce a fee for returning customers required to produce additional documentation concerning Notice of Marriage/Civil Partnership.
- 3.16 The General Register Office is proposing to permit Registration Districts to levy fees for the provision of additional services. The fees will be set by the GRO and are likely to come into effect at some point in 2017. They are detailed in the table below.
- 3.17 It is proposed to introduce keepsakes relating to births, marriages, civil partnerships, baby naming ceremonies and renewal of vows etc.
- 3.18 It is proposed to introduce a fee for the administration of Post-dated Passport forms.

New Fees and Charges	Proposed Fees 2017/2018
Priority Correction/ Re-registration Appointment	£30
Production of further documents for notice of marriage/civil partnerships	£30
Short Birth Certificate issued at the time of the event (set by GRO)	TBA
Correction fee (set by GRO)	TBA
Amendment fee (set by GRO)	TBA
Processing dissolution documentation concerning an overseas divorce of civil partnership (set by GRO)	TBA
Declaration fee (set by GRO)	TBA
Keepsakes	POA
Administration of post-dated passport forms	£20

- 3.19 A table of the current statutory fees is attached at Appendix 3A. These are set externally / nationally and are provided for information.

Implication for Resources

- 3.20 Fees are calculated to reflect the time and resources used in the delivery of each service. This allows for the recovery of costs in non-statutory fees.
- 3.21 The revised fees structure introduced in 2016/2017 addressed many of the pressures identified from non-recovery through non-statutory fees. The changes proposed in this report represent pay/price inflation and some fine-tuning after analysis of service volume, demand and benchmarking. The fees in this report are expected to generate an additional £0.056m in income.
- 3.22 This should ensure that those services provided for which a non-statutory fee is charged do not cause a financial pressure to Birmingham City Council.

- 3.23 However, for many of the Register Office services, statutory fees are set nationally by General Register Office and there is an expected cost burden to the City Council from these services.
- 3.24 The service is currently forecast to see total pressures of £0.500m in 2017/2018 against income budgets. This is being addressed as part of the public budget consultation.
- 3.25 It is expected that approval of the revised budget, alongside the approval of the new proposed fee structure will allow the Register Office to operate without causing a financial pressure to Regulation and Enforcement or Birmingham City Council.

STATUTORY REGISTER OFFICE FEES

Statutory or PPC Fees	Current Fees	Statutory or PPC
Superintendent Registrar's Cert of Birth, Death or Marriage	£10	Statutory/National
Registrar's Certificate issued at the time of Registration	£4	Statutory/National
Registrar's Certificate after Registration	£7	Statutory/National
A general search in indexes not exceeding 6 hours	£18	Statutory/National
Certificate of Worship	£29	Statutory/National
Registration of a religious building for marriage	£123	Statutory/National
Registration of a religious building for marriages for same sex couples (that is already registered)	£64	Statutory/National
Notice of Marriage	£35	Statutory/National
Notice of Marriage subject to immigration Act	£47	Statutory/National
Notice of Civil Partnership subject to immigration Act	£47	Statutory/National
Notice of Civil Partnership	£35	Statutory/National
Fee to reduce the legal waiting period of a notice of marriage/civil partnership	£28	Statutory/National
Fee payable to Registrar for marriage Ceremony at register Office	£46	Statutory/National
Fee payable to Registrar for marriage Ceremony at registered building	£86	Statutory/National
Attendance of Civil Partnership Registrar at Register Office	£46	Statutory/National
Notice given at Housebound Person's abode SR attendance	£47	Statutory/National
Notice given at Detained Person's abode SR Attendance	£68	Statutory/National
Attendance of Registrar at Housebound Person's Marriage	£81	Statutory/National
Attendance of Registrar at Detained Person's Marriage	£88	Statutory/National
Attendance of Superintendent Registrar at Housebound Person's marriage	£84	Statutory/National
Attendance of Superintendent Registrar at Detained Person's marriage	£94	Statutory/National
Attendance of CP Registrar at Housebound Person's CP	£81	Statutory/National
Attendance of CP Registrar at Detained Person's CP	£88	Statutory/National
Registrar General's Licence for Marriage	£15	Statutory/National
Standard Conversion Civil partnership to marriage	£45	Statutory/National
Two stage procedure stage 1 conversion civil partnership to marriage	£27	Statutory/National
SR attendance Conversion Civil partnership to marriage according to Jews / Society of Friends	£91	Statutory/National
SR attendance Conversion Civil partnership to marriage Housebound	£99	Statutory/National
SR attendance Conversion Civil partnership to marriage detained	£117	Statutory/National
Registrar General's Licence for Civil Partnership	£15	Statutory/National
CP Registrar's attendance at religious building	£86	PPC/Local
CP certificate issued at time of registration	£4	Statutory/National
CP certificate issued after registration	£10	Statutory/National

REVIEW OF CHARGES – CORONER’S SERVICE 2017/2018

- 4.1 Fees that are chargeable are set out nationally in the Coroners Allowances, Fees and Expenses Regulations 2013.
- 4.2 There are:
 - 4.2.1 After inquest, a document disclosed as a paper document is charged at £5 for a document of 10 pages or less, with an additional 50p payable for each subsequent page.
 - 4.2.2 A fee of £5 per document where it is disclosed in any form other than email or paper – i.e. CD copies of inquests.
 - 4.2.3 For a transcription of an inquest of 360 words or less the fee is £6.20, 361-1,439 words is £13.10 and 70p for every additional 72 words or part thereof.
- 4.3 The only locally set fee is the search fee for archive documents. It is proposed to increase the fee to £44 per hour (the 2016/2017 charge is £43 per hour) which is the GR3 hourly cost.

REVIEW OF CHARGES – BIRMINGHAM ACCOUNT TEAM 2017/2018
(Formerly Surveying Services)

- 5.1 The, Birmingham Account Team (formerly Surveying Services group), which is part of Acivico (Building Consultancy) Limited, carry out a range of professional surveying services for both internal and external client groups that are responsible for property portfolios. The scope of services includes the carrying out of technical functions in support of the discharge of the Council's Building Control allied legislative requirements as detailed in The Building Act 1984 and the administration of demolition contracts required to facilitate the Council's regeneration targets. The group also carry out a variety of enforcement duties where full cost recovery is undertaken when the legislation allows.
- 5.2 The work is normally charged on an hourly basis. The current (2016/2017) charge is £68.50 per hour, and it is proposed that this fee will increase to £72.00 per hour. This is the first rise in their fees since 2012. It is still in line with professional services within the council and very competitive with regards to the private sector. The increase is necessary to address the increased cost of labour, increases in other on-costs and the necessity to maintain sufficient resources to handle the Council's requirements.
- 5.3 The Charge levied in respect of Demolition Notices, which is a fixed fee per notification, is currently (2016/2017) set at £210.00. It is proposed to increase this fee in line with the increases proposed in paragraph 4.2. Therefore, the new fee will be £220.00. The charge in respect of notices for temporary grandstands is based on cost recovery in line with the hourly rate for the Birmingham Account Team as above and it is proposed to revise this rate to £72.20 per hour as well.
- 5.4 Work carried out indicates that, within the limitations of operating within a competitive market and statutory framework, the fees proposed should maximise income to the City Council through Acivico as well as providing good value for money to Acivico customers.

BIRMINGHAM CITY COUNCIL

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

15 FEBRUARY 2017
ALL WARDS

REVIEW OF LICENSING SERVICE FEES AND CHARGES 2017/2018

1. Summary

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

2. Recommendations

- 2.1 That the changes to the Licensing Service fees and charges be approved to take effect from 1 April 2017 as detailed in Appendices 1, 1(a), 1(b) & 1(d).
- 2.2 That the Licensing Service fees and charges as detailed in Appendix 1(c), and 1(e) be noted.
- 2.3 That the calculation of licence fees utilises brought forward credit balances for Hackney Carriage and Private Hire that have been allocated on the basis set out in paragraph 1.23.
- 2.4 That the pricing strategy as detailed in paragraph 1.27 and 1.28 of Appendix 1 be approved and retained.
- 2.5 That the proposal in paragraph 2.5 of the appendix to remove 6 month licences from the fees structure for Sex shops and Sex Cinemas be approved.

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3. Background

- 3.1 The City Council's Corporate Charging Policy and Financial Regulations require that Chief Officers, at least annually, report to and seek approval from Committee on a review of all fees and charges levied for services provided. This report also acknowledges and responds to corporate savings requirements and takes account of the legal framework within which certain licence fees must be set.

4. Proposals

- 4.1 In order to ensure the fees accurately reflect the true cost of administering and processing the licences the fee calculations are based on the finalised accounts from 2015/2016. This is more reliable than trusting in projections and estimates.
- 4.2 The time taken to process and administer each licence type is verified each year to ensure the calculations are accurate. Costs for peripheral items such as vehicle plates, badges, semi-permanent door signs, meter testing etc. are added in after the time is calculated. This accounts for the variance in cost between the different types of vehicle licence.
- 4.3 The proposed fees and charges for 2017/2018 are detailed within Appendix 1.
- 4.4 Members will note a blanket percentage change has not been applied, but that each fee has been adjusted to take into account the use of carry forward balances (where applicable), changes in overhead costs, processing times and also the cost of physical items such as badges/plates.

5. Consultation

- 5.1 Under Section 70(2) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 76), a Local Authority is required to advertise changes to its fees and charges in respect of hackney carriage and private hire vehicles by placing an advert in a local newspaper for 28 days before it can apply the new fees and it must consider any objections. Although it must consider them it does not have to vary the proposal as a result of them. There is no requirement upon the Local Authority to advertise an alteration to driver fees. Should any objections be received within that time, they must be considered by Committee, thereby potentially delaying the date of implementation for the revised fees for the Licensing Service as set out in Appendix 1(a) in this report.

- 5.2 A draft version of this report was presented to the Deputy Leader's Star Chamber on 9 February 2017.

6. Implications for Resources

- 6.1 The proposals are consistent with the proposed budget for 2017/2018 for the Licensing and Public Protection Committee that will be reported to you in March, subject to prior approval by City Council. This will ensure that the services continue to be managed within the approved cash limits and in line with the financial regulations relating to these services.
- 6.2 The fees and charges proposed within this report are calculated based on historic income and expenditure for 2015/2016 (in line with previous practice) and include the direct costs of the delivery of services and a proportion of indirect central business support costs e.g. Human Resources, Legal, IT, Finance, Procurement and Democratic costs.
- 6.3 The total available carry forward balance for the relevant period was £52,000, with the amount utilized being £18,150. This is a significantly lower amount than the previous year (£189,000). This is due to the office relocation costs and the first stage of the licensing database replacement. This lower amount provided a smaller figure to be deducted from the proposed fees than the previous year, which has resulted in the increase to hackney carriage and private hire fees that can be seen in appendix 1(a).
- 6.4 The fees and charges for Hackney Carriage and Private Hire Licences have been calculated by again utilising a third of the carry forward balance from 2015/2016 which equates to £18,150, the apportionment of which can be seen in paragraph 1.23 of Appendix 1. It should be noted that fees and charges are recalculated 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.
- 6.5 Further to the right to object as detailed in 5.1 above, there are three possible ways in which the fees could be challenged:
- Judicial review of the Council decision based on the decision being Ultra Vires or considered to be unreasonable or irrational (known as Wednesbury Principles).
 - Through the District Auditor – if a Birmingham resident objects to the Local Authority accounts on the grounds that an item is contrary to law or
 - If the Council proposes to set an unlawful fee. This must be reported to and considered by the Monitoring Officer.
- 6.6 The proposed fees have been calculated having regard to finalised accounts in accordance with best practice advice and also with regard to significant case law. There is no statutory method in which to calculate the fees.

- 6.7 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.

7. Implications for Policy Priorities

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

8. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Birmingham City Council – Corporate Charging Policy

LICENCE FEES AND CHARGES 2016/2017

- 1.1 This Appendix refers to fees and charges proposed for the Licensing Service and it should be noted that some of these fees are nationally set, in particular those relating to the Licensing Act 2003.
- 1.2 In relation to the Gambling Act 2005 fees are determined by Licensing Authorities subject to Government prescribed maximum limits.
- 1.3 The fees proposed in this report are calculated to recover the full cost of carrying out the service. This includes all administrative costs, any recharge of officers' time in appropriate cases when carrying out inspections of premises and other compliance duties (where applicable).
- 1.4 The fees proposed fulfil the main requirement of assuring that full costs are recovered from the income generated wherever possible.
- 1.5 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. In setting the fees we have also taken account of the Supreme Court decision in the case of Hemming v Westminster City Council. Brief details of the case are provided below and it is referred to again specifically in relation to sex shop fees at paragraphs 3.1 to 3.3.
- 1.6 The case of R (on the application of Hemming (t/a Simply Pleasure Ltd) and others) v Westminster City Council [2015] UKSC 25 focused on whether the local authority's scheme of charging fees for licensing sex shops (under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982) in Soho was permitted by European Services Directive 206/123/EC as implemented by The Provision of Services Regulations 2009 which became law on 28 December 2009.
- 1.7 Westminster's fee was calculated so as to cover the cost of: enforcing the licensing regime against unlicensed operators and monitoring compliance by licensed operators (accounting for around 90% of the fee); and administering the application.
- 1.8 The sex shop owners brought a judicial review in 2011 claiming that Westminster's setting of the fee was unlawful. They argued, inter alia, that since the Provision of Services Regulations 2009 had come into effect the council was disentitled from including in the fee the cost of enforcing the licensing system against unlicensed operators.
- 1.9 The High Court and Court of Appeal had held that Westminster's fees for sex establishment licences were contrary to the European Services Directive

because the fee charged included the costs of enforcing against unlicensed operators.

- 1.10 At the beginning of 2015, Westminster took the case to the Supreme Court which in April allowed part of Westminster's appeal i.e. that licensing authorities can fund enforcement activities against unlicensed operators through licensing fees but referred a relatively narrow issue about the precise way in which the fee was charged and collected to the European Court of Justice.
- 1.11 The most significant outcome from the Hemming case was the ruling that the fee should be charged as an application fee, followed by a licence fee. This has been effected in the proposed fees and charges.
- 1.12 This change will result in more administration, but will also rectify the current position whereby unsuccessful applicants do not pay for the cost of processing and dealing with their application.
- 1.13 The European Services Directive does not have direct applicability to hackney carriage, private hire and gambling licences (which are exempt), but it is regarded as best practice to apply its principles to all licence types.

Hackney Carriage and Private Hire Licensing Proposed Charges 2017/2018

- 1.14 We have assessed our fees for hackney carriage and private hire licences based on the true cost of delivering the service during 2015/2016. Each individual transaction type has been costed according to the time it takes to deliver, and all overheads associated to the running of that part of the service. This ensures that fees accurately reflect the true cost of administering each licence type. Calculating the fees in this thorough and rigorous manner leads to proposed amendments to the fees which do not equate to a uniform percentage change.
- 1.15 In some cases the proposed fee is able to be reduced. This is as a result of the review of officer time spent on the transactions identifying where it has been possible to accelerate the process and the inclusion of one third of the carry forward surplus applicable to hackney carriage and private hire licences.
- 1.16 Levels of future income are dependent on how many transactions are carried out and which type of licence is applied for. It is impossible to predict how many drivers will choose a three year licence over a one or two year licence, or indeed whether a driver will choose to renew at all.
- 1.17 When considering the fees it is necessary to have regard to the case law R (on the application of Cummings) v Cardiff City Council, [2014] EWHC 2544 (Admin), in that case it was held that the Licensing Authority had not had regard to or accounted for any surplus or deficit in their carry forward balances.

- 1.18 In accordance with the Licensing and Public Protection Committee decision of July 2015, the 2017/2018 fees have been calculated utilising a proportion of the existing carry forward surplus. Having regard to the legal advice and best practice advice, it was proposed in 2015 that the carry forward reserves be 'run down' over a three year period.
- 1.19 The total available carry forward balance for the relevant period was £52,000, with the amount utilized being £18,150. This is a significantly lower amount than the previous year (£189,000). This is due to the office relocation costs and the first stage of the licensing database replacement. This lower amount provided a smaller figure to be deducted from the proposed fee than the previous year, contributing to a bigger differential in fees.
- 1.20 Notwithstanding the need to 'run-down' the carry forward balances, it is also necessary to ensure the carry forward balance is attributed proportionately to the different types of licence. Historically, carry forward balances, be they surplus or deficit, were amalgamated into one figure. In order to ensure any surplus or deficit is properly recorded, it is necessary to apportion the balance correctly.
- 1.21 In order to establish a fair apportionment, officers calculated the total number of transactions of each type carried out over the past 6 years to establish a percentage.
- 1.22 By not utilising the entire carry forward balance, the service is able to maintain a degree of protection from sharp increases to the licence fees in the event of anticipated expenditure such as the replacement licensing software package which was required in 2016/2017 and the costs associated to the Licensing service's move from Crystal Court to new accommodation at Ashted Lock in December 2015.
- 1.23 The current and proposed fees for Hackney Carriage and Private Hire Licensing are detailed at Appendix 1(a).
- 1.24 A number of services are delivered as part of the licensing application process which incur fees set by the service provider. These fees are neither set nor controlled by the Licensing and Public Protection Committee. They include:
- Medicals.
 - Vehicle tests.
 - Driving tests for all new applicants.
 - Disability Awareness Training Seminar.
 - Disclosure and Barring Service (DBS) fee. (This is in addition to the processing fee detailed in Appendix 1(a).)

Fees proposed otherwise than in accordance with the calculations

- 1.25 The fees charged previously for the items listed in the table below in paragraph 1.26 do not reflect the true cost of providing that part of the service, but were maintained at this level to prevent them acting as a deterrent to new

applicants, which might encourage them to seek hackney carriage licences from other local authorities and operate as private hire in Birmingham.

- 1.26 The knowledge test was introduced for private hire drivers in 2010 to set high standards for new drivers in terms of their knowledge of Birmingham's roads, their understanding of the legal requirements and conditions attached to their role and to check their ability to speak English. The proposed fee increases will not achieve full cost recovery, but should not be so high as to deter new drivers from applying for licences.

Fee Type	Current (2016/2017) Charges	Actual cost (17-18)	Proposed (2017/2018) charges
Hackney Carriage Knowledge Test	£100	£585	£100
Private Hire Knowledge Test	£58	£373	£58
Verbal communication test*	£49	£798	£49

*This test can be required at the discretion of the Licensing Sub Committee if the Sub Committee needs to determine a driver's ability to speak English. It is separate to the Knowledge Test in which verbal communication skills are included.

- 1.27 Members are requested to note the proposed charges for 2017/2018 (as set out in the table at 1.26 above) and approve the recommendation in paragraph 2.4 of the report.
- 1.28 The Private Hire Knowledge Test Folder is no longer included in the fees as applicants download the required information from the website.
- 1.29 It has not been possible to determine categorically whether setting an artificially low cost for the knowledge tests has achieved the desired effect of reducing any potential deterrent effect. However, when the ease with which Birmingham drivers are able to obtain licences in neighbouring authorities is considered, it is difficult to imagine a situation where anyone would choose to pay hundreds of pounds if they could easily avoid it. The knowledge test is an important factor in establishing the suitability of applicants to drive the public around this City.
- 1.30 The time taken to check and verify the Disclosure and Barring Service applications increased following a change in the system leading to an increase in officer time spent on the transaction. The true cost of carrying out this function is reflected in the proposed fee. However, officers are still seeking alternative ways for this function to be carried out in a more cost effective and streamlined manner.

General Licensing Proposed Charges 2017/2018

- 2.1 The same approach has been taken for General Licensing Fees as for the Hackney Carriage and Private Hire fees, and for 2017/2018 the current and proposed fees for those functions where the Licensing Authority has discretion to set fees are detailed at Appendix 1(b).
- 2.2 The time taken to process each transaction type has been individually reviewed, and, coupled with the efficiencies savings made, the fee calculations demonstrate in some cases reduction should be made, whereas in others a slight increase is required. Calculating the fees in this thorough and rigorous manner leads to proposed amendments to the fees which do not equate to a uniform percentage change.
- 2.3 As per paragraph 1.11 above, the most significant outcome from the Hemming case was the ruling that fees should be charged as an application fee, followed by a licence fee. This has been effected wherever possible in the proposed fees and charges.
- 2.4 2015/2016 saw a slight decrease in operational costs which was due to lower staffing costs, resulting from staff vacancies in General Licensing.
- 2.5 It should be noted that the cost of administering a 6 month sex shop/sex cinema licence is equal to that of a 12 month licence. For this reason it is proposed to withdraw this provision. It should be noted that this does not preclude a licence being issued for an alternative duration on application should the Licensing Committee deem it appropriate.

Sex Establishment Fees - Legal Background

- 3.1 In setting fees for Sexual Entertainment Venues, Sex Shops and Sex Cinemas we have taken note of the case of Hemming v Westminster (2013). Details of the case are explained above at paragraphs 1.6 to 1.11. The case involved a challenge to Westminster's fees for sex shop licences. The challenge was made under the European Services Directive, which, amongst other things, makes clear that licence fees covered by the Directive can only be used to recover costs and should not be used to make a profit or deter service providers from entering the market. In reaching its decision that the fees charged by Westminster were unlawful, the Court of Appeal concluded:
 - The original cost of a sex shop licence in Westminster was £29,102.
 - Westminster licensed thirteen sex shops.
 - Westminster's fees had been reviewed annually by officers, but not by a committee or elected member since 2004.
 - The fees that a local authority sets may not exceed the costs of administering the licensing process.
- 3.2 The judgement of the Court of Appeal required Westminster to return almost £2 million in fees to sex shops to cover the period during which its fees had been determined to be unlawful.

- 3.3 Members should note that sex establishment fees in Birmingham have been reviewed annually by the Licensing and Public Protection Committee and that as it has not been necessary for officers to take enforcement action against an unlicensed sex establishment our fees have not included the cost of enforcement, other than the cost of achieving compliance amongst licensed businesses.
- 3.4 The European Services Directive is applicable to all aspects of licensing apart from hackney carriage and private hire licences due to an exemption under the directive for transportation.
- 3.5 Schedule 3 to the 1982 Local Government (Miscellaneous Provisions) Act states that an applicant for the grant, renewal, variation or transfer of a sex establishment licence shall pay a **reasonable fee** determined by the appropriate authorities, but does not expand on what would be considered to be reasonable. Case law relating to fee levels in various licensing cases has agreed a general principle that licensing fees should not be used as a method of creating revenue, for example:

- R v Manchester City Council ex parte King (The Times, 3 April 1991)

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 and not use them to raise revenue.

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

established the need to only take into account relevant material when setting the fees, and that the Council has to determine the annual licence fee for sex establishments by adjusting what would otherwise have been the appropriate fee to reflect any previous deficit or surplus: (This case which was one of a number of cases tried together and reported collectively as R v Birmingham City Council ex p. Quietlynn Ltd and ors. (1985))

- R (app Simply Pleasure and Ors) v Westminster City Council (2012)*

The High Court confirmed that it was unlawful for a local authority to charge lawful licensees for the cost of enforcement against unlicensed operators. In addition the judgment contained an important decision relating to the setting of sex establishment applications fees, stating that licensing authorities cannot simply rollover its licensing fees without determining the licence fee.

*This case was considered in light of the European Union Services Directive. Sex establishments are covered by the European Union Services Directive as Schedule 3 to the 1982 Local Government (Miscellaneous Provisions) Act constitutes an authorisation scheme under Article 9 of the Directive.

- 3.6 Regulation 18 of the Provision of Services Regulations 2009 which implements the EU Services Directive into UK law requires that fees charged in relation to authorisations must be proportionate to the effective cost of the

process. The proposed fees must recover the council's costs in relation to the licensing process and cannot be used as an economic deterrent or to raise funds. The fees as proposed should enable the Council to recover its reasonable costs.

- 3.7 The implications are that if trade bodies or applicants believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake judicial review proceedings. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only. It is important, therefore, that the fees set by the City Council are based on actual costs incurred. It is also important to ensure that our fees do not include potential enforcement costs. The proposed fees in this report meet all of the legal tests outlined above.
- 3.8 Our proposed fees for Sexual Entertainment Venues, Sex Shops and Sex Cinemas are detailed in Appendix 1(b).

Refunds

- 4.1 Fees for all General Licensing functions are payable on application.
- 4.2 In previous years, in respect of Sexual Entertainment Venue, Sex Shop and Sex Cinema Licences a single fee has been charged, with a varying proportion refunded to the applicant should the application be withdrawn / refused.
- 4.3 By separating the costs into the elements of 'Application' and 'Licence' Fee such a mechanism is no longer appropriate.
- 4.4 All applications must be accompanied by the requisite Application Fee before the application will be accepted or administered. Following determination, should the application be successful, the 'Licence' fee will become due. No licence will be issued until such time as the licence fee has been received.
- 4.5 The application fee is non-refundable. This includes those applications that are refused following a hearing by the Committee, or applications which are withdrawn or discontinued.
- 4.6 For Licensing Act 2003 fees detailed at Appendix 1(c) under the heading 'Other Fees', no refund is payable for any withdrawn or refused applications/notifications.
- 4.7 In accordance with the Licensing Act 2003, the full fee is refundable for minor variations if the Licensing Authority fails to determine the application within the statutory time period.

Statutory Fees

- 5.1 Statutory Fees are prescribed for certain licences and the Committee does not have any discretion in relation to these fees. They are detailed in appendices 1(c), 1(d) and 1(e).

Licensing Act 2003

- 5.2 The fees for this licensing regime are set nationally by the Government and are detailed at Appendix 1(c).

Gambling Act 2005

- 6.1 Fees for licences in Appendix 1(d) are determined by Licensing Authorities subject to Government prescribed maximum limits. Some Gambling Act fees will increase slightly in 2017/2018. The fees for licences listed in Appendix 1(e) are set by Government and we are not aware of any proposals to increase them.
- 6.2 In addition to the fees at Appendix 1(d) there is a range of prescribed fees set by the Government and for completeness these are shown at Appendix 1(e). We do not refund any of these fees in respect of applications/notifications that are withdrawn or refused.

Permits and Licences for which no fee can be charged.

- 7.1 House to House Collections are regulated by the House to House Collections Act 1939 and the House to House Collection Regulations 1947. The object of the Act is to provide for the regulation of house to house collections for charitable purposes. The legislation does not allow the Local Authority to charge a fee for processing these licences.
- 7.2 Likewise, charitable street collections are regulated by The Police, Factories etc. (Miscellaneous Provisions) Act 1916. The Act requires collectors to obtain a permit from the Licensing Authority. The legislation does not allow the Local Authority to charge a fee for processing these permits.
- 7.3 The costs of administering these licences and permits is been met by an ongoing budget allocation of £60,000.

Future Financial Plan

- 8.1 In 2015/2016 the Licensing Service relocated to new office accommodation, and made progress towards replacing the licensing software system (SOPRA) and sourcing an online application system for hackney carriage and private hire licences.
- 8.2 Although fees are calculated using historic accounts, it is important to also have regard to the future. The costs of replacing the licensing system have yet to be fully realised.

APPENDIX 1(a)

HACKNEY CARRIAGE AND PRIVATE HIRE

Licence type	sub type	15-16 Fee	16-17 fee	Proposed 17-18 Application fee	Proposed 17-18 Licence fee	Total amount payable 17-18	variation from 16-17	%	Variation from 15-16	%
Hackney	Driver Grant 1	£265	£183	£167	£57	£224	£41	22	-£41	-16
Hackney	Driver Grant 2	£315	£217	£167	£94	£261	£44	20	-£54	-17
Hackney	Driver Grant 3	£370	£250	£167	£131	£298	£48	19	-£72	-19
Hackney	Driver Renewal 1	£140	£133	£111	£57	£168	£35	26	£28	20
Hackney	Driver Renewal 2	£210	£167	£111	£94	£205	£38	23	-£5	-2
Hackney	Driver Renewal 3	£265	£200	£111	£131	£242	£42	21	-£23	-9
Hackney	Driver Late Renewal 1	£265	£183	£167	£57	£224	£41	22	-£41	-16
Hackney	Driver Late Renewal 2	£315	£217	£167	£94	£261	£44	20	-£54	-17
Hackney	Driver Late Renewal 3	£370	£250	£167	£131	£298	£48	19	-£72	-19
Hackney	Vehicle Grant	£230	£124	£111	£78	£190	£66	53	-£40	-17
Hackney	Vehicle Renewal	£125	£107	£74	£78	£153	£46	43	£28	22
Hackney	Vehicle Late Renewal	£250	£124	£93	£78	£171	£47	38	-£79	-31
Private Hire	Driver Grant 1	£265	£161	£167	£54	£221	£60	38	-£44	-16
Private Hire	Driver Grant 2	£315	£195	£167	£91	£259	£64	33	-£56	-18
Private Hire	Driver Grant 3	£370	£228	£167	£129	£296	£68	30	-£74	-20
Private Hire	Driver Renewal 1	£140	£111	£111	£54	£166	£55	49	£26	18
Private Hire	Driver Renewal 2	£210	£145	£111	£91	£203	£58	40	-£7	-3
Private Hire	Driver Renewal 3	£265	£178	£111	£129	£240	£62	35	-£25	-9
Private Hire	Driver Late Renewal 1	£265	£161	£167	£54	£221	£60	38	-£44	-16
Private Hire	Driver Late Renewal 2	£315	£195	£167	£91	£259	£64	33	-£56	-18
Private Hire	Driver Late Renewal 3	£370	£228	£167	£129	£296	£68	30	-£74	-20
Private Hire	Vehicle Grant	£250	£128	£111	£73	£184	£56	44	-£66	-26
Private Hire	Vehicle Renewal	£145	£128	£93	£73	£166	£38	30	£21	14
Private Hire	Vehicle Late Renewal	£250	£128	£111	£73	£184	£56	44	-£66	-26
Private Hire	Small Op Grant 1	£1,050	£628	£297	£239	£513	-£92	-15	-£537	-51
Private Hire	Small Op Grant 5	£3,567	£2,232	£297	£1,131	£1,428	-£804	-36	-£2,139	-60
Private Hire	Small Op Renewal 1	£630	£578	£241	£239	£460	-£97	-17	-£170	-27
Private Hire	Small Op Renewal 5	£2,518	£2,182	£241	£1,131	£1,372	-£810	-37	-£1,146	-46
Private Hire	Operator Grant 1	£1,260	£895	£297	£908	£1,205	£310	35	-£55	-4
Private Hire	Operator Grant 5	£3,777	£3,569	£297	£4,473	£4,770	£1,201	34	£993	26
Private Hire	Operator Renewal 1	£840	£845	£241	£908	£1,149	£304	36	£309	37
Private Hire	Operator Renewal 5	£2,728	£3,519	£241	£4,473	£4,505	£1,196	34	£1,777	65
Private Hire	Amend details	£160	£84	£93	n/a	£93	£9	11	-£67	-42
Vehicle	Replacement/Lost/Stolen Vehicle Identity Plate	£50	£33	£37	n/a	£37	£4	13	-£13	-26
Driver	Replacement/Lost/Stolen Driver Identity Badge	£35	£33	£37	n/a	£37	£4	13	£2	6
All	Replacement/Copy Paper Licence	£35	£33	£37	n/a	£37	£4	13	£2	6
Driver	Administration fee for DBS check	£35	£67	£74	n/a	£74	£7	11	£39	112
Vehicle	Replacement/Transfer of Vehicle Licence	£85	£100	£111	n/a	£111	£11	11	£26	31
Driver	Hackney Carriage Knowledge Test Folder	£30	£33	£37	n/a	£37	£4	13	£7	24
Driver	Hackney Carriage Knowledge Test	£85	£100	£100	n/a	£100	£0	0	£15	18
Driver	Hackney Carriage Written/Verbal Test	£42	£49	£49	n/a	£49	£0	0	£7	17
Driver	Private Hire Knowledge Test Folder	£25	£33	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Driver	Private Hire Knowledge Test	£50	£58	£58		£58	£0	0	£8	16
Driver	Private Hire Verbal Test	£42	£49	£49		£49	£0	0	£7	17
All	photocopying	20p/sheet	20p/sheet	20p/sheet	n/a	20p/sheet	nil	NIL	nil	nil

APPENDIX 1(b)

Licence Type	17/18 Application Fee	17/18 Licence Fee	17/18 'Total'	16-17 fee	DIFFERENCE	%
Massage and Special Treatment						
- 1 level of treatment	£196	£0	£196	£197	-£1	-0
renewal	£153	£0	£153	£153	£0	0
- 2+ levels of treatment	£230	£0	£230	£230	-£0	-0
renewal	£204	£0	£204	£205	-£1	-0
Transfer of Ownership	£89	£0	£89	£90	-£1	-1
Application for additional treatments	£89	£0	£89	£90	-£1	-1
Skin Piercers	£54	£0	£54	£74	-£20	-26
Sex Shop/Sex Cinema GRANT	£6,354	£179	£6,533	£6,547	-£14	-0
renewal	£3,572	£179	£3,751	£3,760	-£9	-0
6 month licence GRANT	£6,354	£179	£6,533	£5,141	£1,392	27
renewal	£3,572	£179	£3,751	£3,760	-£9	-0
Transfer of ownership	£2,067	£0	£2,067	£2,097	-£30	-1
Variation	£2,705	£0	£2,705	£2,558	£147	6
Sexual Entertainment Venues GRANT	£6,609	£255	£6,864	£6,880	-£16	-0
renewal	£3,611	£230	£3,841	£3,977	-£136	-3
Transfer	£2,054	£0	£2,054	£2,097	-£43	-2
Variation	£3,509	£0	£3,509	£3,517	-£8	-0

APPENDIX 1(c)

LICENSING ACT 2003 - PRESCRIBED FEES

These fees were set nationally by Government in 2005 and may not be changed. There are proposals to permit fees to be set locally and should that occur the matter will be reported to your Committee.

Application Fee

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

Annual Charge

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

Other Fees

Personal Licence (grant)	£37
Temporary Event Notice (TEN)	£21
Theft/loss of premises licence/club certificate, summary, personal licence or TEN	£10.50
Provisional Statement	£315
Change of name, address, club rules	£10.50
Personal Licence Change of details.	£10.50
Variation of DPS	£23
Transfer of premises licence	£23
Interim Authority Notice	£23
Right of Freeholder notification	£21
Minor Variation	£89
Variation to include alternative condition (no DPS)	£23

APPENDIX 1(d)

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

Premises Type	New Licence	1 st Annual Fee	Annual Fee	Variation	Transfer	Re-instatement	Provisional Statement	Licence Application (Provisional)	Copy Licence	Change Notification
Casinos			(£3,000)	(£2,000)	(£1,350)	(£1,350)	N/A	N/A	(£25)	(£50)
Current fee	£2,783	£425	£557	£2,000	£930	£930	£2,684	£1,302	£25	£50
proposed fee	£3,140	£480	£628	£2,000	£1,049	£1,049	£3,028	£1,469	£25	£50
Bingo Clubs	(£3,500)		(£1,000)	(£1,750)	(£1,200)	(£1,200)	(£3,500)	(£1,200)	(£25)	(£50)
Current fee	£2,783	£425	£557	£1,750	£930	£930	£2,783	£1,200	£25	£50
proposed fee	£3,140	£480	£628	£1,750	£1,049	£1,049	£3,140	£1,200	£25	£50
Adult Gaming Centre	(£2,000)		(£1,000)	(£1,000)	(£1,200)	(£1,200)	(£2,000)	(£1,200)	(£25)	(£50)
Current fee	£2,000	£327	£452	£1,000	£518	£518	£2,000	£886	£25	£50
proposed fee	£2,000	£369	£510	£1,000	£584	£584	£2,000	£999	£25	£50
Race Tracks	(£2,500)		(£1,000)	(£1,250)	(£950)	(£950)	(£2,500)	(£950)	(£25)	(£50)
Current fee	£2,500	£425	£557	£1,250	£930	£930	£2,500	£950	£25	£50
proposed fee	£2,500	£480	£628	£1,250	£950	£950	£2,500	£950	£25	£50
Family Entertainment Centres	(£2,000)		(£750)	(£1,000)	(£950)	(£950)	(£2,000)	(£950)	(£25)	(£50)
Current fee	£2,000	£327	£452	£1,000	£518	£518	£2,000	£886	£25	£50
proposed fee	£2,000	£369	£510	£1,000	£584	£584	£2,000	£950	£25	£50
Betting Premises	(£3,000)		(£600)	(£1,500)	(£1,200)	(£1,200)	(£3,000)	(£1,200)	(£25)	(£50)
Current fee	£2,783	£327	£452	£1,500	£518	£518	£2,783	£886	£25	£25
proposed fee	£3,000	£369	£510	£1,500	£584	£584	£3,000	£999	£25	£25
Temporary Use Notice	(£500)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	(£25)	N/A
Current fee	£362								£25	
proposed fee	£409								£25	

GAMBLING ACT 2005 – PRESCRIBED FEES

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

Alcohol Licensed Premises

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

Club Gaming and Machine Permits

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

Unlicensed Family Entertainment Centres

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

Lotteries

New	£40
Annual Fee	£20

BIRMINGHAM CITY COUNCIL

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

15 FEBRUARY 2017
ALL WARDS

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

1. Summary

- 1.1 This report provides Committee with an update on work being undertaken to improve the response to unauthorised encampments in the city since 14 December 2016.

2. Recommendations

- 2.1 That outstanding minute number 775 be discharged.
- 2.2 That Committee agree to a further report be brought in 3 months to update on the various work items contained within this report.

Contact Officer: Mark Croxford, Head of Environmental Health
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3. Background

- 3.1 This report is an update on activities since Decembers Licensing and Public Protection Committee.
- 3.2 An unauthorised or illegal encampment is one which is established on land without the express permission of the landowner. The groups responsible comprise elements of Gypsy, Romany, Traveler or other ethnic groupings and are collectively known as travelers or GRT.

4 Update on the Revised Protocol

- 4.1 The revised Memorandum of Understanding, between West Midlands Police and the Council has been circulated on an internal intranet for West Midlands Police officers to refer to when dealing with unauthorised encampments. The document has also been up loaded to BCC's web pages.
- 4.2 The seven West Midlands Chief Executives have committed to having a unified response to Unauthorised Encampments across the seven Metropolitan Local Authorities. This group is being led by Nick Page, Chief Executive for Solihull, and Superintendent Phil Dolby for West Midlands Police. The task and finish group set up to deliver this document has agreed that the overarching policy should be the same for the whole of the West Midlands Force area but with local nuances in tackling unauthorised encampments being contained in appendices for each authority. This will enable localised solutions to be detailed and ensure our response is not out of step with local need.
- 4.3 The Head of Environmental Health met with Superintendent Matt Shaer at Lloyd House on the 25th January 2017 and have agreed to explore a more integrated response to dealing with those encampments that participate in anti-social behaviour and/or criminality.

5 Appointment of Additional Support

- 5.1 Currently Environmental Health has two officers, with substantive roles in the waste enforcement team that are redirected as necessary to tackle unauthorised encampments. These officers with some assistance from land owning department staff, primarily in Parks, they have undertaken all of the interventions necessary to evict and recover council land for over 10 years.
- 5.2 Following a procurement process additional support for these officers has now been arranged. The successful company is Equita Ltd. They have quoted for undertaking first visits, serving notice on unauthorised encampments to vacant land and undertaking the eviction. Having this procured service provides resilience to support our two officers and to keep a continuous service when they are on leave or only one is at work.

6 Update on the Provision of a Transit Site

- 6.1 The Head of Environmental Health has been advised that a proposal to create a shared transit site with Sandwell Council is not going to be progressed.
- 6.2 A meeting has been held with Housing, Legal Services and Planning & Regeneration to look into bringing forward the approved site for Proctor Street in Nechells. These officers are looking at how this can be developed and funded.
- 6.3 At a meeting held on 2 February 2017, Planning Officers have identified land which could on a temporary or long term basis be used for a transit site. Currently no firm proposals have been forthcoming but we do now have a number of sites that need to be investigated and officers are looking at determining.

7 Implications for Resources

- 7.1 The resources employed in carrying out the work detailed in this report are contained within the approved budget available to your Committee.

8 Implications for Policy Priorities

- 8.1 The protocol contributes to fulfilling the Council's vision (Vision 2020) set out in the *Council Business Plan for 2016*, specifically to provide 'thriving local communities' and to work towards delivering 'a healthy, happy city'.
- 8.2 The work also 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'.

9 Public Sector Equality Duty

- 9.1 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. The changes to the policy is covered by the existing Equality Assessments and will be updated when the regional assessments is brought forward.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

BIRMINGHAM CITY COUNCIL

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

15 FEBRUARY 2017
ALL WARDS

**PROPOSALS FOR VEHICLE EMISSION STANDARDS
FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

1 Summary

- 1.1 In April 2016 your Committee considered a report on the consequences for the taxi and private hire trade of the introduction of a Clean Air Zone in Birmingham which is required to enable the City to meet European air quality standards. The City must demonstrate that it meets the standard for nitrogen dioxide levels as soon as possible and by 2020 at the latest.
- 1.2 The UK Government has mandated Birmingham to create a Clean Air Zone as one of the measures needed to ensure that Birmingham's air quality meets EU standards. The Government expects Licensing Authorities to use Licensing Policy to ensure that hackney carriages and private hire vehicles meet Clean Air Zone emission standards, which are Euro VI / 6 for diesel engines or Euro 4 for petrol engines.
- 1.2 In April 2016 your committee resolved to ask officers to produce a draft policy that would be applied to the licensing requirements for hackney carriage and private hire vehicles in order to meet the Clean Air Zone standards. Since then, the Council has set up an Air Quality Members Steering Group and an Officers' Delivery Group to coordinate a range of measures to improve air quality, of which this draft policy is one.

2 Recommendations

- 2.1 That subject to the views and comments of your Committee, officers be instructed to consult with the hackney carriage and private hire trade on the proposed emissions policy for hackney carriage and private hire vehicles detailed in sections 8 and 9 of this report and which are set out in Appendices 1(a), 1(b) and 2 of the report.
- 2.2 That the consultation extends for a period of 4 weeks and that officers report the results of the consultation to this Committee at the earliest opportunity.
- 2.3 That outstanding minute 651 (ii) be discharged.

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3. Background

- 3.1 In December 2015 the Government announced that Birmingham would be one of six cities that would be required to put in place a Clean Air Zone in order to improve air quality. Those cities are London, Birmingham, Leeds, Nottingham, Derby and Southampton. That decision was reported to your Committee on 17th February 2016.
- 3.2 The standard for air quality is set by the Ambient Air Quality Directive. This sets limit values for a range of pollutants at a level to protect public health. Birmingham is non-compliant with regards to the annual average value for Nitrogen Dioxide (NO₂) (the annual mean).
- 3.3 The original deadline for compliance was January 2010 which was extended by the EU through derogation to January 2015. Plans were submitted by the UK Government to the EU which was challenged by ClientEarth, an organisation of activist environmental lawyers. A hearing in the Supreme Court resulted in a ruling that confirmed that Government's plans would not comply with the Directive.
- 3.4 The Supreme Court ruling catalysed the EU to commence infraction proceedings against the UK Government and further, the Supreme Court directed the UK Government to prepare an updated action plan by the end of 2015, setting out the route to compliance in the shortest time possible.
- 3.5 To inform this process the Department for Environment, Food and Rural affairs (Defra) and the Department for Transport (DfT) undertook consultation with local authorities to build up an understanding of committed interventions which would address air quality together with an understanding of other potential interventions which were planned or might be required to reach compliance. This included a discussion around what additional support might be needed from Government to enable these changes to happen.
- 3.6 If the UK Government does not satisfactorily demonstrate compliance, fines could be levied by the EU against the UK Government and, whilst the exact amount is unclear, values being considered are in the region of £300 million.
- 3.7 Under the Environment Act 1995 all UK Councils have the obligation to comply with emission limits drawn from the transposed Directive, one of which is an annual average value for NO₂ (the annual mean).
- 3.8 Birmingham, like many Councils, does not fully comply with this limit value and in response Government have reminded us "of the discretionary power in Part 2 of the Localism Act under where the Government could require responsible authorities to pay all or part of an infraction fine."

- 3.9 Once again, whilst the exact amount is unclear, assessment suggests Birmingham could be fined in the region of £40-100 million with a figure of £60 million being suggested.
- 3.10 With the internalisation of the Public Health service, Councils now have duties under the Public Health Outcomes Framework (PHOF), two of which are air quality based. Specifically there is the indicator covering the *Fraction of mortality attributable to particulate air pollution*. This specifically relates to fine particles but as the source is mostly the same as for NO₂ i.e. road transport, benefits gained under either regime will provide benefits to the other.

4 Government's Proposal – A Clean Air Zone for Birmingham

- 4.1 A Clean Air Zone (CAZ) is an area where only the cleanest vehicles are encouraged and action is focussed to improve air quality. For Birmingham the CAZ will restrict access to buses, coaches and heavy goods vehicles (HGVs) that are less than Euro VI for NO_x, and to vans, Hackney carriages and private hire vehicles that are less than Euro VI/6 (diesel) and Euro 4 (petrol) for NO_x.
- 4.2 This means that vehicles which do not meet the required standard will be precluded from accessing the zone or be subject to a charge should they enter the zone.
- 4.3 Current thinking with regards to the zone is that it will likely need to encompass the middle ring road (A4540), as this is a 'natural' cordon and the problem areas lie within, although the exact location of the CAZ has yet to be determined.
- 4.4 The CAZ will be one of a range of measures to help the City achieve the air quality improvements that are required of it by 2020. These will include a combination of improved signage and rerouting, switching to different forms of transport (e.g. use of Park and Ride), road and infrastructure improvements, and use of alternative fuels such as Liquid Petroleum Gas (LPG), Compressed Natural Gas (CNG), Electric and Hydrogen Fuel Cell vehicles. Some of these items are already under consideration by the City Council.

5. Steps Already Taken

- 5.1 Work has already begun in Birmingham to address vehicle emissions from hackney carriages and private hire vehicles. We have been successful in obtaining £0.5m from the Department for Transport's (DfT) Clean Vehicle Technology Fund to pay for the conversion of 63 hackney carriages to run on LPG. The funding has paid for a solution that involves new Vauxhall engines that are converted to run on LPG being put into hackney carriages. LPG has zero NO₂ emissions.

5.2 The City has also put in a bid to the DfT for a scheme to install 197 electric charging points at key locations around the city to enable ULEV (Ultra Low Emission Vehicles) and electric hackney carriages and private hire vehicles to recharge. There are several different types of electrically powered vehicles:

- **Conventional hybrids:** Hybrids burn fuel in an internal combustion engine (ICE) which drives the wheels via a gearbox. A battery charged by regenerative braking stores energy which is used to drive an electric motor and therefore the vehicle for a short distance (usually < 1 mile).
- **Plug-in hybrid electric vehicle (PHEV):** Combine a battery, electric motor and ICE like a conventional hybrid, a larger battery provides a longer electric only driving range. The battery can be recharged from a charge point reducing the amount of fuel consumed over a given distance. The vehicle reverts to petrol or diesel power when the battery charge is depleted.
- **Extended-range electric vehicle (E-REV):** Also combines a battery, electric motor and an ICE, however, unlike a PHEV the electric motor always drives the wheels. The ICE acts as a generator when the battery is depleted. The vehicle can also be recharged from a charge point. The battery in an E-REV battery is usually larger than in a PHEV, providing longer electrically driven range.
- **Battery electric vehicle (BEV or Pure-EV):** Powered only by electricity, a pure-EV has a larger battery than an E-REV or a PHEV and does not have an ICE.

6. Birmingham's Hackney Carriage Fleet

6.1 Officers have attempted to categorise licensed vehicles according to their age and Euro emissions classification, although the correlation is not always exact. The figures provided for hackney carriages and private hire vehicles are our best estimates at this stage without carrying out a more detailed analysis.

6.2 The current licensing policy allows vehicles up to 14 years old to be licensed, although vehicles older than 14 can still be licensed if they meet the exceptional condition test as part of the annual MOT. Consequently many of our vehicles are older than 14. There are (at the time of writing) 1,233 licensed vehicles. The average age of the fleet is 13.6 years with only 392 vehicles (32%) less than 10 years old.

6.3 No vehicles meet the most recent Euro VI/6 emissions standard and only 4% meet the Euro 5 standard introduced on 01.01.11. 21% meet Euro 4; 33% Euro 3; 2% Euro 2; 16% Euro 1 and 25% predate the Euro standards completely. The taxi fleet is, therefore, likely to be a major source of Particulate Matter and NOx emission in Birmingham.

7. Birmingham's Private Hire Fleet

- 7.1 Vehicles are only licenced for the first time if they are less than eight years old. Vehicles over eight years old must pass the Supplementary Test Plus on an annual basis before their licence can be renewed. At the time of carrying out this analysis there were 4,200 private hire vehicles licensed by Birmingham City Council. The average age of a private hire vehicle in Birmingham is 11.1 years old based on these numbers, which is considerably older than in many other cities in the UK.
- 7.2 Only 2% of the private hire vehicles are 2 years old or newer, and 4% are 3 years old or newer, indicating that the majority of vehicles are bought second hand. 16% of the fleet meets the Euro 5 emissions standard; 51% Euro 4; 32% Euro 3; and 2% Euro 2.

8. Proposed Medium-Term Policy for Birmingham Licensed Vehicles

- 8.1 Any policy that is agreed should aim to deliver the greatest benefits for air quality. This means that earlier implementation of standards will achieve better health benefits. Set against this is the recognition that changing a vehicle is a major investment decision for a driver and they will want as much notice as possible of intended changes to policy that will require them to replace their vehicles.
- 8.2 Birmingham has collaborated with the Energy Saving Trust to look at how we can address Clean Air Zone requirements given that the City is will need to implement the CAZ by 2019 at the latest. We must demonstrate by 2020 that we meet the necessary air quality standards, but to do so, we must provide 12-months' worth of data, which is why the latest implementation date for the standard is December 2018. The feasibility study that we have worked on with the Energy Saving Trust will support our bid for Department of Transport funding to build an electric charging infrastructure in the city. That feasibility study identified that Birmingham has one of the oldest fleets of hackney carriages and private hire vehicles in the UK. Although we have notional age limits for hackney carriage vehicles of 14 years and 8 years for private hire vehicles, in practice a vehicle can continue to be licensed well beyond those age limits if it continues to pass the Supplementary Test.
- 8.3 We have such an old fleet of licensed vehicles because our lenient policy decisions in the past have been influenced by a wish to support the economic welfare of drivers. However, we are now at a point where events beyond the control of your Committee are requiring us to make decisions that will inevitably put improvements to air quality for the greater good of all citizens above the interests of individual drivers.
- 8.4 Currently there are no restrictions on vehicles relating to emissions other than to meet the MOT standard which applies to all vehicles on the road. Our age policy says that any newly licensed vehicle must be no more than 14 years old for a hackney carriage or 8 years old for a private hire vehicle.

- 8.5 We are proposing that by December 2017 for hackney carriages we would only renew licences for vehicles that meet the Euro 3 standard. This would remove from the road an estimated 530 (43%) vehicles that fall below that standard. These are the oldest and most polluting vehicles.
- 8.6 We are proposing that by December 2017 we would only renew licences for vehicles that meet the Euro 4 standard for petrol driven private hire vehicles or Euro 5 for diesel powered private hire vehicles or be ULEV. This is higher than the Euro 3 standard for hackney carriage vehicles, but it affects a smaller percentage of the private hire fleet compared to the application of the Euro 3 standard to the hackney carriage fleet. We have also taken into account the fact that there is a much larger pool of alternative vehicles available to the private hire trade that meet higher emissions standards than is available to the hackney carriage trade. The effect of this would be to remove from the fleet an estimated 1,428 vehicles (34%).
- 8.7 From December 2018 we are proposing that to replace any licensed vehicle the replacement must meet the Euro 6 standard for all hackney carriages or be Ultra Low Emission or be Ultra Low Emission for private hire vehicles. This is higher than the statutory minimum standard required by the CAZ of Euro 4 for petrol engines, but it demonstrates the City's ambition to improve air quality in the shortest possible time.
- 8.8 This would mean that none of the hackney carriage vehicles that are currently licensed would be able to retain their licences beyond December 2018 (apart from any that have converted to LPG through the ULEV scheme, which at the moment is limited to a maximum of 63).
- 8.9 The above proposals are represented in a table at appendix 1(a)
- 8.10 These proposals remove the age of a vehicle as being the determining factor as to whether it can be licensed and replace it with the emissions standard of the vehicle. However, the emission standards set by Government are likely to increase with time. To help this policy to remain effective and up to date it is proposed to incorporate an age policy into it that would run parallel to the emissions standards, but on the basis that if the age limit conflicted with the emissions standard, the emissions standard would always take precedence.
- 8.11 At the moment we are in the process of converting up to 63 hackney carriages to run on LPG. One of the criteria for the conversion is that the vehicle cannot be more than 15 years old at the time of conversion and that the vehicle must be capable of remaining on the road for at least 5 years after the conversion. In 2021 these vehicles will be 20 years old. We are proposing that in 2021 an overarching age limit should apply to all vehicles which would be the current age limits of 8 years for PHV and 14 years for HCV, but without exception. Not only will this ensure that vehicles will be replaced more frequently and therefore they will incorporate more modern technology and have higher emission standards, it will also guard against the situation we now find ourselves in with one of the oldest fleets of licensed vehicles in the country.

9. Proposed Long Term Policy

9.1 The above proposals are all steps towards the ultimate objective of achieving a fleet of zero emission (all-electric or hydrogen fuel) licensed vehicles by 2030. As part of an incremental approach towards that objective it is proposed to require all licensed vehicles to be Ultra Low Emission (ULEV) by 2026. Ultra-Low Emission Vehicles include:

- Battery electric vehicles.
- Plug-in hybrid electric vehicles (vehicles with an electric motor capable of a range of more than 10 miles which can be used in tandem with an internal combustion engine). An example of a plug-in hybrid is the Toyota Prius, which we already license.
- Extended-range electric vehicles(vehicles which only use an electric motor for propulsion with a battery that can be recharged on-the-move by a small on-board petrol or diesel generator).

9.2 The proposed long term policy is set out in a table at appendix 1(b).

10. Mitigation for Vehicle Owners

10.1 The financial effects will be felt hardest by hackney carriage drivers. None of the vehicles that are currently licensed will meet the CAZ emission standards. Those that take up the option of the LPG conversion will meet the standard. Drivers have to pay the VAT element of the price, which is approximately £1,300. The London Taxi Company (LTC) based in Coventry has invested £300m in a brand new factory to develop and build an extended range all new electric taxi which contains a small petrol engine that can be used to top up the battery. It will go on sale at the end of 2017.

10.2 Private hire drivers will be less adversely affected because 67% of their vehicles already meet the Euro 4 standard for petrol engine vehicles and there is already a range of electric or hybrid vehicles available to them as saloon cars which could be licensed and which would not be as expensive as purpose built hackney carriages.

10.3 Anyone buying an Ultra-Low Emission Vehicle, including taxi and private hire drivers, is entitled to claim a government grant from OLEV (the Office for Low Emission vehicles). The grants are up to a maximum of £5,000 for private hire vehicles and up to £7,500 for hackney carriages. The grant is designed to bridge the gap between the cost of a conventional vehicle and the extra cost of an electric vehicle.

11. Consultation

- 11.1 The subject of vehicle emissions standards has been discussed on a number of occasions at trade liaison meetings where officers from Transportation have briefed trade reps on the introduction of low emission vehicles. Specific consultation meetings have been held with hackney carriage drivers and private hire drivers as part of the Council's bid for OLEV funding for an electric charging infrastructure to establish their patterns of vehicle usage, where they would prefer charging points to be and whether they would consider an electric vehicle when they change their current vehicle.
- 11.2 Whatever policy your committee agrees to at today's meeting will be consulted on widely with vehicle owners and drivers. The results of the consultation will be reported back to your committee before final approval of the policy is agreed.
- 11.3 A document has been prepared and is attached as appendix 2, for circulation amongst hackney carriage and private hire owners, drivers and operators to explain our proposals and invite comment. This will be published with the tables in appendices 1(a) and 1(b) with the approval of your Committee, subject to any alterations that the Committee requests.

12. Implications for Resources

- 12.1 The cost of replacing a vehicle rests with the owner of the vehicle, not the Licensing Authority. Although it has been suggested that the Licensing Authority could consider free or discounted licences to encourage the take up of cleaner vehicles, this is not thought to be legal. The only money available would be that contained in the hackney carriage and private hire ring fenced carry forward surplus, but there are restrictions on the use that can be made of licence fees; namely for the administration of the licence or to ensure compliance with the licence conditions. Subsidising the cost of replacement vehicles would not fit into those categories, and in any event, the cost of a licence, which is £124 for a hackney carriage and £128 for a private hire vehicle, is unlikely to persuade a driver to change their vehicle when the total cost might be many thousands of pounds.
- 12.2 A consequence of the move to a policy requiring vehicles to meet higher emission standards will probably be a reduction in the number of licensed vehicles. This will result in a reduction in licence fee income, but at this stage it impossible to predict with any accuracy.

13. Implications for Policy Priorities

- 13.1 The management of air quality contributes to fulfilling the policies of Birmingham 2026: Our vision for the future, and supports the strategic outcomes set out in the Council Business Plan for 2016+, specifically to 'stay safe in a clean, green city'.

14. Public Sector Equality Duty

- 14.1 Air pollution has the potential to affect all members of society but can have specific impacts on pregnant women and the unborn child. The concerns about such are widely known and health advice is issued accordingly by relevant medical professionals.
- 14.2 The approach taken to address air quality is such as to protect all members of society and does not discriminate against any group.
- 14.3 The economic impact that these proposals will have on vehicle owners will apply equally to all drivers, regardless of their demographic profile, and as such it is unlikely that an Equality Analysis would be required.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

Summary of Proposed Medium-Term Policy

		Existing Policy	Policy from December 2017	Policy from December 2018
Minimum Vehicle Requirements and Standards	New or replacement vehicles	Maximum age of 8 years for PHV Maximum of 14 years for HCV Basic MOT requirements applicable to all vehicles for emissions	Euro 6 or ULEV for HCV ULEV for PHV	Euro 6 or ULEV for HCV ULEV for PHV
	Existing licensed vehicles	No age limit for PHV or HCV provided the exceptional condition test is met Basic MOT requirements applicable to all vehicles for emissions	Euro 3 for HCV Euro 4 for all petrol vehicles and Euro 5 for all PHV diesel vehicles or ULEV	Euro 6 for all diesel vehicles or ULEV Euro 5 for all petrol vehicles or ULEV

APPENDIX 1(b)**Summary of Proposed Long-Term Policy**

		Policy from 2021	Policy from 2026	Policy from 2030
Minimum Vehicle Requirements and Standards	New/Replacement Vehicles	No HCV older than 14 years No PHV older than 8 years All vehicles to be ULEV	All vehicles to be ULEV	All vehicles to be zero emission
	Existing vehicles	No HCV older than 14 years No PHV older than 8 years Euro 6 for all diesel vehicles or ULEV Euro 5 for all petrol vehicles or ULEV	All vehicles to be ULEV	All vehicles to be zero emission

Key to abbreviations used in tables:**PHV** Private Hire Vehicle**HCV** Hackney Carriage Vehicle**LPG** Liquid Petroleum Gas

ULEV Ultra-Low Emission Vehicle (includes LPG). A ULEV vehicle is defined as having a pure electric engine, a plug-in hybrid engine or a car with CO2 emissions below 75 g/km

Birmingham City Council

Proposals to introduce Emission Standards for Taxi and Private Hire Vehicles

This is an initial consultation to seek the views of licensed hackney carriage and private hire owners, drivers and operators on proposals to introduce emission standards for vehicles.

Why is the Council doing this?

You may be aware that there has been a lot of media coverage in recent months about pollution levels in the UK. The main causes of pollution in towns and cities are Nitrogen Oxide and Nitrogen Dioxide (referred to as Nitrogen Oxides), which are produced in the emissions from diesel vehicles. Air quality in city centres is a major public health concern. Air pollution is believed to be responsible for up to 900 premature deaths in Birmingham every year. Diesel produces Nitrogen Oxides and minute pieces of carbon known as 'particulates' that are harmful to health. Although invisible to the naked eye, this form of pollution is very serious and some of the people who are most affected by it are motorists who spend long hours behind the wheel, such as taxi and private hire drivers.

In 2015 and 2016 the UK government was taken to court by an environmental pressure group called Client Earth. The Supreme Court ruled that the government's plans to improve air quality were inadequate. It has ordered the government to act in the shortest possible time to reduce pollution levels in major towns and cities to levels that meet the Ambient Air Quality Directive, which has been enacted into British law by the Environment Act 1995.

How will the Council improve air quality?

The Government has told Birmingham, London, Leeds, Nottingham, Derby and Southampton that they must introduce **Clean Air Zones** (CAZ) to improve air quality in their city centres by 2020. In order to demonstrate that air quality has improved by 2020 Birmingham must have a CAZ in place and is aiming to do so by 2019, or as soon as possible before then, to be able to collect the necessary statistical data to prove that air quality has improved.

A CAZ is an area where a range of measures are put in place to control pollution. These can include redirecting the most polluting vehicles away from the worst pollution hotspots, encouraging motorists to use park and ride schemes, making improvements to roads to reduce congestion, and encouraging the use of less polluting fuels such as Liquid Petroleum Gas (LPG), Compressed Natural Gas (CNG), hydrogen fuel cells and electrically powered vehicles.

The Government expects local authorities where a CAZ has been mandated to use a range of measures to achieve improvements to air quality: these include the use of taxi and private hire licensing policy to limit the use of vehicles that fail to meet the prescribed vehicle emission standards.

What standards will be applied?

The Department for the Environment, Food and Rural Affairs (DEFRA) has set minimum emissions standards for vehicles to be allowed entry to a CAZ. The standards are expressed according to European vehicle emission standards. Buses, coaches and heavy goods vehicles must all be compliant with Euro 6. Diesel powered vans, hackney carriages and private hire vehicles will have to meet the Euro 6 standard. Vans, hackney carriages and private hire vehicles powered by petrol will have to meet the lower Euro 4 standard because petrol is less polluting than diesel.

Where will the Clean Air Zone be?

The most polluted locations in Birmingham are in the city centre. Therefore it is likely that the CAZ will encompass the city centre, although the exact boundary has yet to be determined. Vehicles that do not meet the standard will not be allowed to enter or will pay a charge if they do. The Council has not yet agreed what the charge will be. The timescales that have been set by Government are short, but we have set out below a proposed policy for vehicle licensing covering the medium and long term. The overall objective of the policy is to improve air quality by removing polluting vehicles from the road and encouraging the use of electrically powered vehicles (also known as Ultra Low Emission Vehicles (ULEV)).

Birmingham City Council has applied to the Government for funds to install 197 electric charging points across the city for the use of taxis and private hire vehicles.

What help is available to drivers to update their vehicles?

We recognise that the policy will need many drivers to update their vehicles. The Office for Low Emission Vehicles (OLEV) has grants available of up to £5,000 for private hire drivers and up to £7,500 for hackney carriage drivers if they change their vehicle for a new ULEV vehicle. This is called The Plug-in Car Grant or PICG. <https://www.gov.uk/plug-in-car-van-grants>

We are in talks with vehicle manufacturers and operators about ways in which they can purchase fleets of ULEV vehicles to hire to drivers.

We have made funds available to convert 63 hackney carriages from diesel to LPG, which produces very low levels of pollution. We will apply for further funding if the Department for Transport makes it available. These LPG converted vehicles will be licensable until 2021 under the proposed plan. Owners of hackney carriages that have the LPG conversion are required to pay the VAT element of the cost, which is approximately £1,300. We are continuing to look for other sources of government support.

BIRMINGHAM CITY COUNCIL

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

15 FEBRUARY 2017
ALL WARDS

FIXED PENALTY NOTICES ISSUED DECEMBER 2016

1. Summary
 - 1.1 The report sets out a breakdown, on a Constituency/Ward basis, of fixed penalty notices issued in the City during the period December 2016.
2. Recommendation
 - 2.1 That the report be noted.

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3. Background

- 3.1 The issuing of fixed penalty notices [FPN] by officers from Regulation and Enforcement is one of the means by which the problems of environmental degradation such as littering and dog fouling are being tackled within the City.
- 3.2 The yearly total numbers of fixed penalty notices issued are indicated below.

<u>Month</u>	<u>Fixed Penalty Notices Issued</u>
April 2004 – Mar 2005	382
April 2005 – Mar 2006	209
April 2006 – Mar 2007	650
April 2007 – Mar 2008	682
April 2008 – Mar 2009	1,147
April 2009 – Mar 2010	1,043
April 2010 – Mar 2011	827
April 2011 – Mar 2012	2,053
April 2012 – Mar 2013	1,763
April 2013 – Mar 2014	1,984
April 2014 – Mar 2015	4,985
April 2015 – Mar 2016	5,855

4. Enforcement Considerations and Rationale

- 4.1 The attached appendix shows the wards where FPNs were issued during the month of December 2016.
- 4.2 By identifying both the area where the FPN is issued and the ward/area that the litterer lives this demonstrates that the anti-litter message is being spread right across the city. By and large litter patrols are targeted to the primary and secondary retail areas of the city because there is a high level of footfall and they engage with a full cross section of the population. Targeted areas include locations where there are excessive levels of littering, smoking areas with high levels of cigarette waste that cause blight in the city and areas where there are known problems associated with groups gathering to eat outdoors.
- 4.3 The number of incidences of Fixed Penalty Notices being issued reflects the fact that there is still a problem with littering on our streets. Since the Health Act came into force there has been a decline in street cleanliness associated with cigarette waste. This is reflected not only in these statistics but also in the environmental quality surveys undertaken by Fleet and Waste Management that record cigarette waste being the most prevalent waste upon our streets and identify it in 98% of all samples of street cleanliness.

4.4 One of the difficulties in resolving the problem of cigarette waste being deposited on the street is that the perception of many smokers is that cigarette waste is not litter. A change in the culture and perceptions of these smokers is critical to resolving this problem.

4.5 Anyone who receives a FPN is encouraged to talk to their co-workers, friends and families to promote the anti-litter message.

5. Consultation

5.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and the business community in terms of the regulatory duties of the Council. Any enforcement action[s] taken as a result of the contents of this report are subject to that Enforcement Policy.

6. Implications for Resources

6.1 The work identified in this report was undertaken within the resources available to your Committee.

7. Implications for Policy Priorities

7.1 The issue of fixed penalty notices has a direct impact on environmental degradation within the City and the Council's strategic outcome of staying safe in a clean, green city.

8. Public Sector Equality Duty

8.1 The actions identified in this report were taken in accordance with approved enforcement policies which ensure that equalities issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: FPN records

APPENDIX 1

Wards where FPN's are issued

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	Bartley Green	0	0	0	0	0	0	0	0	0	0	0	0	0
	Edgbaston	0	0	1	0	0	0	0	0	0	0	0	0	1
	Harborne	0	0	0	0	0	0	0	0	9	0	0	0	9
	Quinton	1	0	0	0	0	1	0	0	0	0	0	0	2
Erdington	Erdington	0	1	2	2	0	0	0	0	13	0	0	0	18
	Kingstanding	0	1	0	0	1	1	0	0	0	0	0	0	3
	Stockland Green	0	1	0	2	0	0	0	0	1	0	0	0	4
	Tyburn	0	1	0	1	0	0	0	0	0	0	0	0	2
Hall Green	Hall Green	0	0	0	2	2	0	0	0	0	0	0	0	4
	Moseley And Kings Heath	4	0	0	0	1	1	0	0	14	0	0	0	20
	Sparkbrook	0	0	5	0	0	1	0	1	2	0	0	0	9
	Springfield	0	1	1	1	13	0	0	0	0	0	0	0	16
Hodge Hill	Bordesley Green	0	1	2	0	1	0	0	0	0	0	0	0	4
	Hodge Hill	0	1	0	3	0	1	2	1	0	0	0	0	8
	Shard End	2	0	2	1	1	1	0	0	0	0	0	0	7
	Washwood Heath	0	1	0	9	1	4	1	2	0	0	0	0	18
Ladywood	Aston	0	2	1	3	0	0	0	1	1	0	0	0	8
	Ladywood	480	438	527	454	427	577	538	547	231	0	0	0	4,219
	Nechells	10	16	16	21	8	2	0	1	3	0	0	0	77
	Soho	1	7	1	1	2	2	0	2	1	0	0	0	17
Northfield	Kings Norton	0	0	0	0	1	0	0	0	1	0	0	0	2
	Longbridge	0	0	0	0	0	0	0	0	0	0	0	0	0
	Northfield	1	1	0	0	0	0	1	0	6	0	0	0	9
	Weoley	0	0	0	0	0	0	0	0	3	0	0	0	3
Perry Barr	Handsworth Wood	0	2	1	0	0	0	0	1	0	0	0	0	4
	Lozells And East Handswor	0	0	0	5	4	4	0	3	0	0	0	0	16
	Oscott	0	0	0	0	0	1	0	0	0	0	0	0	1
	Perry Barr	1	0	0	0	0	0	0	0	0	0	0	0	1
Selly Oak	Billesley	2	0	1	0	0	0	0	0	0	0	0	0	3
	Bournville	2	0	1	0	0	1	0	0	8	0	0	0	12
	Brandwood	2	1	0	0	0	0	0	0	0	0	0	0	3
	Selly Oak	0	0	0	0	1	0	0	0	0	0	0	0	1
Sutton Coldfield	Sutton Four Oaks	0	0	0	1	0	0	0	0	1	0	0	0	2
	Sutton New Hall	0	0	0	1	1	0	0	0	0	0	0	0	2
	Sutton Trinity	0	2	0	0	0	0	0	0	0	0	0	0	2
	Sutton Vesey	0	0	0	0	0	0	0	9	1	0	0	0	10
Yardley	Acocks Green	1	0	0	0	1	0	0	0	0	0	0	0	2
	Sheldon	0	0	3	0	1	0	2	0	3	0	0	0	9
	South Yardley	0	0	1	1	1	1	0	0	4	0	0	0	8
	Stechford And Yardley Nort	2	1	1	0	2	0	0	0	0	0	0	0	6
Total		509	478	566	508	469	598	544	568	302	0	0	0	4,542

APPENDIX 2

WARD OF PERSON RECEIVING FIXED PENALTY NOTICES BY CONSTITUENCY/WARD

It is not possible to provide this information currently and will be provided in the coming weeks

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	BARTLEY GREEN	3	1	0	3	3	0	0	0	0	0	0	0	10
	EDGBASTON	7	3	2	2	10	0	0	0	0	0	0	0	24
	HARBORNE	3	8	6	5	5	0	0	0	0	0	0	0	27
	QUINTON	5	5	3	2	4	0	0	0	0	0	0	0	19
Erdington	ERDINGTON	2	5	4	4	2	0	0	0	0	0	0	0	17
	KINGSTANDING	5	4	5	2	1	0	0	0	0	0	0	0	17
	STOCKLAND GREEN	6	4	3	4	5	0	0	0	0	0	0	0	22
	TYBURN	4	2	6	2	5	0	0	0	0	0	0	0	19
Hall Green	HALL GREEN	0	2	5	4	8	0	0	0	0	0	0	0	19
	MOSELEY AND KINGS HEATH	6	5	3	6	6	0	0	0	0	0	0	0	26
	SPARKBROOK	4	3	6	11	8	0	0	0	0	0	0	0	32
	SPRINGFIELD	4	7	5	5	7	0	0	0	0	0	0	0	28
Hodge Hill	BORDESLEY GREEN	4	1	9	2	3	0	0	0	0	0	0	0	19
	HODGE HILL	4	5	2	9	4	0	0	0	0	0	0	0	24
	SHARD END	5	4	2	7	5	0	0	0	0	0	0	0	23
	WASHWOOD HEATH	4	3	3	12	7	0	0	0	0	0	0	0	29
Ladywood	ASTON	7	6	7	5	5	0	0	0	0	0	0	0	30
	LADYWOOD	18	28	33	21	17	0	0	0	0	0	0	0	117
	NECHELLS	7	7	16	12	15	0	0	0	0	0	0	0	57
	SOHO	7	5	4	5	6	0	0	0	0	0	0	0	27
Northfield	KINGS NORTON	2	6	7	6	2	0	0	0	0	0	0	0	23
	LONGBRIDGE	2	4	9	4	7	0	0	0	0	0	0	0	26
	NORTHFIELD	5	3	3	3	4	0	0	0	0	0	0	0	18
	WEOLEY	2	2	1	4	4	0	0	0	0	0	0	0	13
Perry Barr	HANDSWORTH WOOD	2	10	3	6	1	0	0	0	0	0	0	0	22
	LOZELLS AND EAST HANDSWORTH	4	6	6	8	6	0	0	0	0	0	0	0	30
	OSCOTT	2	2	5	3	1	0	0	0	0	0	0	0	13
	PERRY BARR	2	1	1	2	7	0	0	0	0	0	0	0	13
Selly Oak	BILLESLEY	7	2	2	1	5	0	0	0	0	0	0	0	17
	BOURNVILLE	5	8	5	6	7	0	0	0	0	0	0	0	31
	BRANDWOOD	7	8	6	2	2	0	0	0	0	0	0	0	25
	SELLY OAK	6	5	3	6	8	0	0	0	0	0	0	0	28
Sutton Coldfield	SUTTON FOUR OAKS	1	2	2	3	0	0	0	0	0	0	0	0	8
	SUTTON NEW HALL	0	3	4	1	1	0	0	0	0	0	0	0	9
	SUTTON TRINITY	1	5	4	1	5	0	0	0	0	0	0	0	16
	SUTTON VESEY	3	2	2	1	1	0	0	0	0	0	0	0	9
Yardley	ACOCKS GREEN	3	2	2	1	4	0	0	0	0	0	0	0	12
	SHELDON		3	5		4	0	0	0	0	0	0	0	12
	SOUTH YARDLEY	7	2	3	8	4	0	0	0	0	0	0	0	24
	STECHFORD AND YARDLEY NORTH	4	4	4	1	3	0	0	0	0	0	0	0	16
	Ward not recorded	0	1	1	2	0	0	0	0	0	0	0	0	4
OUTSIDE OF BIRMINGHAM	OUTSIDE BIRMINGHAM TOTAL	335	280	359	314	251	0	0	0	0	0	0	0	1,539
	Location not recorded	4	9	5	2	16	598	544	568	302	0	0	0	2,048
Grand Total		509	478	566	500	469	598	544	568	302	0	0	0	4,542

APPENDIX 3

FIXED PENALTY NOTICES ISSUED TO PERSONS RESIDING OUTSIDE THE BIRMINGHAM AREA

It is not possible to provide this information currently and will be provided in the coming weeks

RESIDENCE OF FPN RECIPIENT	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Grand Total
Aberdeen (S)			1	1	1								3
Allerdale				1									1
Amber Valley			3										3
Argyll and Bute (S)	1												1
Arun			1	2									3
Ashford	1												1
Aylesbury Vale		2	1										3
Basildon				1									1
Basingstoke and Deane			1										1
Bassetlaw				1									1
Bath and North East Somerset	2		2										4
Bedford	2	2		2									6
Blaby	1		1										2
Blackpool		1											1
Bolton				1	1								2
Boston			1										1
Bracknell Forest		1											1
Braintree			1										1
Brentwood	1												1
Bridgend (W)	2			1									3
Brighton & Hove	1	1	1	2									5
Bristol	3	2		4	3								12
Bromsgrove	6	6	9	7	3								31
Broxtowe	1												1
Burnley	1												1
Bury	1			1									2
Caerphilly (W)			2										2
Cambridge	3	2	1	2	5								13
Cannock Chase	5	3	2	4	1								15
Cardiff (W)	1	1	2		2								6
Carmarthenshire (W)				1									1
Castle Point	2												2
Central Bedfordshire	1		3		2								6
Ceredigion (W)	1			1	1								3
Charnwood			2	2	2								6
Chelmsford				1									1
Cheltenham	3	1											4
Cherwell	2		2										4
Cheshire East	2	2	2	3	3								12
Cheshire West and Chester	4												4

Chiltern				1	1									2
Chorley			1											1
City of Bradford				1										1
City of York	3	3	1	1										8
Copeland	1													1
Corby		1		1										2
Cornwall					1									1
Cotswold				2										2
County Durham			1	1										2
Coventry	14	9	10	18	15									66
Crawley				1										1
Darlington		1												1
Dartford		1		1										2
Daventry		1	2											3
Denbighshire (W)	1													1
Derby	5	2	4	4	2									17
Derbyshire Dales		1	2											3
Dover		1	1											2
Dudley	16	19	10	7	16									68
Dundee (S)	1													1
East Devon		2		1	1									4
East Dunbartonshire (S)			1											1
East Hampshire	2	1												3
East Hertfordshire	2				1									3
East Lindsey				1										1
East Northamptonshire	1													1
East Riding of Yorkshire			1											1
East Staffordshire	3	4	2	1	2									12
Eastleigh	1		1											2
Eden				1										1
Edinburgh (S)	1	1	1											3
Elmbridge	1		1											2
Epsom and Ewell				1										1
Erewash				1										1
Exeter	1													1
Fife (S)			1	1	1									3
Forest Heath			1											1
Forest of Dean	1		1											2
Fylde					1									1
Gateshead					1									1
Glasgow (S)	1			2	2									5
Gloucester	2	4	4	6	1									17
Guildford		1			1									2
Gwynedd (W)	1	1												2
Halton				1										1

Harrogate			1	1									2
Hartlepool				1									1
Herefordshire		5	3	3	4								15
Highland (S)	1												1
Hinckley and Bosworth	1		1	4	3								9
Hyndburn	1												1
Ipswich			2		1								3
Isle of Wight				1									1
Kettering	1												1
Kirklees		1	3	3	1								8
Lancaster	2	1	2	1									6
LB of Barking and Dagenham		1			1								2
LB of Barnet	3	4	2										9
LB of Brent			2	3	3								8
LB of Bromley			1	2									3
LB of Camden	2		1		1								4
LB of Croydon	4	2	1	1									8
LB of Ealing	2				2								4
LB of Enfield	1	1		1									3
LB of Greenwich	1	1	5	3	2								12
LB of Hackney	1	1	2	1									5
LB of Hammersmith and Fulham	1				3								4
LB of Haringey		1	2										3
LB of Harrow	2												2
LB of Havering	1												1
LB of Hounslow			1										1
LB of Islington		2	1	1	2								6
LB of Lambeth			1	1	5								7
LB of Lewisham	1	2											3
LB of Merton	1	1	1										3
LB of Newham	1	1	1	1									4
LB of Redbridge	1												1
LB of Richmond Upon Thames				2									2
LB of Southwark	1		1	2	1								5
LB of Sutton		1											1
LB of Tower Hamlets	1	2		1									4
LB of Waltham Forest	1		1		3								5
LB of Wandsworth	2	2	2	1									7
Leeds	4		3	1	4								12
Leicester	8	8	6	7	11								40
Lewes				1									1
Lichfield	5	4	5	7	1								22
Lincoln	1	1	2	1									5
Liverpool	4	2	7	5	2								20
Luton			1										1

Malvern Hills	4		2	1									7
Manchester	2	1	2	4	4								13
Mansfield				2									2
Medway		1											1
Mendip				1									1
Mid Devon	1												1
Mid Suffolk		1											1
Mid Sussex			1	2	1								4
Middlesbrough	1	1		1									3
Milton Keynes	2	5		1	1								9
Mole Valley			2		1								3
New Forest		1											1
Newark and Sherwood	1			1									2
Newcastle-under-Lyme			1		1								2
Newcastle-upon-Tyne	5		1	1									7
Newport (W)					1								1
North Devon			1		1								2
North Hertfordshire			1										1
North Lanarkshire (S)			2										2
North Norfolk	1		2										3
North Somerset			1										1
North Tyneside			1										1
North Warwickshire		2	2	1	2								7
North West Leicestershire					1								1
Northampton	9	5	5	3	2								24
Northumberland	1												1
Nottingham	6	7	5	4	2								24
Nuneaton and Bedworth	5	2	2	1	3								13
Oldham	1	1	1	3	1								7
Outside of UK		1	3	4	1								9
Oxford	1	7	3	1									12
Perth and Kinross (S)		1	1										2
Peterborough	2	1	2										5
Plymouth	2		1		1								4
Powys (W)			2		1								3
Preston				1									1
RB of Kensington and Chelsea					1								1
RB of Windsor and Maidenhead			1		1								2
Reading	2	1	1	1									5
Redcar and Cleveland		1											1
Redditch	2	5	5	4	5								21
Reigate and Banstead			2	1	1								4
Renfrewshire (S)			1										1
Richmondshire			1										1
Rochdale	1	1			1								3

Rugby	2	3	10	4	1									20
Rutland	1													1
Salford			1											1
Sandwell	13	17	27	19	17									93
Scarborough				2	1									3
Sefton			1	2	1									4
Sevenoaks		1												1
Sheffield	1	1	1											3
Shropshire	10	8	5	3	3									29
Slough		2												2
Solihull	16	14	19	13	11									73
South Buckinghamshire					1									1
South Derbyshire	1													1
South Gloucestershire	1			1										2
South Lanarkshire (S)			2											2
South Somerset			2											2
South Staffordshire	2	4	2	4	3									15
South Tyneside			1											1
Southampton		1	1											2
St Albans			1											1
St Helens					2									2
Stafford	6	6	6	7	1									26
Staffordshire Moorlands				1										1
Stevenage			2											2
Stirling (S)				1										1
Stockport	1		1											2
Stockton-on-Tees	1		2		1									4
Stoke-on-Trent	3		2	2	1									8
Stratford-on-Avon	5	2	3	1		0	0	0	0	0	0	0	0	11
Suffolk Coastal	1													1
Surrey Heath					2									2
Swansea (W)			1											1
Swindon				1										1
Tameside			1	1										2
Tamworth	2			2										4
Taunton Deane	1	1												2
Teignbridge				1										1
Telford and Wrekin	4	6	4	13	4									31
Tendring				1										1
Test Valley			1	1	1									3
Tewkesbury			1											1
Thanet			1											1
Tonbridge and Malling	2													2
Torbay			1	1	1									3
Torridge	1													1

Trafford			1		2								3
Tunbridge Wells		1											1
Uttlesford		1		1									2
Vale of Glamorgan (W)	1	1											2
Walsall	14	10	20	17	12								73
Warrington		1	1		1								3
Warwick	4	5	8	2	3								22
Watford	1	1											2
Wealden	1												1
West Berkshire				2									2
West Lothian (S)					1								1
West Oxfordshire					1								1
Wigan	2				1								3
Wiltshire		1		1		0	0	0	0	0	0	0	2
Winchester				1									1
Wirral	3				2								5
Woking			1										1
Wolverhampton	12	9	15	10	14								60
Worcester	11	8	6	9	8								42
Wrexham (W)		2											2
Wycombe			1	1	1								3
Wyre		1		2									3
Wyre Forest	1		2	1									4
(blank)	2	7	5		1								15
Outside Birmingham	335	280	359	314	251	0	0	0	0	0	0	0	1539

BIRMINGHAM CITY COUNCIL

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

15 FEBRUARY 2017
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN
DURING NOVEMBER AND DECEMBER 2016**

1. Summary

- 1.1 This report advises the Committee of the outcomes of appeals against the Sub Committee's decisions which are made to the Magistrates' Court, and any subsequent appeals made to the Crown Court, and finalised during November and December 2016.

2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Chris Neville, Head of Licensing
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E-mail: chris.Neville@birmingham.gov.uk

3. Summary of Appeal Hearings for November and December 2016

	Magistrates	Crown
Total	4	
Allowed		
Dismissed	3	
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court	1	

4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In November and December 2016 costs have been requested to the sum of £13,308.20 with reimbursement of £13,108.20 (98.5%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2016 to December 2016, costs associated to appeal hearings have been requested to the sum of £29,772.77 with reimbursement of £27,793.77 (93.3%) ordered by the Courts.

5. Implications for Policy Priorities

- 5.1 The contents of this report contribute to the priority action of providing an efficient and effective Licensing service to ensure the comfort and safety of those using licensed premises and vehicles.

6. Public Sector Equality Duty

- 6.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Regulation and Enforcement Division, which ensures that equality issues have been addressed.

7. Consultation

- 7.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and the business community in terms of the regulatory duties of the Council. Any enforcement action taken as a result of the contents of this report is subject to that Enforcement Policy.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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

APPENDIX

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Soundscape Bars and Club Ltd Trading As Central Hall, Corporation Street	14 November 2016	Consent Order	N/A	N/A	An expedited review was received from West Midlands Police following an incident on 2 May 2016 during which a member of the public was assaulted by a member of the door staff. Licensing Sub-Committee A, on 4 July 2016, resolved to suspend the licence and the DPS removed.
3	Biorme Trading Company Limited Trading As Boerma, 5-11 Fleet Street	12 December 2016	Appeal Dismissed	£11766.20	£11766.20	An expedited review was received from West Midlands Police following an incident at the premises at approximately 03.48hours on 13 th March 2016 during which a firearm had been discharged. Licensing Sub-Committee C, on 13 April 2016, resolved to revoke the licence.
4	Satpal Madhan Trading As Witton Lodge Supermarket, 103 Witton Lodge Road	16 December 2016	Appeal Dismissed	£1242.00	£1242.00	A review was received from Trading Standards as a result of illicit alcohol being found at the premises. Licensing Sub-Committee A, on 22 August 2016, resolved to revoke the licence.

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Adam Raza	02 December 2016	Dismissed	£300	£100	On 5 October 2016, as the result of conviction gained for an offence of dishonesty, Committee considered and resolved to refuse the renewal of the licence.

BIRMINGHAM CITY COUNCIL

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

15 FEBRUARY 2017
ALL WARDS

PROSECUTIONS AND CAUTIONS – DECEMBER 2016

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of December 2016.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Alison Harwood, Acting Director Regulation and Enforcement
Telephone: 0121 303 0201
E-Mail: Alison.harwood@birmingham.gov.uk

3. Results

3.1 During the month of December 2016 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- Two Licensing cases resulted in fines of £405. Prosecution costs of £801 were awarded with 6 penalty points. Thirty simple cautions were administered as set out in Appendix 1.
- Fifty Environmental Health cases resulted in fines of £162,237 and a suspended prison sentence as set out in Appendix 2. Prosecution costs of £11,084 were awarded. No simple cautions were administered.
- No Trading Standards cases were finalised in December 2016 and no simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in December 2016 and cases finalised by district April-December 2016.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team from April-November 2016.

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 2016 to December 2016 the following costs have been requested and awarded:

Licensing

£22,355 has been requested with £16,452 being awarded (73%).

Environmental Health

£174,385 has been requested with £146,293 being awarded (83%).

Trading Standards

£56,840 has been requested with £27,534 being awarded (48%).

- 5.3 For the month of December 2016 the following costs have been requested, awarded and received:

Licensing

£941 has been requested with £801 being awarded (85%) and £1,300 received.

Environmental Health

£15,385 has been requested with £11,084 being awarded (72%) and £3,074 received.

Trading Standards

No finalised cases in December 2016. £240 has been received

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.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Abed Rehan Hussain 123 Deykin Avenue Witton Birmingham B6 7BG	8/12/16	Equalities Act 2010	£100	£341 (£481 requested)	Pleaded guilty to one offence of refusing to carry out a booking which was requested by or on behalf of a disabled person because the disabled person was accompanied by an assistance dog.
2	Naveed Lodhi 16 St Pauls Avenue Balsall Heath Birmingham B12 8LU	22/12/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£305 x no insurance + 6 penalty points No separate penalty plying for hire	£460 (£460 requested)	Pleaded guilty to two offences: one of plying for hire in Aston Street, Birmingham and one of consequently having invalid insurance.

LICENSING SIMPLE CAUTIONS

During the period of December 2016, thirty simple cautions have been administered.

Local Government (Miscellaneous Provisions) Act 1976

Section 44(3) One caution was issued for knowingly acting as a private hire driver without having a current licence.

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

Section 50(3) One caution was issued for failing to report an accident to the City Council within 72 hours.

Section 54(2) Four cautions were issued for failing to wear a private hire driver's badge in a manner as to be plainly and distinctly visible.

Section 57 Three cautions were issued for knowingly omitting information on licence application form.

Local Government (Miscellaneous Provisions) Act 1976 Sections 48(6) and 54(2)

One caution was issued for failing to display a private hire vehicle licence plate and failing to wear a private hire driver's badge.

Licensing Act 2003 Section 57 One caution was issued for failing to produce upon request a copy of a premises licence when requested to do so by an authorised officer.

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875

Twelve cautions were issued for failing to produce upon request a copy of the Hackney Carriage Byelaws for inspection.

FOOD HYGIENE OFFENCES

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	B&M Retail Ltd Dakota Drive Estuary Commerce Park Speke Liverpool L24 8RJ	7/12/16	Food Safety and Hygiene (England) Regulations 2013	Total £150,000 (£50,000 x 3)	£2,879 (£2,879 requested)	Pleaded guilty to three offences relating to the condition of B&M Bargains, Priory Square Shopping Centre, Birmingham. Adequate procedures were not in place to control pests, mouse droppings were found on shelving on the shop floor and on the floor throughout the downstairs storeroom. Holes were present in a wall, in the ceiling and around pipework in the ground floor storeroom allowing ingress by pests.
2	Muncheeze Ltd 888 Washwood Heath Road Ward End Birmingham B8 2NB	8/12/16	Food Safety and Hygiene (England) Regulations 2013	£1,400 x 1 No separate penalty x remaining offences	£300 (£701 requested)	Pleaded guilty to four offences relating to the condition of Muncheeze, 850 Washwood Heath Road, Ward End, Birmingham. Adequate procedures were not in place, mouse droppings were found on food preparation surfaces, food storage shelves, containers, in boxes of loose, wrapped and tinned food, on a table holding the baked potato oven and inside cupboards. There were gaps, cracks and crevices within the structure of the building allowing access to mice and there were several gnawed cucumbers and iceberg lettuces found at the premises.

HEALTH & SAFETY OFFENCES

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Ajmal Malik 7 Kentish Road Handsworth Birmingham B21 0BB	8/12/16	Health & Safety at Work etc Act 1974	12 months suspended sentence + 100 hours unpaid work	£300 (£1,040 requested)	Pleaded guilty to one offence of failing to comply with the Provision and Use of Work Equipment Regulations in that the saw blade of an Omega Band Saw at Karim Supermarket Meat Section, 198-200 Heathfield Road, Handsworth, Birmingham, was not effectively guarded and was being used by an employee to cut meat

NOISE OFFENCES

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Gurdip Singh Kular 37 Medcroft Avenue Handsworth Wood Birmingham B20 1NB Gurpreet Kaur Kular 37 Medcroft Avenue Handsworth Wood Birmingham B20 1NB	22/12/16	Environmental Protection Act 1990	Total £2,250 (each defendant fined £225 x 5)	Total £1,500 (each defendant ordered to pay £750) (£2,715 requested)	Both defendants pleaded guilty to five offences of failing to comply with an Abatement Notice and allowing a dog to cause a noise nuisance by barking at 37 Medcroft Avenue, Handsworth Wood, Birmingham.

LITTERING OFFENCES

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Dosa Hussien Dosa Flat 1 Foxwood Court 16 Jervoise Drive Birmingham B31 2XU	2/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Place, Birmingham.
2	Harsh Dhaliwal 57 York Road Edgbaston Birmingham B16 8HY	2/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Street, Birmingham.
3	Anthony Briggs 1 Orchard Street Stafford ST17 4AN	2/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
4	Kristopher Bolton Flat 6 Block 20 Holly Bush Grove Birmingham B32 2AB	2/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.
5	Abdulla Ali A GHAI-Marri Apartment 105 Building RSL Priorslee Telford TF2 9NT	2/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
6	Joanne Waite 77 Pool Way Stechford Birmingham B33 8NF	2/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
7	Rory Thorne Flat 10 Brindley Point 20 Sheepcote Street Birmingham B16 8AE	2/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Place, Birmingham.
8	Luisa Siopa 193 George Lane Lewisham SE13 6RY	2/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.
9	Edwin Morris 50 Kemberton Road Weoley Castle Birmingham B29 5JJ	2/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
10	Katherine Anne Hodges-Smith 113 Wychal Road Birmingham B31 3AP	2/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
11	James Gammage Flat 361 Westpoint Wollington Street Leeds LS1 4JU	2/12/16	Environmental Protection Act 1990	£160	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.
12	Claire Vickers 59 Peckham Road Birmingham B44 0LJ	2/12/16	Environmental Protection Act 1990	£70	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
13	George Kington 24 Beechfield Crescent Banbury OX16 9AR	2/12/16	Environmental Protection Act 1990	£145	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.
14	Samuel Smith 59 Brackens Lane Aleston Derby DE24 0AQ	8/12/16	Environmental Protection Act 1990	£40	£50 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.
15	Michael Rice Kenyon House Friary Avenue Lichfield WS13 6QQ	8/12/16	Environmental Protection Act 1990	£146	£50 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
16	Amy Gough 18 Ashville Drive Halesowen B63 3SD	8/12/16	Environmental Protection Act 1990	£146	£50 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
17	Sabrina Moaen 93 Bordesley Green East Birmingham B9 5SS	8/12/16	Environmental Protection Act 1990	£40	£10 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
18	Rebecca Amatt 10 Nettle Cliff Walk Heron Bridge NG5 9BD	8/12/16	Environmental Protection Act 1990	£220	£50 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
19	Alexander Dante 169 Bellbarn Road Birmingham B15 2BD	8/12/16	Environmental Protection Act 1990	£220	£50 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
20	Chelsea Doran 2 Ainsdale Gardens Birmingham B24 0EP	8/12/16	Environmental Protection Act 1990	£220	£50 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
21	Daniel Guy 33 Harefield Road Liverpool L24 0SA	8/12/16	Environmental Protection Act 1990	£220	£50 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
22	Danielle Jeffries 68 Yockleton Road Birmingham B33 0EQ	8/12/16	Environmental Protection Act 1990	£220	£50 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Edgbaston Street, Birmingham.
23	Stephen Morgan 7 Parsons Mews Kings Norton Birmingham B30 3NA	8/12/16	Environmental Protection Act 1990	£220	£50 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.
24	Jodi Taylor 22 Loak Road Albrighton Wolverhampton WV7 3HT	8/12/16	Environmental Protection Act 1990	£220	£50 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Navigation Street, Birmingham.
25	Kelly Waters 36 Maypole Oldbury B68 0HL	8/12/16	Environmental Protection Act 1990	£220	£50 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
26	Katy Woodcock 29 Kempton Drive Warwick CV34 5FT	8/12/16	Environmental Protection Act 1990	£220	£50 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
27	Xian Yang Apartment 203 21 Edward Street Birmingham B1 2RX	16/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.
28	Katrina Taylor 4 Silverdale Bromsgrove B61 8LD	16/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
29	Cynthia Otieno Flat 93 Bishopsgate Street Birmingham B15 1EJ	16/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
30	Rita May 174 Pershore Road Coventry CV6 7LB	16/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
31	Foyzul Islam 58 Earlsbury Gardens Birmingham B20 3AG	16/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Moor Street Queensway, Birmingham.
32	Julieann Crozier 108 Linpole Walk Druids Heath Birmingham B14 5PN	16/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.
33	Stephen Willetts 26 Hadley Way Walsall WS2 7LL	16/12/16	Environmental Protection Act 1990	£35	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Navigation Street, Birmingham.
34	Sophie Holmes 6 Brockton Shifnal TF11 9LZ	16/12/16	Environmental Protection Act 1990	£105	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Navigation Street, Birmingham.
35	Annabelle Atkins 21 Herman Terrace Chatham London ME4 5NX	16/12/16	Environmental Protection Act 1990	£145	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
36	Mohammed Ali Shah 10 Cotswold Close Slough SL1 2TG	22/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.
37	Shaun Bent Flat 11 3 School Road Moseley Birmingham B13 9ET	22/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
38	Kim Chung 51 Cornwall Road Handsworth Birmingham B20 2HY	22/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
39	Andrew Harrington 251 New Birmingham Road Dudley DY2 7SA	22/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
40	John McGrath 47 Solihull Road Birmingham B11 3AD	22/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
41	Angelo Metodiev 64 Wynn Street Birmingham B15 2EQ	22/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Newl Street, Birmingham.
42	Claudia Popascu 48 Gillott Road Edgbaston Birmingham B16 0EZ	22/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
43	Hossein Rezaei 27 Lightwood Road Smethwick B67 5AY	22/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street, Birmingham.
44	Mark Cook Flat 3 85 Westley Road Birmingham B27 7UQ	22/12/16	Environmental Protection Act 1990	£40	£20 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.
45	Rajesh Kainth 67 Cofton Park Drive Birmingham B45 8GP	22/12/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
46	Fern Horne 4 The Crescent Newhall Swadlincote DE11 0SS	22/12/16	Environmental Protection Act 1990	£35	£50 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham.

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

No simple cautions were administered during December 2016.

TRADING STANDARDS CASES

There were no finalised cases during December 2016.

TRADING STANDARDS SIMPLE CAUTIONS

No simple cautions were administered during December 2016.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – DECEMBER 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	1	0	0	1	0	0	0	0	0	0	2
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	46	0	0	0	0	0	0	46
Environmental Health (non FPNs)	0	0	0	1	1	0	2	0	0	0	0	4
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – DECEMBER 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	1	0	0	0	1	0	0	0	0	2
Environmental Health (FPNs) Not paid and prosecuted	1	2	2	2	8	5	1	1	0	2	22	46
Environmental Health (non FPNs)	0	0	0	1	1	0	1	0	0	0	1	4
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-DECEMBER 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	3	3	4	0	22	0	0	1	0	0	0	33
Environmental Health (FPNs) Not paid and prosecuted	0	3	1	1	412	0	0	0	0	0	0	417
Environmental Health (non FPNs)	2	7	11	9	28	6	11	10	2	4	0	90
Trading Standards	1	2	0	0	5	0	0	0	1	2	0	11

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-DECEMBER 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	2	0	9	4	5	0	8	0	0	1	4	33
Environmental Health (FPNs) Not paid and prosecuted	24	32	23	19	47	23	16	7	3	16	207	417
Environmental Health (non FPNs)	0	4	8	9	23	5	9	9	1	6	16	90
Trading Standards	1	3	0	0	2	0	0	0	1	1	3	11

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2016 – NOVEMBER 2016

	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Total 2016/2017
Waste Investigation Outcomes									
Investigations into commercial waste disposal suspected offences and offences	22	44	69	62	66	96	38	63	460
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	14	95	64	53	25	71	24	50	396
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	7	2	15	34	26	14	4	29	131
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	4	13	10	11	8	7	10	6	69
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (400)									0
Prosecutions									
Number of prosecution files submitted to legal services (number produced quarterly)			11			17	28		

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

15 FEBRUARY 2017

SCHEDULE OF OUTSTANDING MINUTES

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
365(ii) 25/06/2014	<u>Committee Policy</u> – Service Director of Regulation and Enforcement to review the policy in respect of the engine size and age of private hire vehicles and report to Committee.	Date to be agreed
620 (iv) 17/02/2016	<u>Policy on Sexual Entertainment Venues</u> - That a Working Party be set up to look at the Council's Sexual Entertainment Venues (SEV) policy.	One further meeting to be undertaken
648 20/04/2016	<u>Conditions of Licence for Private Hire Operators, Drivers and Vehicles</u> – A comprehensive report on this to be submitted to Committee	Date to be agreed
651 (ii) 20/04/2016	<u>Proposals for Vehicle Emission Standards for Hackney Carriage and Private Hire Vehicles</u> – That officers be instructed to produce a draft policy for a future meeting based on the outcome of the Committee's deliberations.	Date to be agreed
651 (iii) 20/04/2016	<u>Proposals for Vehicle Emission Standards for Hackney Carriage and Private Hire Vehicles</u> – That officers engage with the neighbouring West Midlands Licensing Authorities to discuss proposals for a regional emissions standard for hackney carriages and private hire vehicles.	See agenda item No. 8
720 (iii) 14/09/2016	<u>Implications of the Casey Report for Licensing</u> – The Acting Service Director of Regulation and Enforcement be requested to report on the outstanding actions in respect of the Casey report.	Report for March 2017
775 14/12/2016	<u>Travellers</u> – The Acting Service Director of Regulation and Enforcement be requested to report further in February 2017 rather than in six months' time to update on the various work items contained within this report.	See agenda item No. 7

