

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 12 FEBRUARY 2020 AT 10:30 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES

To receive any apologies.

3 - 24

4 MINUTES

To confirm and sign the Minutes of the meetings held on 18 December 2019 and 18 January 2020.

25 - 56

5 FEES & CHARGES 2020 - 2021

Report of the Acting Director of Regulation & Enforcement

57 - 68

6 BUDGET MONITORING QUARTER 3 REPORT

Report of the Interim Assistant Director of Regulation & Enforcement and Interim Director Finance.

<u>69 - 72</u>	7	<u>UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS</u>
		Report of the Director of Regulation & Enforcement.
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		Report of the Assistant Director Regulation and Enforcement.
<u>85 - 90</u>	9	<u>BRIEFING - CIVIC PARTNERSHIPS MARRIAGES AND DEATHS</u>
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<u>91 - 94</u>	10	<u>OUTCOME OF APPEALS - DECEMBER 2019</u>
		Report of the Interim Assistant Director of Regulation & Enforcement
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		Report of the Interim Assistant Director of Regulation & Enforcement
<u>111 - 112</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 Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

<p>LICENSING AND PUBLIC PROTECTION COMMITTEE 18 DECEMBER 2019</p>
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 18 DECEMBER 2019 AT 1030
HOURS IN COMMITTEE ROOMS 3 AND 4,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Nicky Brennan, Neil Eustace, Adam Higgs, Nagina Kauser, Mike Leddy, Mary Locke, Majid Mahmood, Chauhdry Rashid and Mike Sharpe.

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NOTICE OF RECORDING/WEBCAST

- 1238 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.civico.net/birmingham) and that members' of the press/public may record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 1239 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

APOLOGIES

- 1240 Apologies were received from Councillors Olly Armstrong, Simon Morrall and Martin Straker-Welds for non-attendance.

MINUTES

- 1241 The Minutes of the meeting held on 23 October 2019, having been previously circulated were confirmed and signed by the Chair.
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The business of the meeting and all discussions in relation to individual reports are available for public inspection via the web-stream.

LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2019/20 - QUARTER 2

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

(See Document No. 1)

David Jones, Finance Manager – Services Finance, made introductory comments relating to the report and responded to a question from the Chair relating to fixed penalty notices income.

Officers responded to questions and comments from Councillor Majid Mahmood relating to the changes referred to in paragraph 5.2 of the report, the variation on Highway's Licensing, additional work in Pest Control, impact of the opening of the new Travellers Transit site on cleaning and remediation works at unauthorised encampments, the need to ensure that the new transit site was not taken over by one family as had happened at Tameside, details of the move of the Mortuary and Coroners to Margaret Street, use of Proceeds of Crime Act 2002 (PoCA) money, work in Trading Standards around knife crime and counterfeit goods and the need for additional funding and duty of care inspections

Officers undertook to email all Members in the new year details of the new management structure and respond to the duty of care inspections in due course.

1242

RESOLVED: -

- (i) That the latest Revenue budget position at the end of September 2019 (Quarter 2) and Forecast Outturn as detailed in Appendix 1 be noted;
- (ii) that the position for the Savings Programme for 2019/20 as detailed in Appendix 2 be noted;
- (iii) that the position on Capital projects as detailed in Appendix 3 be noted; and
- (iv) that the position on reserves and balances, as detailed in Appendix 4 be noted.

TRADING STANDARDS – ILLICIT TOBACCO UPDATE

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

(See Document No. 2)

Sajeela Naseer, Head of Trading Standards and Markets, made introductory comments relating to the report and responded to a question from Councillor Mike Leddy relating to whether, in the cases referred to on pages 5 and 6 of the report, the claims were made against the individual or the business. She responded to questions from Councillor Majid Mahmood relating to the figures relating to complaints and premises inspected, the impact of Brexit and funding for the work undertaken by officers.

The Chair congratulated officers for the work undertaken in respect of illicit tobacco.

1243

RESOLVED:-

That the report be noted.

LICENSING AUTHORITY DELEGATIONS – HACKNEY CARRIAGE AND PRIVATE HIRE AND SEX ESTABLISHMENTS

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

(See Document No. 3)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report. She explained that she wished to amend the report by inserting a new paragraph 4.4 and renumbering paragraph 4.4 to 4.5 with the word 'this' changed to 'these' and paragraph 4.5 to 4.6. The new paragraph read as follows:

"4.4 It is also requested that, in circumstances where the Licensing Authority cannot be satisfied as to the fitness of a driver as a result of having failed or not attended their medical as required, the consideration of a suspension or revocation with immediate effect (in accordance with Section 52 of the Road Safety Act 2006) be delegated to the Head of Licensing."

The Acting Head of Licensing also advised that recommendation 2.1 should now refer to the new paragraph. Paul Lankester, Interim Assistant Director of Regulation and Enforcement confirmed that in light of the forthcoming management changes the delegations would be amended to reflect any new post titles.

Councillor Majid Mahmood indicated that he could not support the recommendations and noted in particular that as there were only a few Sexual Entertainment Venues (SEVs) applications there was no reason why they could not be heard at main Committee with 15 Members having a wide knowledge of the City. Councillor Nagina Kauser asked a number of questions querying why there needed to be changes made at this time. Councillor Mike Leddy felt that the consideration SEV applications should remain delegated to main Committee.

The Chair felt the proposals represented a better way of working but noted that the decision was up to the Committee.

The Interim Assistant Director of Regulation and Enforcement indicated that the proposals had come about in order to try and reduce the workload of the Sub-Committees. He continued by highlighting that the Committee's delegations were reviewed every year and the current proposals could be a pilot as they could be reviewed next year. In response to a query from a Member concerning delegations, he explained that matters delegated to the Sub-Committee could be passed back up to the Main Committee if they so wished. The Acting Head of Licensing indicated that regarding LPG conversions she was not aware of the outcome of the Sub-Committees' deliberation of applications for conversion of their vehicle to LPG but felt that none had been refused. By allowing officers to deal with them would remove a barrier for drivers and hopefully encourage the take up of LPG. In respect of medicals she highlighted that there was a potential safety issues in having drivers not passing or attending their medical continuing to drive and the delegation to officers would prevent the driver continuing to drive sooner. In response to a further comment from a Member the Acting Head of Licensing clarified what was been delegated to Sub-Committees in respect of SEVs set out in appendix one to the report.

Councillor Majid Mahmood indicated that he would now agree the LPG proposals but queried whether if officers did not approve an application would the driver have a right to go to a Sub-Committee. The Acting Head of Licensing indicated the refused applications would not go to a Sub-Committee, but drivers would have the normal right of appeal. Councillor Mahmood continued that he was still intending to vote against the SEV changes as there were only a handful of applications and it would be a disservice to applicants, citizens and stakeholders if applications were delegated to a Sub-Committee.

The Chair put the individual parts of the recommendations to the vote and declared the results as follows:

Recommendation 2.1 as amended by the inclusion of paragraph 4.4 outlined in the forgoing preamble carried unanimously.

Recommendation 2.2 carried by 6 votes for to 2 votes against with one abstention.

Recommendation 2.3 carried unanimously.

1244

RESOLVED:-

- (i) That the proposal to delegate, with immediate effect, the matters at paragraph 4.3 of the report and new paragraph 4.4 outlined in the forgoing preamble to Senior Licensing Officers be approved;
- (ii) That the proposal to delegate, with immediate effect, the matters at 5.3 to the Licensing Sub Committees be approved; and

- (iii) That these delegations be included within the annual Policies Procedures and Delegations Report to the Licensing and Public Protection Committee.

(Councillor Nicky Brennan wished to be recorded as abstaining from voting in respect of part (ii) of the resolution.)

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
SEPTEMBER AND OCTOBER 2019**

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

(See Document No. 4)

Councillor Majid Mahmood congratulated officer on the amount of costs recovered and sought further details relating to the case of Muhammad Hussain. Paul Lankester, Interim Assistant Director of Regulation and Enforcement, undertook to provide details of the case mentioned.

1245 **RESOLVED:-**

That the report be noted.

**PROSECUTIONS AND CAUTIONS REPORT – SEPTEMBER AND
OCTOBER 2019**

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

(See Document No. 5)

Councillor Mike Leddy congratulated Environmental Health Officers in securing fines of over £170,000 in cases involving two prominent established companies due to their due diligence. Paul Lankester, Interim Assistant Director, Regulation and Enforcement made reference to the work of the Legal Services staff in the cases.

1246 **RESOLVED:-**

That the report be noted.

FIXED PENALTY NOTICES ISSUED APRIL – OCTOBER 2019

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

(See Document No. 6)

Councillor Majid Mahmood felt that not enough work was undertaken in the district shopping areas such as Erdington, Northfield and Moseley. He continued whether social media was used to promote a littering prevention message to visitors. Mark Croxford, Head of Environmental Health, commented that work was undertaken in high footfall areas and he would investigate the idea of the use of social media.

1247 **RESOLVED:-**

That the report be noted.

ACTION TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE: OCTOBER - NOVEMBER 2019

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

(See Document No. 7)

1248 **RESOLVED:-**

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 8)

Mark Croxford, Head of Environmental Health, explained that the report on unauthorised encampments would now be submitted in February 2020.

1249 **RESOLVED:-**

That, subject to the above amendment, the Outstanding Minute be continued.

OTHER URGENT BUSINESS

1250 The Chair was of the opinion that the following items could be considered as matters of other urgent business in order to expedite consideration thereof and instruct officers to act if necessary: -

A. Birmingham City Council – Food Safety Service

1251 Mark Croxford, Head of Environmental Health, read the following statement:-

“This is a short verbal briefing to advise committee that the Chief Executive of the Food Standards Agency has made representations to the Chief Executive

of Birmingham Council over the compliance with the statutory food inspection programme.

This matter was first raised in the autumn of 2018, followed by a remedial action plan being submitted to the FSA in February 2019 by ourselves. A visit has now been made to the City Council by FSA compliance officers in October 2019.

The purpose of this brief is to advise committee of the steps that have occurred since February 2019.

- April 2019 – 5 EHOs transferred from Waste Enforcement Team to Environmental Health Team to undertake inspections
- April 2019- Draft Food Safety Plan produced and submitted to Foods Standard Agency. We have also employed Agency staff to undertake inspections of new premises that are registering as food businesses, and those that are registered and have not been inspected to date. This Agency work is still occurring and equates to approximately 4 full time equivalents for 2019-20
- July 2019- New Interim Assistant Director appointed and commenced at the City Council
- July 2019- Food Law Enforcement Plan adopted with the issue of shortfall in officers being notified to Members.
- July 2019- Budget process for 2020/2021 commenced. A budget bid for additional resources to supplement the Food Safety Service was put forward. (this is coupled with a proposal to modernise the service.)
- October 2019- the bid and modernisation proposal was approved in principal by the Cabinet/Corporate Leadership Team
- October 2019- the FSA visit was escalated to Acting Chief Executive and Leader.
- November 2019- Acting Chief Executive requested the Interim Assistant Director to produce a recovery plan.
- November 2019 – The Head of Environmental Health was authorised to start the recruitment of 6 Officers. Those adverts are published as I speak, interview dates have been set for end of January 2020.
- December 2019 - Interim Assistant Director's contract has been extended with a focus on achieving the necessary improvements to the Food Safety Plan.
- December 2019 - A further draft recovery plan considered by the Leader, Deputy Leader, Acting Chief Executive and Assistant Chief Executive. This has been agreed to be placed as a draft recovery plan before Cabinet as soon as some questions have been clarified (date confirmed as 13th January 2020).

The draft recovery plan designed to address all shortfalls within a period of 2 years was sent to the FSA's compliance officers on the 13th December for comment and I am currently addressing clarifications following this. Action was taken prior to receipt of the latest letter from the FSA to appoint additional staff and a private sector provider was appointed to provide an additional resource to tackle the outstanding new registrations. It is a significant factor that businesses appear to change hands or close when they receive a poor

food hygiene rating and re-open overnight as a new business often with the same management. This means there is a consequent increase in new registrations is having a major and damaging impact on the rest of the food safety programme. We are currently expecting 1,400 of these new registrations per annum when a few years ago it was less than 300. Previously a business that was inspected and found to be non-complaint would receive a further unannounced inspection 6 months after that first inspection.

By changing the business name or putting new owners' names on the documentation these premises need to be re-inspected within 28 days and must be rescored. The overall inspection programme without new registrations used to be around 2,500 and in a very busy year, 3000. This shows that the demand of the further 1,400 inspections per annum, all to be carried out within the 28 days, not within the 6 months to a year for the As and Bs, is what is causing the pressure.

During the inspection in October, the FSA Team did acknowledge that the work quality of the work undertaken by the officers in tackling the problem premises, and the risks to health whether from food poisoning or allergen work, is very good. They do not want this qualitative work aspect to decrease but they do require that the number of inspections increase. The Chief Executive and the Leader have confirmed that the City Council is committed to meeting the statutory responsibilities and will use its best endeavours to do so. The Chief Executive is likely to accept an invite to meet the Chief Executive of the FSA."

Paul Lankester, Interim Assistant Director, Regulation and Enforcement, emphasised that the urgency was as a result of receiving the letter since the General Election and the Acting Chief Executive would be responding soon. It was the intention to circulate to all members the statement made today and have a full report submitted to the January 2020 meeting of the Committee.

The Chair confirmed that he did not wish to have a full debate on the matter at the meeting today as that could be done in January 2020. He suggested that Members contact the Interim Assistant Director, Regulation and Enforcement direct if they have any questions.

Councillor Majid Mahmood commented that when the Food Law Enforcement Plan was agreed by Committee several Members including himself had sought assurance that enough resources would be made available. He was therefore surprised that 5 months later the Authority was in the current situation. The Chair indicated he had raised the issue with the Leader.

Councillor Neil Eustace noted that previously the Chair of the Committee had presented the Food Law Enforcement Plan to City Council and as this had not been done in recent years the issue had not been brought to the attention of members.

The Chair indicated that was an interesting point and went on to note that technical changes to the Food Standards Agency fees were levied had resulted in a high turn over of business requiring inspection putting pressure

on the service. He noted that members would be able to discuss the matter fully in January.

B. Interim Assistant Director, Regulation and Enforcement

- 1252 The Chair indicated that he was pleased advise that Interim Assistant Director, Regulation and Enforcement was staying for a further 6 months and he wished to place on record that the Interim Assistant Director had brought a clear focus to the Department.
-

C. Whirlpool Products

- 1253 Councillor Mike Leddy requested that a report be submitted to Committee relating to the issue of faulty Whirlpool washing machines and tumble driers catching and the impact on residents of Birmingham.
-

D. Village Green Applications

- 1254 Councillor Majid Mahmood questioned why a Village Green application for Glenmead Detached Playing Fields had not been processed. He requested that a report be submitted to the Committee outlining the process for Village Green applications.

Paul Lankester, Interim Assistant Director, Regulation and Enforcement, there had been a reduction of resources for the processing Village Green applications, but the Assistant Director Neighbourhoods was putting in adequate staffing resources. He requested Members let him know if of any applications outstanding.

AUTHORITY TO CHAIR AND OFFICERS

- 1255 **RESOLVED:-**

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

The meeting concluded at 1150 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

<p>LICENSING AND PUBLIC PROTECTION COMMITTEE 15 JANUARY 2020</p>

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 15 JANUARY 2020 AT 1030
HOURS IN COMMITTEE ROOMS 3 AND 4,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Nicky Brennan, Neil Eustace, Nagina Kauser, Mike Leddy, Mary Locke, Majid Mahmood and Simon Morrall.

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NOTICE OF RECORDING/WEBCAST

- 1256 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.civico.net/birmingham) and that members' of the press/public may record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 1239 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

APOLOGIES

- 1257 Apologies were received from Councillors Olly Armstrong, Adam Higgs, Bruce Lines, Chauhdry Rashid, Mike Sharpe and Martin Straker Welds for non-attendance.

The Chairman advised that he was looking at the clash that exist between Sustainability and Transport Overview and Scrutiny Committee and Licensing and Public Protection, to ensure that the next cycle of meetings did not result in problems for Members who were on that committee as well.

MINUTES

- 1258 The Chairman advised that due to technical issues the Minutes of the meeting held on 18 December 2019, will be made available at the next Committee meeting in February.

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

FOOD SAFETY RECOVERY PLAN 2020

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

(See Document No. 1)

Paul Lankester, Interim Assistant Director of Regulation and Enforcement advised that Mark Croxford, Head of Environmental Health read out a statement at the last meeting indicating that there had been some issues around the food law enforcement plan where the Council had struggled to meet its requirement.

The document being circulated at the meeting was an update on the Food Safety Recovery Plan (pages 8 – 11 on the agenda).

(See Document No. 2)

There were other updates:

- a. Firstly, the targeted work being done has led to all outstanding Category A premises being completed as of Friday 10 January 2020, and they were now targeting Category B premises which was on the first page of the Recovery Plan.
- b. Secondly, the Acting Chief Executive of the City Council, Clive Heaphy along with him will be meeting with the Chief Executive of the Food Standard Agency on the 23 January 2020.
- c. The Committee considered the Food Law Enforcement Plan in July and at that time it was made clear that the resources available to the service was insufficient to undertake that plan. It was felt that this did not go down too well with the Food Standard Agency as this was shortly after the Food Standard Agency had introduced an intervention programme as part of their work.
- d. The third stage was to write to the Chief Executive of the relevant food authority and this came about in March. They had written to the Council's Chief Executive in August 2018 and February 2019, expressing concerns that Birmingham City Council was failing to meet its inspection requirement.
- e. One of the requirements was principally wholly qualitative in its approach. It did not criticise the Council for its activities on a qualitative basis in relation to the enforcement work that the Council did which they recognised was of a high standard which was a credit to the officers that were there.

- f. The plan of activities were further compromised by the work that came around on allergens which had taken longer to do. The allergen work was later described in the main agenda.

Mr Lankester then drew the attention of the Committee to the information in the document that was circulated and advised that the Food Safety Plan had been revised as a result of the interactions they had with senior management within the Council and the Leader of the City Council and the Food Standard Agency. Whilst the Food Standard Agency had not approved this plan as of yet, they had expressed that they were pleased that the Council was prioritising the work – Category A premises and Category B premises etc. The issues for the Council were:

1. Ensuring that they met the programme - an increase in resource requirements that had occurred as a result of the inspection in relation to the unrated premises had increased more than they could have anticipated.
2. This was in tandem with the Food Hygiene Rating Scheme, in that premises that were rated low in a rating that was 0 – 5, they tended to want to come back particularly if they were takeaways as part of the market that was currently available – Uber Eats, Deliveroo – require a certain level of food hygiene rating of their premises.
3. If a premises was rated low, they request a further inspection, if they did this they had to pay for some secondary inspection after they had done some work to get re-rated.
4. In some cases, the practice in the market was that the premises were opening again as another business which requires the local authority to inspect that premises within 28 days. This meant that work had been quadrupled in terms of unrated premises within the last five years and at the same time the Council has had resource issues and had to balance its books and there had been reductions which had led to them not being able to meet those inspections requirements.
5. The Food Safety Recovery Plan sets out a programme that would see everything being met or backlogs and also doing the actual plan by April 2022.
6. If they focus on food more there was an inevitable consequence that they were not able to do other work as quickly as they would like or perhaps not even do that work. In relation to the seven bullet points on pages 4 and 5 of the document, they had to do a risk assessment of what that meant and where this would leave the Council.
7. Before the plan could be properly approved and endorsed, if the Committee was minded to endorsing the Food Safety Recovery Plan subject to the risk assessment being done of the work that was likely to be prioritised, the Committee could change this as it was in their gifting.

In response to questions and comments, officers made the following statements: -

As the Committee was aware, the City Council was the subject of intervention and it was financially not able to balance the books. They had certain corporate requirements which led to them holding vacancies.

1. For the current financial year, they did that again and this led to 6 staff that they were short of in terms of resources in balancing the pressures that were in other services, not this service. The recruitment process for those 6 staff were underway and interviews were due to take place at the end of January.
2. They had requested as part of the budget making process a further level of resourcing on the budget bid which if approved on February 24, 2020, this would provide them with another 7 staff – they will either employ environmental health officers or technical officer who could do other work and free up the time of the environmental health officers who could do the higher specialised enforcement work. The plan was based on them having a full complement of staff at that level including the budget bid.
3. The request for a risk assessment came from the Acting Chief Executive and the Leader when looking at the plan to ensure that anything that they did, if there was a requirement for additional resources, that would be the subject of a further paper.
4. The risk assessment was about how this would impact on the Council, what the impact would be for the citizens of Birmingham and whether this was acceptable to the Council. The Councillors would be making that decision and not the officers. It was anticipated that this would be done in the next few weeks.
5. They were looking at reprioritising 20 full time employed officers to deal with food, they believe they needed 24 – 26 based on the demands currently. The remainder of the officers, 7, full time employed officers were going to cover all the RFAs for the city. They were looking for 13 officers from this round of recruitment as they had over 100 applications from which they were shortlisting from. The shortlisting process closes on Friday.
6. They hope to be making offers by the second week in February 2020. They had vacancies that they had to hold as they knew that people would be put at risk, this was the status quo, otherwise they would have advertised those posts. These were in the 27 officers they currently have.
7. The 6 post being recruited now were additional and the 7 were the additional money they were hoping to be approved in February's budget should take them there. In tandem with this, they were doing a programme where they were trying to improve productivity performance focus on everything they needed to do as a service, which would be delivering impetus and better result for their own inspections and other activities.
8. In terms of the informal Cabinet they had met with them this week and that was where the risk assessment was requested. The Food Safety Plan was endorsed and there was a will amongst the Leader and

Cabinet members that they should be dealing with this as a matter of urgency and getting it done within two years.

9. There was a desire to have the security that the Food Standard Agency was endorsing what they were doing and were pleased to note that they were undertaking the Category A premises.
10. In terms of ad hoc events, there maybe a number of caterers that visit a number of local authorities as they go around to these events. They were probably the most inspected vehicles one would see around as they were inspected by every local authority.
11. Experience showed that those events had caused no issues and there was good management experience for ensuring that there was good food hygiene ratings. They did not believe that this was a good use of their time, but they were there to react to anything that arise.
12. If there was a history where it was felt that there were questionable matters of management, they would be including those in their inspection. If it was not an event that goes around to the different local authorities, they would still look at that, particularly where it was not as well managed as it was ad hoc.
13. Regarding weddings and funerals, this depends on whether it was a commercial caterer or whether it was families getting together and doing all that work, they would not get involved as it was a private matter and they were not in the food business. If it was a catering company, they would be in their programme particularly if they were located in the city. The problem they faced with the re-registering of the food business was that it changes the food business.
14. Under the regulations, they are required to inspect those within 28 days and there was no fees for this as it was part of the inspection requirement. If they inspect the poorest premises to make an 'A' it was due to be inspected in another six months. If another person then register the premises in their name, they had to undertake the inspection in 28 days and this was where the problem had occurred. The rating was done on the first visit and not after their work was completed.
15. The monthly report to the Chair and Deputy Chair would not be a problem, but it should be noted that in the Recovery Plan they were talking about a quarterly report that will be submitted to the Committee

1259

RESOLVED: -

That the report be noted, and the Food Safety Recovery Plan be endorsed including the risk assessment.

THE MANAGEMENT AND ENFORCEMENT OF ALLERGEN CONTROLS DURING INSPECTIONS AND THE ACTIONS TAKEN TO DATE

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

(See Document No. 3)

Nick Lowe, Operations Manager Food, made introductory comments relating to the report and gave a PowerPoint presentation on the Allergen Project 2019/20. In response to questions and comments, the officers made the following statements:-

- I. The requirement was that all food handlers had to be supervised, instructed or trained commensurate with their work activity they interpret that as being there needed to be at least someone there with a level of formal training.
- II. In terms of allergy, this was included in that someone who was adequately trained. What they were recommending to businesses was where someone presents with an allergy that there was a nominated trained member of staff who handles that person throughout their time in that food business.
- III. Rather than expect everybody to know everything about allergens if someone presents who has a food allergy, they are then passed to the person who has that training. However, some business may need two persons that were trained in food allergens.
- IV. When they were discussing with businesses how they identify people with food allergy, this was something they would discuss with them and how they take this forward. Some businesses will put information on menus and will have signs. There was a movement that states that people with an allergy had to take responsibility themselves and there was a greater awareness.
- V. At any one time there should be someone who was trained so that if someone was off duty, then it could not be argued that that person was supervising, there had to be someone working who was trained so that they were able to supervise and instruct those other people.
- VI. In terms of delivery drivers, they would be expected to be appropriately trained depending on what their work activity was. If they were merely picking something up in a container and delivering it, it would be best that if there were any questions this was delivered back to the takeaway itself.
- VII. When they visit events, they were using the 'Immediate Stop' requirements at the events and they were also taking a supply of the posters/signs for people to use at the events. The purpose of this was two-fold – to empower people to say no I cannot provide you with that meal. They were trying to encourage restaurants if they were not sure to be empowered to say no.
- VIII. They were working with people who represented people with allergies and were talking to them about this project. They were also going to put this out to other local authorities and the wider Food Standard Agency.
- IX. There were other authorities that were using the 'Immediate Stop' requirements and this was all that they did, but in Birmingham they were not just limited to the 'Immediate Stop' requirement. If the risk was because there were unaware of the ingredients or incorrect ingredients had been used, serving a notice under the food information regulations, if it was a cross contamination issue, or training or their procedures were incorrect and that was the reason they were serving a hygiene improvement notice to get them to correct that.

- X. The 'Immediate Stop' requirement was in conjunction with enforcement action to get them to improve. What they did not want was for this to be a *carte blanche* to serve people with allergies, but the reason they were doing it this way was to stop business from doing it until they had put in place the measures that were required.

1260

RESOLVED:-

That the Committee endorsed and support the allergen control approach used during inspections, in order to ensure that Birmingham is a safe place for allergen consumers to visit.

DRAFT STREET TRADING POLICY CONSULTATION REPORT

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

(See Document No. 4)

Sajeela Naseer, Head of Licensing, Markets and Registration, made introductory comments relating to the report and drew the attention of the Committee to the information contained in the report.

Councillor Mike Leddy commented that the report was welcomed and that previous to this report it was only done in piecemeal and they would adopt this policy. There were a number of roads throughout the city that was named and designated, but the question was whether officers from Transportation agreed and were they supportive, and whether they would police the red routes across the city.

Councillor Majid Mahmood stated that it was time that the City Council had a street trading policy in place, but they needed to be mindful that they ensured that every person that had a consent was reached in a way that they fully understand so that they could not come back to say they were not aware of the policy. He stated that there were no trading associations on the list in the document, but that he was aware of Saltley Traders Association which should be included as well as other trading associations across the city as they should be included.

Councillor Majid Mahmood enquired where this stood in relation to charities and whether this would have an impact on people still being able to collect money and donations for charities, particularly on the routes they were designating as no one would be allowed to trade there. He referred to the proposed Metro extension which was discussed in the Transport Plan this week and around the Bordesley Action Area Plan. He further questioned whether the proposed Metro extension from the City Centre through Birmingham East straight to the Airport was included in the consultation as they would not be able to carryout any trading. There was also Warwickshire County Cricket Club, Birmingham City Football Club and Aston Villa Football Club where there were lots of street trading. With the mobile consent, he was pleased that ice cream vans were included as there were issues with ice

cream vans that were parked outside of schools which was an accident waiting to happen. They needed to look at the timeline – there was a report to Full City Council on the 7 April 2020, there was the Metro Mayor and Police and Crime Commissioner Election.

In response to the questions and comments from Members, the officers stated that:

- a) They had been in extensive consultation with Transportation through the process of designating the red routes and Transport for West Midlands in terms of the Metro routes and they were working in partnership with them.
- b) In terms of street trading on any of the prohibited streets, this would fall to their street trading and enforcement officers to deal with. Ms Naseer highlighted that they have had other conversations with Transportation regarding things that did not fall within illegal street trading that were happening on the streets concerning what the response would be in those situations.
- c) They will continue with these conversations with Transportation as a two-prong approach both with Transportation and themselves would be more effective in getting the results they desired.
- d) In terms of charities street collections were not affected as this was a separate piece of licensing legislation and they were all looked on in their own merit.
- e) In relation to purdah, the consultation was delayed by the General Election, but Purdah was not designed to stop what was effectively routine business. If they were doing a consultation, it would affect the Metro Mayor in terms of the transportation link, however the decision-making process and anything else would not be impacted by that.
- f) In terms of the current consent holders they had gone through significant length to ensure they were aware of the policy and the consultation process.
- g) In relation to the trading associations they would get some information out as soon as possible as the consultation ends on the 23 February 2020.
- h) Regarding the Metro extension some element of the proposed East Route were included, but they were only including it at the moment what had gone through the approval process. The proposals that were yet to be approved will not be included.
- i) Regarding the football clubs they tried to pick up some of the concerns the Committee had. For matchdays they did not need to be 30 metres apart that would apply elsewhere in the city, but there was also the issue that they had some traders who were either trading on the red routes or the metro routes and there would be some impact.

1261

RESOLVED:-

- (i) That officers record any comments/responses made by members of the Licensing and Public Protection Committee as responses to the formal consultation; and

- (ii) That these comments/responses are considered along with all other responses as part of the formal consultation process.
-

CONSULTATION ON STRENGTHENING POLICE POWERS TO TACKLE UNAUTHORISED ENCAMPMENTS

- 1262 The Chairman advised that this item had been withdrawn, but that the Committee had until the 4 March 2020 to submit views on the consultation. He added that there were some parliamentary developments, but it was still active in terms of the consultation and that if members had any views, they could submit them to the officers concerned. These responses would be collated in time for the next Committee meeting in February.
-

EMERGENCY RESPONSE TO SODIUM – OXHILL ROAD

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

(See Document No. 5)

Mark Wolstencroft, Operational, Operational Manager, gave a PowerPoint presentation on the item.

Mark Croxford, Head of environmental Health responded to a question from Councillor Majid Mahmood in relation to the cleaning company and the clean-up cost and advised that the cleaning company was a national company based in Droitwich. There were four companies that potentially could have carried the sodium from site. On the night the only company that was prepared to take the sodium from the site was based in east London. If that company had refused, they would be talking of Northumberland or Kent.

In terms of due diligence, there was no due diligence, but he was asked to do a business case. It was about safety and the gas cloud was bleach which was breathe in by anyone who was outside. It was hoped that the final bill will be made available in February 2020 and then they will then make an application to the contingency fund. If there was capacity within the property price, they will put a charge on the property. The service of notice then gives the Council powers to make it safe as it was a private property.

The Chair expressed thanks on behalf of the Committee to all the officers and the public services for the work that they did in preventing this becoming a major incident. Mr Lankester commented that Mark Croxford did a marvellous job that night.

The Chair stated that the Committee would record this as a vote of thanks to Mark Croxford

1263

RESOLVED:-

That the actions taken in respect of this matter and charges on the premises be endorsed.

SENTENCING GUIDELINES FOR FOOD SAFETY, FOOD, HYGIENE AND HEALTH AND SAFETY OFFENCES

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

(See Document No. 6)

Nick Lowe, Operations Manager Food, made introductory comments relating to the report and drew the Committee's attention to the information in the report. Mr Lowe advised that the report was for information.

1264

RESOLVED:-

That the report be noted.

PROSECUTIONS AND CAUTIONS - NOVEMBER 2019

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

(See Document No. 7)

Paul Lankester, Interim Assistant Director of Regulation and Enforcement made introductory comments relating to the report and advised that the report was for information.

Councillor Majid Mahmood commented that it was mentioned at City Council that the City Council was not doing enough around enforcement. He added that they were doing a substantial amount of work, but he did not think that they were promoting the work they were doing. He suggested that individuals should be named and shamed and that the public needed to know that these premises had been fined for these offences. He further suggested that an email could be sent to the Elected Members to inform them that these were the offences that were committee, something similar to the Birmingham Mail Criminal Gallery.

Mr Lankester noted Councillor Majid Mahmood's point and undertook to take this away and consider how they could include the information into the report and how they publicised these offences. They would speak with their public relations lead Jonathan Horsefall and the team to ascertain the best way to do this in a way that satisfies the City Council.

1265 **RESOLVED:-**

That the report be noted.

**OUTCOME OF APPEALS AGAINST SUB-COMMITTEE DECISIONS -
NOVEMBER 2019**

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

(See Document No. 8)

Paul Lankester, Interim Assistant Director of Regulation and Enforcement advised that the report detailed the outcome of four appeals, three of which were dismissed by the Magistrate's Court and one of which was allowed. He stated that in relation to the last one there was a bit of learning for them to do as it indicated that the Sub-Committee did not make the right decision given the degree of time since the previous conviction. This was something that would be picked up in licensing training for the future.

In response to a comment by Councillor Majid Mahmood concerning the Magistrate's decision and the current policy, Mr Lankester advised that the desire across the West Midlands was to get common standards and that common standards were being dealt with nationally, but that there had been a delay in those standards. The issue will always become when they go towards those national standards if they consider them to be too low or another authority considers them to be too low, you could get different standards and to some degree the Wolverhampton situation they were working with them and would be taking that back.

1266 **RESOLVED:-**

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 9)

Officers indicated that Outstanding Minute No. 1231 concerning unauthorised encampments was due to be reported on in February 2020.

1267 **RESOLVED:-**

That, subject to the above, the Outstanding Minute be continued.

OTHER URGENT BUSINESS

1268 No other urgent business was submitted.

AUTHORITY TO CHAIR AND OFFICERS

1269 **RESOLVED:-**

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

The meeting concluded at 1215 hours.

.....
CHAIRMAN

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

12 FEBRUARY 2020
ALL WARDS

**REVIEW OF LICENSING AND PUBLIC PROTECTION
FEES AND CHARGES 2020/2021**

1. **Summary**

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

2. **Recommendations**

- 2.1 That the changes to the fees and charges for Trading Standards Services, as detailed in Appendix 1, are approved to take effect from 1 April 2020.
- 2.2 That the changes to the fees and charges for Environmental Health Services, as detailed in Appendix 2(a), are approved to take effect from 1 April 2020.
- 2.3 That the changes to the fees and charges for Animal Welfare Services, as detailed in Appendix 2(b), are approved to take effect from 1 April 2020.
- 2.4 That the changes to the fees and charges for Environmental Health Fixed Penalty Notices, as detailed in Appendix 2(c), are approved to take effect from 1 April 2020.

- 2.5 That the changes to the fees and charges for Pest Control Services, as detailed in Appendix 2(d), are approved to take effect from 1 April 2020.
- 2.6 That the changes to the fees and charges for Register Office Services, as detailed in Appendix 3, are approved to take effect from 1 April 2020.
- 2.7 That the statutorily set charges for the Register Office, as detailed in Appendix 3(a) be noted.
- 2.8 That the changes to the fees and charges for Coroner's Services as detailed in Appendix 4, are approved to take effect from 1 April 2020.
- 2.9 That the changes to the fees and charges for Birmingham Account Team (Acivico-Building Consultancy) as detailed in Appendix 5, are approved to take effect from 1 April 2020.
- 2.10 That the changes to the fees and charges for Highways Services as detailed in Appendix 6 are approved to take effect from 1st April 2020.
- 2.11 That authority be delegated to the Interim Assistant Director of Regulation and Enforcement and Heads of Service to authorise the negotiation of variations to the fees and charges identified in this report, in the interests of commercial flexibility.

Contact officer: Mark Croxford, Head of Environmental Health
Telephone: 0121 303 6350
Email: mark.croxford@birmingham.gov.uk

3. Background

- 3.1 The City Council's Corporate Charging Policy and Financial Regulations require that Chief Officers, at least annually, report to and seek approval from Committee on a review of all fees and charges levied for services provided.
- 3.2 Tables with greyed out boxes indicates the fee is set in statute and is for noting only.

4. Proposals

- 4.1 The fees proposed in this report are calculated to maximise income and recover the full cost of carrying out the various services in line with City Council policy. This includes all overheads, administrative costs, expenses and any appropriate recharge of officers' time.
- 4.2 The areas covered are as follows:
- Appendix 1 – Review of Charges for Trading Standards.
 - Appendix 2(a) – Review of Charges for Environmental Health
 - Appendix 2(b) – Review of Animal Welfare charges
 - Appendix 2(c) – Review of Charges for FPNs issued by Environmental Health
 - Appendix 2(c) – Review of Charges for Pest Control
 - Appendix 3 – Review of Charges for Register Office.
 - Appendix 3(a) – Register Office statutorily set fees.
 - Appendix 4 – Review of Charges for the Coroner's Service
 - Appendix 5 – Review of charges for Birmingham Account Team (Acivico-Building Consultancy) (formerly Surveying Services)
 - Appendix 6 – Review of Highway Services Charges
- 4.3 Where fees in any service area are not covered by the appendices or a recovery of monies is to be levied then the full recharge will be based on the following table. The hourly rate by grade (includes full overhead recovery and central support costs) is broken down by the seven salary grading bands the Local Authority appoints its officers under.

OFFICER SALARY GRADE	CHARGEABLE HOURLY RATE 2019/20	CHARGEABLE HOURLY RATE 2020/21
Grade 2	£35	£38
Grade 3	£48	£51
Grade 4	£63	£65
Grade 5	£79	£83
Grade 6	£102	£107
Grade 7	£136	£143

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

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

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

5. Consultation

5.1 This report will be appended to a wider reaching City-wide Fees and Charges report to full Cabinet at the end of February 2020.

6. Implications for Resources

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

7. Implications for Policy Priorities

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

8. Public Sector Equality Duty

8.1 There are no specific implications identified.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Birmingham City Council – Corporate Charging Policy

APPENDIX 1

REVIEW OF TRADING STANDARDS CHARGES 2019/20

1.1 It is proposed that the revised fees are based on the 2019/2020 fees with a 5% increase; this takes account of the 2020/21 pay award, increased superannuation costs and inflationary changes to operational and running overheads.

1.2 Fees have been rounded up or down as appropriate.

Measuring Instruments for Measuring Liquid Fuel or Lubricants or Mixtures Thereof

Weights and Measures	2019/20	2020/21
Un-subdivided container types	£97.00	£102.00
1 meter tested	£121.00	£127.00
2 meters tested	£197.00	£207.00
3 meters tested	£276.00	£290.00
4 meters tested	£348.00	£365.00
5 meters tested	£416.00	£437.00
6 meters tested	£508.00	£533.00
7 meters tested	£579.00	£608.00
8 meters tested	£639.00	£671.00
All other Weights and Measures on site - charge per hour	£79.00	£83.00
Measuring Instruments off-site within BCC boundary hourly rate + mileage	£79.00	£83.00
Measuring Instruments on-site outside BCC boundary hourly rate + mileage + 10 % for other overheads	£79.00	£83.00
Duplicate certificates or duplicate statements of accuracy (each)	£23.00	£24.00
Work outside of normal Office Hours, hourly rate will be subject to a 50% increase		
Metrology minimum charge for cancelled appointment	£79.00	£83.00

1.3 Bespoke seminars/training

A charge for businesses or trade sectors expressing an interest in a bespoke seminar or training on Trading Standards legislation relevant to that business or trade sector; this would include certification of Weighbridge Operators. It is

proposed that the charge is £92 + VAT per attendee for a day course and £58 +VAT for half day course (minimum of 10 attendees) remains unchanged.

1.4 Primary Authority Partnership

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

The current charging arrangements which have already been agreed with our current partners are based on an officer's hourly rate. The proposed charge, therefore, reflects the 2020/2021 Grade 5 Officer hourly rate of £83 plus expenses.

1.5 Business Support

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

Head Office	2019/20	2020/21
Primary Authority Partnerships (cost recovery only)	£79.00	£83.00
Bespoke Seminars and Training on Trading Standards Legislation full day course- charge per attendee (+ VAT)	£88.00	£92.00
Bespoke Seminars and Training on Trading Standards Legislation, half day course - charge per attendee (+ VAT)	£55.00	£58.00
Primary Authority Partnership (PAP) - hourly rate	£79.00	£83.00
Business Advice outside/without PAP Agreement	£79.00	£83.00
Surveillance Assistance - Hourly Rate GR4	£63.00	£66.00
Surveillance Assistance - Hourly Rate GR5	£79.00	£83.00

1.6 Private Hire Access to Knowledge Course

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

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

1.7 Financial Investigations

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

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

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

Confiscation order receipts

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

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

Cash Forfeitures

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

Providing Service to other Local Authorities

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

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

Regional Investigations Team

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

payment is made to the NTS. This amounts to 9.375% of the total amount of a confiscation order and 12.5% of total cash forfeiture.

Negotiation

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

1.7 Trading Standards Fixed Penalty Notice and Penalty Charge Tariffs

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

Fixed Penalty Notices	2018/19	2019/20
Nuisance Parking (s6(1) Clean Neighbourhoods and Environment Act)	£100	£100
Energy Performance Certificates - Duty to Provide to Prospective Buyers (Energy Performance of Buildings (England & Wales) Regulations 2012)	£200	£200
Energy Performance Certificates - Duty to Display (Energy Performance of Buildings (England & Wales) Regulations 2012) - 14(3)(a)	£1,000	£1,000
Energy Performance Certificates - Duty to Display (Energy Performance of Buildings (England & Wales) Regulations 2012) - 14(3)(b)	£500	£500
Energy Performance Certificates - Duty of Controllers of Air conditioning Systems (Energy Performance of Buildings (England & Wales) Regulations 2012) - 18(1), 20, 21	£300	£300
Redress Schemes (requirement of Estate Agents to belong to scheme)	£1,000	£1,000
Minimum Efficiency Standards for buildings (from April 2018) - £5,000 to £10,000 or 10%-to-20% of rateable value		

**REVIEW OF CHARGES – ENVIRONMENTAL HEALTH
AND PEST CONTROL 2020/2021**

- 2.0 In reviewing these fees and charges, officers from the Directorate have considered:
- the budget strategy for 2020/21.
 - the need to ensure that relevant expenditure and income targets are met and full cost recovery achieved.
 - fees and charges levied by neighbouring districts and similar providers.
 - consultation responses.

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

2.0.2 For 2020/2021 Environmental Health have again used the rationale of maximising income, based on market forces, to assist in meeting the corporately set income targets and fees inflation for the sections.

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

It is proposed that the fee for issuing condemnation/surrender notes for freezer breakdowns and for similar insurance purposes be increased to £115 per hour (from £112). This is based on the hourly rate for a GR5 officer plus administration support cost. (Non-Business activity VAT exempt (Tax Code A8 applies))

2.2 Provision of Food Export Certificates

It is proposed that where an inspection of the premises is required, this will be subject to a minimum of £160 (current charge £150) plus an administrative charge of 10%. Inspections that are longer than one hour will be charged at an hourly rate for a GR5 Officer per hour or part of an hour thereafter. (Non-Business activity VAT exempt (Tax Code A8 applies)).

Where no visit is required it is proposed that the fee increase will be £105 (current charge £102) for the certificate. (Non-Business activity VAT exempt (Tax Code A8 applies)).

Where Export Certificates have been produced and are no longer required, there will be a charge of £30 (current charge £27) cancellation fee for each certificate produced.

2.3 Food Hygiene Rating Scheme revisits

It is proposed to increase the charge for all FHRS revisits that are requested by businesses to obtain a new food hygiene score to £195. These requests are received following a programmed inspection that gave a lower score than a business would like to trade under and is additional work over and above our statutory duty for food interventions.

Summary

Food Condemnation / Export / Hygiene matters	2019/20	2020/21
Food Condemnation / Surrender Notes	£112	£115
Provision of Food Export Certificates	£150	£160
Provision of Food Export Certificates where no visit required	£102	£105
Food Export Certificates where produced but no longer required	£27	£30
FHRS Revisit to obtain new Food Hygiene Score	£187	£195

2.4 Health and Safety

On occasions solicitors request copies of health and safety accident reports. The Health and Safety at Work etc. Act 1974, Section 28, sub-section 9, allows a disclosure by an authorised officer of a “written statement of relevant facts observed by him” (Employment Protection Act 1975). It is proposed to make a minimum charge of £166 (two hours at GR5) plus the hourly rate of £83 per hour or part hour thereafter. (Current charge is £158 and £79 per hour). VAT will be applied at its appropriate rate, in addition to this cost.

- 2.5 Your officers can deliver a range of bespoke training courses specifically for other local authority officers for example on practical incident investigation. This service assists other local authorities who have less experience and smaller health and safety teams. It is proposed that the charge is increased to £90 per delegate for one day's training [including any refreshments] with a minimum number of ten delegates per course (currently £86). (VAT exempt if only L/A officers attend. VAT would be payable for external delegates and must be added to their charge).

Summary

Health and Safety	2019/20	2020/21
Section28 HSWA for legal Accident Reports	£158.00	£166.00
Section28 HSWA additional hourly rate for accident reports	£79.00	£83.00
Health and Safety Training - per delegate, per day	£86.00	£90.00

2.6 Food and Health and Safety Primary Authority Partnerships.

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

The current charging arrangements which have already been agreed with our current partners are based on an officer's hourly rate. The proposed charge, therefore, reflects the 2020/2021 Grade 5 Officer hourly rate of £83 plus expenses. (Current charge £79). (VAT applies but is currently zero rated for this work).

2.7 Environmental Conveyancing Searches

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

2.8 Statutory Default Work

Where work is carried out in default, reasonable costs of the work are recovered i.e. the officers' time (at their respective hourly rates) plus the costs associated with the work necessarily required from third party agents such as locksmiths or vehicle recovery contractors. It would also include any statutory fees and daily charges that are applicable. It is proposed to charge £100 (previously £96) for administration costs for invoices. This work is undertaken by a GR4 officer and the costs reflect both the raising of the invoice and chasing up and close down of invoices that are paid. The total time of this is estimated to be 1½ hours on average per invoice. Officer time relating to seizure of sound equipment is charged at a fixed rate of £115 (currently £110). 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 £321 to £340 (plus VAT) to be received in advance of an exhumation. This is inclusive of early starts and completion of documentation before and after such work. If human remains are to be added to an existing grave requiring an exhumation approval then the charges for this work will be based on an hourly rate of a GR5 officer.

2.10 Licences for the Distribution of Free Literature

The three areas of the city which are designated as consent areas for the distribution of free literature are: the City Centre, Digbeth and Hurst Street. The current charge for consents is £278 and it is proposed to increase this to £290. The income supports the implementation and enforcement of this consent regime and this avoids putting any further burdens on businesses advertising in the City by way of free literature. Under the legislation local authorities may only make reasonable charges for setting up and enforcement activities within the consent zones and the consent zones are designed to prevent the defacement that can be caused by discarded material. All of the receipts from the scheme are reinvested in its implementation, operation and enforcement and no charge can be levied for clear-up costs.

Summary

Conveyancing and Default work / Free Literature Consents	2019/20	2020/21
Primary Authority Partnership's (Statutorily set at cost recovery)	Cost recovery	Cost recovery
Processing Environmental Information for conveyancing – Basic	£73.00	£80.00
Processing Environmental Information for conveyancing – Advanced	£107.00	£115.00
Statutory Default Work - Admin costs for Invoices / Processing	£96.00	£100.00
Statutory Default Work - Seizure of Sound Equipment	£110.00	£115.00
Attendance at Exhumations (inc. completion of documentation)	£321.00	£340.00
Distribution of free literature consents	£278.00	£290.00

2.11 Animal Welfare – Stray Dog Charges

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

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

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

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

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

2.12 Animal Welfare Licensing

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, came into effect on 1 October 2018. The new Regulations allow licences to run for 1, 2 or 3 years and licence fees must reflect this; they must also reflect the need for a separate application and annual fee. The

length of a licence is determined by a star rating of premises, which must be applied by the inspecting officers following inspection and in consideration of previous compliance history. There are also provisions to allow licenced premises to apply for a variation to their licence and to request additional inspections.

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

2.13 Animal Welfare licence fees - 2020/2021.

New Licences

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

Renewal Licences

Licensable Activity	Application Fee	Licence Fee (1 year)	Licence Fee (2 year)	Licence Fee (3 year)	Vets Fees	LA Inspection on request	Application to Vary Licence
Selling animals as pets	£170.25	£83	£166	£249	At Cost	£74	£117

Commercial Animal Boarding	£183.75	£83	£166	£249	At Cost	£74	£117
Dog Breeding	£183.75	£83	£166	£249	At Cost	£74	£117
Dangerous Wild Animals	£183.75	£83	£166	£249	At Cost	£74	£117
Home Dog Boarding	£84.50	£83	£166	£249	At Cost	£74	£47.50
Arranging Animal Boarding (as stand-alone licence)	£126 (plus £83 per inspection as required)	£83	£166	£249	At Cost	£74	£47.50 (plus £83 per inspection as required)
Hiring out Horses	£225.25	£83	£166	£249	At Cost	£74	£117
Keeping or Training Animals for Exhibition	£225.25	N/A	N/A	£249	At Cost	£74	£117

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

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

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

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

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

2.14 Fixed Penalty Notice Tariffs

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

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

- Unauthorised Distribution of Free Literature
- Graffiti and Flyposting
- Litter

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

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

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

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

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

FIXED PENALTY NOTICE TARIFFS

OFFENCE	LEGISLATION	EXISTING TARIFF 2019/2020 Existing FPN & Early Discount	PENALTY CAN BE SET	FPN TARIFF FOR 2020/2021
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	£100 No discount for early payment	Between £65 - £150 Minimum discount for early payment £50	£100 No Discount for early payment
Graffiti and Flyposting	s.43 Anti-social Behaviour Act 2003	£100 No discount for early payment	Between £65 - £150 Minimum discount for early payment £65	£100 No Discount for early payment
Litter	s.88(1) Environmental Protection Act 1990	£100 No discount for early payment	Between £65 - £150 Minimum discount for early payment £65	£100 No Discount for early payment
Domestic Duty of Care Fixed Penalty Notice	Section 34(2)(A) Environmental Protection Act 1990	£200 No Discount for early payment	Between £150 to £400 Discount can be set between £120 & £150	£200 No Discount for early payment
Failure to produce written particulars of waste [waste transfer notes]	s.34A (2) Environmental Protection Act 1990	£300 set by statute No discount for early payment	Set by statute Minimum discount for early payment £180	£300 No Discount for early payment
Failure to furnish documentation of waste carriers registration	s.5B(2) Control of Pollution (Amendment) Act 1989	£300 set by statute No discount for early payment	Set by statute Minimum discount for early payment £180	£300 No Discount for early payment

OFFENCE	LEGISLATION	EXISTING TARIFF 2019/2020 Existing FPN & Early Discount	PENALTY CAN BE SET	FPN TARIFF FOR 2020/2021
Failure to comply with notice for commercial or industrial waste receptacles and presentation	s.47ZA, 47ZB of the Environmental Protection Act 1990	£110 No discount for early payment	Between £75 - £110 Minimum discount for early payment £60	£110 No Discount for early payment
Failure to comply with notice for household waste receptacles and presentation	s.46, Environmental Protection Act 1990	£60	Set by statute No discount allowed	£60
Noise from domestic dwellings exceeding a permitted level	s.8 Noise Act 1996	£110 No discount for early payment	Between £75 - £110 Minimum discount for early payment £60	£110 No Discount for early payment
Noise from licensed premises	s.8 Noise Act 1996	£500	Set by statute No discount allowed	£500
Unauthorised deposit of waste (fly-tipping)	33A Environmental Protection Act 1990	£400 No discount for early payment	Between £150 and £400 Minimum discount for early payment £120	£400 No Discount for early payment
Abandoning a vehicle	s.2A (1) Refuse Disposal (Amenity) Act 1978	£200 set by statute No discount for early payment	Set by statute Minimum discount for early payment £120	£200 No Discount for early payment
Smoking in a smoke free place or vehicle	S.7 Health Act 2006	£50 £30 If paid in 15 days	Set by statute Discount set by statute £30 if paid within 15 days	£50 £30 If paid in 15 days
Failure to display no smoking signs	s.6 Health Act 2006	£200 £150 if paid in 15 days	Set by statute Discount set by statute £150 if paid within 15 days	£200 £150 if paid in 15 days

2.19 Pest Control

For 2020/21 Pest Control have used the rationale of maximising their income, having regard to market forces, to assist in meeting the income targets for the section.

DOMESTIC Pest Control

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

Domestic	2019/20 (inc VAT element)	2020/21	VAT @20%	Total
Rats - All domestic treatments	Free of charge	Free of charge	N/A	Free of charge
Cockroaches - all treatments - first visit	£60	£65.00	£13.00	£78.00
Bedbugs - all treatments - first visit	£110	£65.00	£13.00	£78.00
Mice - mouse poison offered at Neighbourhood Office	Free of charge	Free of charge	N/A	Free of charge
Mice - All domestic treatments	£110	£65.00	£13.00	£78.00
Wasps - Minimum call out charge for a treatment	£60.00	£50.00	£10.00	£60.00
Wasps - 2 or more nests, multiple treatments + revisits	£75.00	£62.50	£12.50	£75.00
Fleas - Treatment per property (per visit)	£60	£65.00	£13.00	£78.00
Other insect treatments - first hour	£110	£65.00	£13.00	£78.00

COMMERCIAL

Commercial	2019/20	2020/21	VAT @20%	Total
All treatments for commercial / non-domestic and landlords that are responsible for property wide infestations - first visit	£110	£95.83	£19.17	£115.00
Bedbugs / Pharaoh Ants - first visit	£110	£95.83	£19.17	£115.00
Clearance work (rodent/insect/bird/premises) - first hour	£110	£95.83	£19.17	£115.00
Clearance work (rodent/insect/bird/premises) - subsequent hours plus materials plus VAT	£110	£95.83	£19.17	£115.00
Additional Charges for jobs involving hazardous waste (clinical/needle/etc.)	£160	£141.67	£28.33	£170.00
Land clearance and associated weed control when treating for rodents (Land clearance materials charged plus 10% administration)	£110	£95.83	£19.17	£115.00

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

REVIEW OF CHARGES - REGISTER OFFICE 2020/2021

Relevant Background

- 1.1 In reviewing these fees and charges, officers from the Directorate have considered:
 - The budget strategy for 2019/20 and 2020/21.
 - The need to ensure that relevant expenditure and income targets are met and full cost recovery achieved.
 - Fees and charges levied by neighbouring local authorities.
- 1.2 The non-statutory fees and charges have been set in accordance with the above considerations.
- 1.3 Where applicable, prices for 2021/22 have also been included. This is principally to allow for advanced booking and payment for weddings. In most cases these have assumed an inflation of 2% from the 2020/21 prices.
- 1.4 The Registration Service provides a number of non-statutory services; however these are in competition with neighbouring Local Authorities and so are priced with regard to benchmarking and market sensitivities.
- 1.5 The provision of Registration Services is currently under review nationally by the General Register Office (GRO). The current focus is on charges for marriages including licensing of approved premises. It is highly likely that there will be statutory fees for licensing of approved premises and also for attendance at approved premises which will be considerably lower than fees currently charged by Birmingham City Council. Any changes or recommendations to discretionary prices made could cause financial pressure in the near future for this budget.

Approved Buildings

- 1.6 Birmingham City Council has responsibility for approving non-religious venues for Civil Marriage and Partnerships. Some fees relate to services that are traditionally booked well in advance. For these services the fees are set out for more than one financial year.
- 1.7 Fees for non-religious venues have been kept at the same level as 2019/20 as shown in the table below. This will mitigate potential loss of income and damage to the reputation of the city from non-renewal of licences by venues and cancelled ceremonies.

1. Register Office - Approved Buildings	2019/20	2020/21
New Application for approval of premises to include ONE room 3 years	£3,402.00	£3,402.00
Renewal of existing approved premises to include ONE room 3 years	£2,376.00	£2,376.00
Additional rooms included in the application (per room) 3 years	£756.00	£756.00
Additional rooms added after the application approved 3 years	£864.00	£864.00
Application for approval of religious building for Civil Partnerships 3 years	£668.00	£668.00
Renewal of existing approved premises to include ONE room 6 years	£4,212.00	£4,212.00
Additional rooms included in the application (per room) 6 years	£1,080.00	£1,080.00
Additional rooms added after the application approved 6 years	£864.00	£864.00
Application for approval of religious building for Civil Partnerships 6 years	£668.00	£668.00

Register Office Ceremony Suites

- 1.8 Holding the ceremony in Birmingham is not statutory and the Registration Service faces tough competition from neighbouring Local Authorities and other business premises.
- 1.9 A simpler and streamlined fee structure was brought in for 2019/20 and is proposed to be continued.
- 1.10 The fees for a ceremony within the Superintendent Registrar's office are statutory by nature.
- 1.11 Statutory fees are set nationally by General Register Office and not by Licensing and Public Protection Committee. They are however provided for information.
- 1.12 Enriched marriage/ civil partnership services are available for which increased fees are charged as shown in the table below.
- 1.13 The Ceremony Room charge for a standard ceremony will be £199 from 01 April 2020.
- 1.14 If the couple wish to have enhanced items such as readings and music then an additional charge of £51 will apply for those items chosen from the pre-approved list.
- 1.15 If the couple wish to add either readings or music that are not on the pre-approved list then a further (i.e. additional to the £51) charge of £32 per additional item will be levied.
- 1.16 If the couple wish to have separate interviews prior to the ceremony, there is a fee of £51.00

- 1.17 If the couple wish to have a fully enhanced ceremony a fee of £360.00 will apply.

2. Register Office - Ceremony Suite	2019/20	2020/21	2021/22
Ceremony Suite - <u>Statutory</u> Room (excludes Certificate)	£46.00	£46.00	£46.00
Ceremony Suite - Charge for Basic Room (excludes Certificate)	£195.00	£199.00	£203.00
Ceremony Suite - Charge for Enhancements (Readings/Music)	£50.00	£51.00	£52.00
Ceremony Suite - Additional - Own Reading (not on pre-approved list)	£30.00	£32.00	£33.00
Ceremony Suite - Additional - Own Music (not on pre-approved list)	£30.00	£32.00	£33.00
Ceremony Suite - Additional - Separate Interviews prior to the ceremony	£50.00	£51.00	£52.00
Ceremony suite fully enhanced – usually Saturday afternoons (excludes certificate fee)	£346.00	£360.00	£367.00

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

- 1.19 All ceremony suite fees are subject to room availability

Attendance at Approved Premises

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

3. Register Office – Attendance	2019/20	2020/21	2021/22
Monday to Friday	£540.00	£551.00	£551.00
Weekend	£690.00	£704.00	£704.00
Public Holiday	£800.00	£800.00	£800.00

Other Fees

- 1.21 The Nationality Checking Service (NCS) UK Visa and Immigration was withdrawn from October 2018 and is no longer part of this report.
- 1.22 It is proposed to increase the remaining fees from 01 April 2020 as shown below.

4. Register Office - Other Fees	2019/20	2020/21	2021/22
Private Citizenship Ceremony - Monday – Friday	£200.00	£206.00	£210.00
Private Citizenship Ceremony – Saturday	£225.00	£235.00	£240.00
Advanced Booking for Statutory Register Office ceremony	£55.00	£56.00	£57.00
Advanced Booking for ceremony suite	£65.00	£66.00	£67.00
Advanced Booking for approved premises	£75.00	£77.00	£79.00
Change of Appointment for Statutory Register Office Ceremony	£55.00	£56.00	£57.00
Change of Appointment for ceremony suite ceremony	£65.00	£66.00	£67.00
Change of Appointment for an Approved Premise	£75.00	£77.00	£79.00
Cancellation Fee for Statutory Register Office Ceremony	£55.00	£56.00	£57.00
Cancellation Fee for ceremony suite ceremony	£65.00	£66.00	£67.00
Cancellation Fee for an Approved Premise	£75.00	£77.00	£79.00
Fee charged for research (per half hour)	£51.00	£52.00	£53.00

Photographs	TBA	TBA	TBA
Pitch at Wedding Fayre	£50.00	£51.00	£52.00
Floral packages from	£135.00	£135.00	£138.00
Hire of ceremony rooms 2 or 3 for function/event - half day or full day	POA	POA	POA
Hire conference room for function/event - half / full day	POA	POA	POA
Training for authorised person to register marriages / quarterly returns	£70.00	£77.00	£79.00
Appointment to check completeness / validity of notice for Marriage (non-refundable)	£40.00	£41.00	£42.00
Save the day – approved premise- ceremony > 12 months in advance	£75.00	£77.00	£79.00
Save the day – ceremony suites- ceremony > 12 months in advance	£65.00	£66.00	£67.00
Save the day – ceremony suites- Register Office ceremony > 12 months in advance	£55.00	£56.00	£57.00
Priority service at approved premises – to take place within 12 weeks (additional)	£75.00	£77.00	£79.00

Provision of folder	£1.00	£1.00	£1.00
Provision of envelope	£0.50	£0.50	£0.50
Postage – signed for from	£3.00	£3.50	£3.50
Postage International from	£7.00	£7.50	£7.50
Priority Correction/ Re-registration Appointment	£40.00	£41.00	£42.00
Production of further documents for notice of marriage/civil partnership	£21.00	£22.00	£23.00
Keepsakes/additional products	POA	POA	POA
Administration of post-dated passport forms	£21.00	£22.00	£23.00
Issue of duplicate authorities	£21.00	£22.00	£23.00

Advice in advance of taking notice of marriage per applicant	£5.00	£6.00	£6.00
Change of Notice appointment (charged on the second and subsequent appointment changes where 48 or more hours notice is given)	£21.00	£22.00	£23.00
Change of Notice appointment (charged on the second and subsequent appointment changes where less than 48 or more hours notice is given)	£40.00	£41.00	£42.00
Celebratory Certificates (at time of birth registration)	£11.00	£11.00	£11.00
Change of Name deed (includes certificate)	£61.00	£61.00	£61.00
Change of name certificate additional copies	£11.00	£11.00	£11.00
Special Celebratory Certificates (birthday, grandparents, anniversary) from	£21.00	£21.00	£21.00

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

Statutory Fees and Charges

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

5. Register Office – Statutory Fees	2019/20	2020/21
Superintendent Registrar/Registrar's Certificate	£11.00	£11.00
Priority Superintendent Registrar/Registrar's Certificate after registration	£35.00	£35.00
A general search in indexes not exceeding 6 hours	£18.00	£18.00
Certificate of Worship	£29.00	£29.00
Registration of a religious building for marriage	£123.00	£123.00
Registration of a religious building for marriages for same sex couples (That is already registered)	£64.00	£64.00
Notice of Marriage	£35.00	£35.00
Notice of Marriage subject to immigration Act	£47.00	£47.00
Notice of Civil Partnership subject to immigration Act	£47.00	£47.00
Notice of Civil Partnership	£35.00	£35.00
Fee to reduce the legal waiting period of a notice of marriage/civil partnership	£28.00	£28.00
Fee for sharing information under the Digital Economy Act	£50.00	£50.00
Fee payable to Registrar for marriage Ceremony at register Office	£46.00	£46.00
Fee payable to Registrar for marriage Ceremony at registered building	£86.00	£86.00
Attendance of Civil Partnership Registrar at Register Office	£46.00	£46.00
Notice given at Housebound Person's abode SR attendance	£47.00	£47.00
Notice given at Detained Person's abode SR Attendance	£68.00	£68.00

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

REVIEW OF CHARGES – CORONER’S SERVICE 2019/2020

- 4.1 Fees that are chargeable are set out nationally in the Coroners Allowances, Fees and Expenses Regulations 2013.
- 4.2 There are nationally set at:
 - 4.2.1 After inquest, a document disclosed as a paper document is charged at £5 for a document of 10 pages or less, with an additional 50p payable for each subsequent page.
 - 4.2.2 A fee of £5 per document where it is disclosed in any form other than email or paper – i.e. CD copies of inquests.
 - 4.2.3 For a transcription of an inquest of 360 words or less the fee is £6.20, 361-1,439 words is £13.10 and 70p for every additional 72 words or part thereof.
- 4.3 The only locally set fee is the search fee for archive documents. It is proposed to increase the fee to £48 per hour (from £46) which is the GR3 hourly cost.

REVIEW OF CHARGES – BIRMINGHAM ACCOUNT TEAM 2019/2020

(Acivico-Building Consultancy)

- 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 (2019/2020) charge is £78.00 per hour, and it is proposed that this fee will increase to £85.00 per hour. An increase in the rate is required to cover rising costs and ensure the service is not carried out at a loss. The revised rate recognises that the work is carried out by a mix of grade 5, 6 and 7 surveyors. The rate is still in line with other professional services carried out within the council and very competitive with regards to the private sector. 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 Private Demolition Notices, which is a fixed fee per notification, is currently (2019/2020) set at £240.00. It is proposed to increase this fee in line with the increases proposed in paragraph 4.2. Therefore, the new fee will be £260.00.
- 5.4 The charge in respect of notices for temporary grandstands, which is required under the West Midlands County Council Act 1980 Section 39, is based on cost recovery in line with the hourly rate for the Birmingham Account Team as above and it is proposed to revise this rate to £85.00 per hour as well.
- 5.5 Work carried out indicates that, within the limitations of operating within a competitive market and statutory framework, the fees proposed should maximise income to the City Council through Acivico as well as providing good value for money to Acivico customers

REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2020/2021**1.0 SUMMARY**

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

2.0 BACKGROUND

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

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

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

Table 1. Recipient of fees and charges

Statutory Basis	Fee Recipient
Highways Act 1980:	
Section 115E – Street Cafés / Objects or Structures	Authority
Section 139 – Placement of Skips in the Highway	Authority
Section 142 – Plant and Maintain Trees Shrubs etc. in the Highway	Authority
Section 169 – Scaffolding and Cranes	Interim Service Provider
Section 171 – Deposit of materials on the highway	Interim Service Provider
Section 172 - Hoarding	Authority
Section 177 – Oversailing the Highway	Interim Service Provider

Section 184 – Carting Over (Temporary Access)	Interim Service Provider
New Roads and Street Works Act (NRSWA) 1991:	
Section 50 - Licence for Private Apparatus in the Highway	Authority

3.0 PROPOSALS

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

4.0 IMPLICATIONS FOR RESOURCES

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

Licensing & Public Protection Committee			Item 5					Appendix 6(a)
Highways Related Fees & Charges 2020/21								
Who Recieves the Charge	Statutory Basis	Service Area and Description of Chargeable Item	Further details relating to charge	Duration	19/20 Charge (excl VAT)	20/21 Charge (excl VAT)	VAT status	
	Highway Related Charges							
		Street Café Licences						
Authority	HA 1980, s115E	Up to 5 tables	Single location	12 months	£ 856.00	£ 900.00	Non Business (0%)	
Authority	HA 1980, s115E	5 tables or more	Single location	12 months	£ 1,255.00	£ 1,320.00	Non Business (0%)	
		Licence to plant trees, shrubs, etc., in a highway.						
Authority	HA 1980, s142	New License to plant and maintain vegetation in highway.	per application (new item)		at cost	at cost	Non Business (0%)	
		Highway Licences						
Authority	NRSWA 1991, s50	New licence for private services in highway			£ 845.00	£ 890.00	Non Business (0%)	
Authority	NRSWA 1991, s50	Additional inspection fee for over 200 metres	Inspection fee for private services		£ 200.00	£ 210.00	Non Business (0%)	
Interim Service Provider	HA 1980, s177	New licence for overhanging canopies etc on public highway			£ 835.00	£ 880.00	Non Business (0%)	
Interim Service Provider	HA 1980, s177	Amendment to existing canopy etc licence			£ 460.00	£ 485.00	Non Business (0%)	
Authority		Application Fee (non refundable)			£ 90.00	£ 95.00	Non Business (0%)	
		Individual Licence Fees						
Interim Service Provider	HA 1980, s169	Scaffolding	Single location payable on approval	Up to 28 days	£ 165.00	£ 175.00	Non Business (0%)	
Authority	HA 1980, s172	Hoarding	Single location payable on approval	Up to 28 days	£ 165.00	£ 175.00	Non Business (0%)	
Interim Service Provider	HA 1980, s184	Carting Over (Temporary Access)	Single location payable on approval	Up to 28 days	£ 165.00	£ 175.00	Non Business (0%)	
Interim Service Provider	HA 1980, s171	Deposit of Materials	Single location payable on approval	Up to 28 days	£ 165.00	£ 175.00	Non Business (0%)	
Interim Service Provider	HA 1980, s169	Crane	Single location payable on approval	1 day	£ 80.00	£ 85.00	Non Business (0%)	
Interim Service Provider	HA 1980, s169	Crane	Single location payable on approval	2 to 28 days	£ 165.00	£ 175.00	Non Business (0%)	
Interim Service Provider	HA 1980, s171	Excavation	Single location payable on approval	Up to 28 days	£ 165.00	£ 175.00	Non Business (0%)	
		Highway Licences for Projects with a Value up to £1million:				£ -		
Interim Service Provider	HA 1980, s169	Scaffolding	Single location payable on approval	Over 28 days	£ 390.00	£ 410.00	Non Business (0%)	
Authority	HA 1980, s172	Hoarding	Single location payable on approval	Over 28 days	£ 400.00	£ 420.00	Non Business (0%)	
Interim Service Provider	HA 1980, s184	Carting Over (Temporary Access)	Single location payable on approval	Over 28 days	£ 390.00	£ 410.00	Non Business (0%)	
Interim Service Provider	HA 1980, s169	Crane	Single location payable on approval	Over 28 days	£ 390.00	£ 410.00	Non Business (0%)	
Interim Service Provider	HA 1980, s171	Excavation	Single location payable on approval	Over 28 days	£ 390.00	£ 410.00	Non Business (0%)	
Interim Service Provider	HA 1980, s171	Deposit of Materials	Single location payable on approval	Over 28 days	£ 390.00	£ 410.00	Non Business (0%)	
		Additonal Street Frontages				£ -		
Interim Service Provider	HA 1980	Administration Fee per additional street frontage	per street		£ 90.00	£ 95.00	Non Business (0%)	
		Extension or Amendment to Licence				£ -		
Interim Service Provider	HA 1980	Administration Fee if less than 4 weeks	Partial Review of an approved Licence		£ 90.00	£ 95.00	Non Business (0%)	
		Highway Licences for Large Developments						
Authority	HA 1980	Project Value ≥£1million and over 4 weeks	% of scheme value.		0.15%	0.15%	Non Business (0%)	
Authority	N/A	Administrative Fee for processing a Development Bond	Per application with associated bond		£50.00	£55.00	Non Business (0%)	
		Retrospective Highway Licence Issue						
Interim Service Provider	HA 1980	Retrospective Highway Licence	Applicable where a Licence has not been provided previously. To cover site inspection, retrospective review of operations and fast track Licenceting.		2 x equivalent pre-approved total Licence value	2 x equivalent pre-approved total Licence value	Non Business (0%)	
		Skip Placements on the Highway						
Authority		Registration Fee	Company etc registration		No Charge	No Charge	Non Business (0%)	
Authority	HA 1980, s139	Licence Fee	Per skip	7 days	£ 20.00	£ 21.00	Non Business (0%)	
Authority	HA 1980, s139	Retrospective Licence Fee	Applicable where a Licence has not been provided previously. To cover site inspections, retrospective review of operations and fast track Licenceting	7 days	£ 190.00	£ 200.00	Non Business (0%)	
Authority	HA 1980, s139	Removal of non-Licenceted skips	per skip, or reasonable costs incurred, which may also result in a fine following conviction in a Magistrates Court)	Per skip	£ 220.00	£ 230.00	Non Business (0%)	

PUBLIC REPORT

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	INTERIM ASSISTANT DIRECTOR REGULATION AND ENFORCEMENT AND INTERIM DIRECTOR FINANCE	
Date of Decision:	12 FEBRUARY 2020	
SUBJECT:	LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2019/20 - QUARTER 3	

1. Purpose of Report:	
1.1	This report sets out the position on the Licensing and Public Protection Committee's Revenue and Capital Budgets at the end of December 2019 (Quarter 3) and the forecast position for the year end. It highlights any issues that have arisen and informs the Licensing and Public Protection Committee of any action being taken to contain spending within the approved cash limits.
1.2	The report also details the latest performance within the Licensing and Public Protection Committee including progress against the approved Savings Programme for 2019/20.
1.3	The report is in line with the current City Council established financial monitoring framework to ensure that expenditure is managed within cash limits.

2. Decision(s) Recommended:	
	The Licensing and Public Protection Committee is requested to :
2.1	Note the latest Revenue budget position at the end of December 2019 (Quarter 3) and Forecast Outturn as detailed in Appendix 1.
2.2	Note the position for the Savings Programme for 2019/20 as detailed in Appendix 2.
2.3	Note the position on Capital projects, as detailed in Appendix 3.
2.4	Note the position on reserves and balances, as detailed in Appendix 4.

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

3.	Consultation
3.1	<p><u>Internal</u></p> <p>The financial position on the revenue and capital budget is reported on a monthly basis to the Management Team and the Interim Assistant Director of Regulation and Enforcement is briefed on the major financial issues, as required in line with the Council's framework.</p>
3.2	<p><u>External</u></p> <p>There are no additional issues beyond consultations carried out as part of the budget setting process for 2019/20.</p>

4.	Compliance Issues:
4.1	<p><u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The budget is integrated within the Council's Financial Plan 2019+, and resource allocation is directed towards policy priorities.</p>
4.2	<p><u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p>The Licensing and Public Protection Budget Monitoring 2019/20 - Quarter 3 report provides details of monitoring of service delivery within available resources.</p>
4.3	<p><u>Legal Implications</u></p> <p>Section 151 of the 1972 Local Government Act requires the Interim Director of Finance (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Management Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.</p>
4.4	<p><u>Public Sector Equality Duty</u></p> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p>

5. Relevant Background/Chronology of Key Events:

Revenue Budget 2019/20

- 5.1 The City Council approved the overall budget on 26 February 2019. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £6.986m (as detailed in Appendix 1) on 13 March 2019.
- 5.2 There were no adjustments in the first quarter.
- 5.3 Adjustment in quarter 2 had net reduction of £0.569m
- 5.4 For Quarter 3 – a net-neutral adjustment has been made within Highways Licensing to ensure that internal recharge budgets reconcile across the organisation.
- 5.5 The changes are summarised in the table below:

	£'m
Original Budget 2019/20 Reported to LPPC 13 March 2019	6.986
Quarter 1 – <i>no changes</i>	0.000
<u>Quarter 2</u>	
Transfer of Environmental Waste Enforcement Budget to Street Scene	(0.472)
PL126 Management Restructure (phase 1 in 2019/20)	(0.124)
Additional Budget for Environmental Planning Officers (part year)	0.027
<u>Quarter 3</u>	
Net Neutral adjustment between Supplies and Income for Highways Licensing (£0.060m)	(0.000)
Current Approved Net Revenue Budget at 31 December 2019	6.417

- 5.6 The current approved budget for this Committee therefore remains at £6.417m.
- 5.7 The City Council has well-established arrangements for monitoring spending against the cash limited budgets allocated to Directorates and Committees.
- 5.8 Reports are presented to Cabinet on a quarterly basis on the overall city-wide financial position. The Licensing and Public Protection Committee will also receive quarterly financial performance reports during the financial year.

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

- 5.9 The total expenditure at Quarter 3 (end of December 2019) is £4.912m. This excludes costs relating to the 1974 Inquest (£3.380m) as these are in the process of being reimbursed and will not be a financial pressure on this committee.
- 5.10 This is £0.161m below the net position expected for this time of year mainly due to the significant variation (£0.600m) on Highways Licensing.
- 5.11 An overall year end net surplus of (£0.295m) is being forecast formally.

- 5.12 Mitigating action has been implemented in most service areas – including additional contract work that has been delivered by Pest Control. Income generation at Register Office and additional external funding for Trading Standards.
- 5.13 Budgets continue to be managed rigorously. Any changes will be reported in future reports.
- 5.14 The table below sets out a high level summary of the projected year end overspend by service (details in Appendix 1) and how this is comprised of over the savings programme and base budget pressures.

Forecast Year End Variations – Quarter 3			
Budget Head	Savings Programme £'m	Base Budget (underspend) / Pressures £'m	Total (saving) /pressure £'m
Environmental Health	0.000	(0.448)	(0.448)
Pest Control	0.000	(0.174)	(0.174)
Register Office	0.000	(0.152)	(0.152)
Mortuary and Coroners	0.000	0.352	0.352
Trading Standards	0.000	(0.091)	(0.091)
Licensing and Enforcement	0.000	0.116	0.116
Public Rights of Way	0.000	0.000	0.000
Highways Licensing	0.000	0.101	0.101
NRSA Licences (Highways)	0.000	0.000	0.000
TOTAL	0.000	(0.295)	(0.295)

Note: the £0.295m net underspend on these budgets will contribute to mitigating pressures/overspends across the Neighbourhoods Directorate.

The key components of the projection include:

- **Environmental Health (£0.448m underspend) - and Pest Control (£0.174m underspend)**

Environmental Health has been holding vacancies as a short term measure to meet q budget pressures across the Division and is forecast to benefit from surplus income.

The Pest Control Service is currently over-achieving its 2019/20 income target and has secured additional short term contract work that helping generate that small surplus during this financial year.

However, the income derived from cleaning and remediation works at unauthorised encampment sites has now reduced due to the opening of the Proctor Street Travellers Transit site, as reported at Licensing and Public Protection committee 18 December. This will be more apparent in future years.

- **Mortuary and Coroners (£0.352m pressure)**

The Coroners service has a number of pressures this year, which is mainly the cost of additional coronial staff (£0.216m), a reduction of £0.084m in the funding from West Midlands Police for Coroner Investigators.

As reported in December, the remaining £0.052m pressure is a combination of unplanned property repairs needed to the Mortuary and to the main building such as roof repairs, significant repairs to the floor of the main room used for filing purposes and repairs to rectify general wear and tear on the whole building.

The cost from the need for additional courtrooms has been mitigated through the use of Council premises at Margaret Street. The conversion was completed in December.

It is still proposed to address the longer term issue by pursuing alternative larger building accommodation for the service. This continues to be progressed and the plan remains that if all the courts and associated support can be accommodated together this will achieve economies of scale.

- **Trading Standards (£0.091m saving)**

Trading Standards will continue to utilise additional income sharing costs of officers assigned to projects and securing external funding for anti-counterfeiting operations.

Savings Programme

5.15 The Committees Savings Programme is £0.460m for 2019/20

- Most of the savings targets have already been achieved at this point in the year.
- An assessment at Quarter 3 concludes that this will be fully completed in 2019/20 and all savings will be delivered by the year end..

Mitigations and Management Actions 2019/20

- Managers of services reporting to this committee are involved in a number of actions this financial year to mitigate budget pressures for current and future financial years.
- Mortuary and Coroners - pressures relating to the 1974 Inquest (currently £3.380m) will be met by Government Funding. This is confirmed in writing by the Ministry of Justice.
- Mortuary and Coroners - pressures relating to need to provide additional courtrooms has been mitigated following the conversion of council premises at Margaret Street. The service continues to progress with longer term property options seeking to accommodate the whole service in one location.

Capital (Appendix 3)

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

5.17 A short term solution involving temporary air conditioning is in place and a further extension to this is being arranged whilst permanent installations are being reviewed.

6. Grant Funded Programmes

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

Illegal Money Lending

- 6.2 The Illegal Money Lending Team (IMLT) England investigates and takes action against Illegal Money Lending or “Loan Shark” perpetrators across the whole of England.
- 6.3 The project is funded through specific grant from HM Treasury, with resources of up to £3.961m in 2019/20.
- 6.4 The expenditure at the end of December 2019 was £2.725m (69%) this is a reasonable level for three quarters way through the year - and it is anticipated that the programme will fully spend the grant allocated and has a good track record of achieving this.

Regional Intelligence Team

- 6.5 The Regional Intelligence Team (Scambusters) investigates and takes action against fraudsters operating across council boundaries in the central region.
- 6.6 Funding has been confirmed at £0.320m (the same level as in 2018/19).
- 6.7 The expenditure at the end of December 2019 was £0.199 (62%) – this appears to be behind, however there are a number of significant charges still to be made and the service is expected to fully spend the grant by the year end.

7. Proceeds of Crime Act

- 7.1 Regulatory Services secures funding through the Proceeds of Crime Act 2002 (PoCA) in response to financial investigations undertaken following sentencing by the courts.
- 7.2 PoCA monies are held by the Local Authority and ring-fenced for expenditure on community and crime prevention projects
- 7.3 Expenditure specifically recorded as planned PoCA items will be funded routinely through a combination of appropriations from PoCA reserves and income received during the year.
- 7.4 For Birmingham Trading Standards expenditure at Quarter 3 is £0.151m, income received in year totals £0.211m, the balances brought forward are £0.374m.
- 7.5 For England Illegal Money Lending expenditure at Quarter 3 totals £0.248m, income received is £0.308m and balances at the start of the year were £0.708m
- 7.6 Receipts (totalling £0.519m) from the PoCA process have now caught up from an initial delay this year and are in line to continue supporting current spending plans.

8. Balances and Reserves:

- 8.1 The reserves at Quarter 3 are shown in Appendix 4. These currently total £1.614m and are ring-fenced.
- 8.2 All planned income and expenditure on reserves will be reported to this Committee.

Licensing Ring Fenced Reserves:

- 8.3 During the year we have been reporting a planned use of £0.079m from Hackney Carriage and Private Hire reserves. This formalises the ongoing plan to use one third of any balance in the licence fee calculations. This ensures both that surpluses within the ring-fence are returned back into the licence fee and that large fluctuations in the fee prices are minimised year-on-year.
- 8.4 There is a contribution to reserves from Revenue during the year of £0.116m, this was approved by Cabinet on Tuesday 29 October 2019 and has been implemented.
- 8.5 This reflects a decision at Licensing and Public Protection Committee June 2019 to ensure that the General Licensing underspend 2018/19 is reflected in the ring-fenced reserve.

9. Evaluation of Alternative Option(s):

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

10. Reasons for Decision(s):

- 10.1 The Report informs the Licensing and Public Protection Committee of the Revenue and Capital Budget for 2019/20, year to date and the forecast outturn at Quarter 3.
- 10.2 The latest position in respect of the Licensing and Public Protection Committee's use of reserves, Savings Programme and risks are also identified.

Signatures

Paul Lankester
Interim Assistant Director Regulation and Enforcement

Rebecca Hellard
Interim Director of Finance

Date

List of Background Documents used to Compile this Report:

Licensing & Public Protection - Revenue and Capital Budget 2019/20 – 13 March 2019
Licensing & Public Protection – Budget Monitoring 2019/20 – Quarter 1 – 13 September 2019
Licensing & Public Protection – Budget Monitoring 2019/20 – Quarter 2 – 18 December 2019

List of Appendices accompanying this Report (if any):

Appendix 1 - Financial Performance Statement and Forecast Outturn
Appendix 2 - Savings Programme Performance
Appendix 3 - Capital Programme
Appendix 4 - Ring-Fenced Balances and Reserves

Report Version	3.0	Dated	28 January 2020
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Licensing and Public Protection - Financial Summary

Quarter 3

Analysis A - Total per Service Area

	Year to Date			Annual		
	Budget	Actual	Variance	Budget	Forecast	Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Neighbourhoods Directorate						
Environmental Health	1,992	1,871	(121)	2,752	2,304	(448)
Pest Control	216	94	(122)	276	102	(174)
Registration Service	586	336	(250)	731	579	(152)
Mortuary and Coroners *	1,507	1,969	462	1,594	1,946	352
Trading Standards	864	798	(66)	1,171	1,081	(91)
Licensing:						
Hackney Carriage / Private Hire	(43)	420	463	(16)	(16)	0
Entertainment and General	(81)	25	106	(73)	43	116
Inclusive Growth Directorate						
Public Rights Of Way	56	51	(5)	75	75	0
Highway Licences	9	(591)	(600)	(49)	52	101
NRSWA Licences	(33)	(61)	(28)	(44)	(44)	0
Net Expenditure	5,073	4,912	(161)	6,417	6,122	(295)

* excludes 1974 Inquest 3,380

Analysis B - Total per Type of Expenditure/Income

	Year to Date			Annual		
	Budget	Actual	Variance	Budget	Forecast	Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Employees	7,563	7,752	189	10,102	9,920	(182)
Premises	680	556	(124)	848	884	36
Transport and moveab	136	126	(10)	181	197	16
Supplies and Service *	1,876	1,357	(519)	2,489	2,623	134
Capital Financing	163	163	0	217	217	(0)
Recharge Expenditure	440	442	2	588	588	0
Total Expenditure	10,858	10,396	(462)	14,425	14,429	4
Rev Income *	(5,709)	(5,448)	261	(7,907)	(8,206)	(299)
Below the Line Adjusts	(76)	(36)	40	(101)	(101)	0
Net Expenditure	5,073	4,912	(161)	6,417	6,122	(295)

* excludes 1974 Inquest - Supplies/Servs 1,277
 * excludes 1974 Inquest - Rev Income 2,103

Licensing and Public Protection - Savings (Consultation November 2018)

Quarter 3

Reference	Division	Description	Type	2018/19 Net Spend £'000	2019/20 Savings £'000	2020/21 Savings £'000	2021/22 Savings £'000	2022/23 Savings £'000
PL101 19+	Regulation & Enforcement	The changes consist of the introduction of the following new optional income generating services: * a range of wedding photography packages * a range of wedding floral packages * a change of name service * room hire * additional wedding extras to facilitate bespoke ceremonies * Sale of increased range of keepsakes and range of additional products for ceremonies * A review of non-statutory fees and charges	Base	860	(40)	(40)	(40)	(40)
PL11119+	Regulation & Enforcement	Trading Standards will utilise the proceeds of crime money (POCA) it has successfully secured from its criminal proceedings to contribute to funding 2 members of staff whose roles include the oversight and authorisation of criminal investigations into acquisitive crime such as fraud, rogue trading organised crime.	Base	1,261	(70)	(70)	(70)	(70)
PL115 19+	Regulation & Enforcement	The removal of flytipping will continue as at present with no diminution of service. This proposal relates to the a re-prioritisation of the work of the waste enforcement unit to focus of cases where the likelihood of prosecution is high. Duty of care inspections (prevention) will continue but delivered by a wider range of staff that are able to carry out these duties. Training will be provided to relevant employees to support the work of the team which will include some staff having the authority to issues fixed penalty notices.	Base	923	(300)	(300)	(300)	(300)
PL121 19+	Regulation & Enforcement	The IMLT and RIT teams are both hosted by Birmingham City Council and paid for by grants from Treasury and National Trading Standards for the benefit of people living in England in respect of IMLT and for people living in the wider West Midlands in respect of RIT. By hosting the teams Birmingham City Council incurs costs associated to employing the officers. Apart from salaries, which are fully recovered, these include things like accommodation, heating, lighting, management responsibility and the provision of professional services such as legal, accountancy and HR. The council applies a recharge to recover these costs from the respective grants to ensure that the council is not subsidising these teams. We have reviewed the way that we calculate these recharges and propose to increase them to accurately reflect the true costs incurred by the council in hosting the IMLT and RIT teams in the future.	Base		(50)	(50)	(50)	(50)
Total Savings				3,044	(460)	(460)	(460)	(460)

Licensing and Public Protection - Capital Programme

Quarter 3

	Year to Date			Annual		
	Budget	Actual	Variance	Budget	Forecast	Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Mortuary/Coroners	0	0	0	278	278	0
Net Expenditure	0	0	0	278	278	0

Licensing and Public Protection - Reserves

Quarter 3

	Balance @ 31/03/19	Base (use) / contribution	Changes assumed last month	Forecast changes during year	Forecast Balance @ 31/03/20
	£'000	£'000	£'000	£'000	£'000
Ring-Fenced Licensing Reserves					
Hackney Carriage and Private Hire *	(237)	0	0	79	(158)
Entertainment and General **	0	(116)	0	0	(116)
Ring-Fenced Grant Reserves					
England Illegal Money Lending Team	(295)	0	0	0	(295)
Ring-Fenced Proceeds of Crime Act					
Trading Standards (Birmingham) ***	(374)	0	0	0	(374)
Illegal Money Lending (England) ***	(708)	0	0	0	(708)
Total	(1,614)	(116)	0	79	(1,651)

* Hackney Carriage / Private Hire - planned use of £79k (1/3rd) returned into the licence fee calculations

** Entertainment and General appropriation to reserve included in Cabinet Report 29 October 2019

*** PoCA - Trading Standards forecast Appropriation from Reserves £230k, forecast income to reserve £230k

*** PoCA - Illegal Money - forecast Appropriation from Reserves £250k, forecast income to reserve £250k

BIRMINGHAM CITY COUNCIL

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

12 FEBRUARY 2020
ALL WARDS

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

1. Summary
 - 1.1 This report provides Committee with an update on work being undertaken to further manage unauthorised encampments in the city since the last report on the 12th October 2020.
2. Recommendations
 - 2.1 That the report is noted and outstanding minute number 1231 be discharged.
 - 2.2 That Committee requests a further report to be brought in 3 months to update on the various work items contained within this report.

Contact Officer: Mark Croxford, Head of Environmental Health
Telephone: 0121 303 6350
E-mail: mark.croxford@birmingham.gov.uk

3. Background

- 3.1 This report is an update on activities since the last report to your Committee on 12th October 2020.
- 3.2 An unauthorised encampment is one which is established on land without the express permission of the landowner. The groups responsible generally comprise elements of Gypsy, Romany, Traveller or other ethnic groupings and are collectively known colloquially as “travellers” or more correctly GRT.

Transit Sites

- 4.1 As previously reported, colleagues in Housing and the Inclusive Growth Directorate have applied for capital funding to bring the two transit sites in the Birmingham Development Plan (BDP). Currently £50k has been approved from the Homes England Grant and a further capital expenditure of £290k has been identified for 2019/20 and 2020/21.
- 4.2 Proctor Street transit site has been operational since 1st November 2020. There have been 3 groups that have used the site. One for 2 weeks and the others for 4 weeks.
- 4.3 Legal action has been successfully taken in the County Court to recover the land in Aston Brook Street. Those occupying the land have been ordered to leave this site and this will enable the council to again have vacant possession and develop the site. Currently at the time of writing there is one vehicle on the land and an application has been made for High Court bailiffs to enforce the possession order. Housing Officers and a Programme Manager have been requested to move forward with the development plans. Planning permission has already been secured for this work.
- 4.3 Legal advice on Tameside Drive site has been requested but cannot be reported. as the matter remains with legal services.

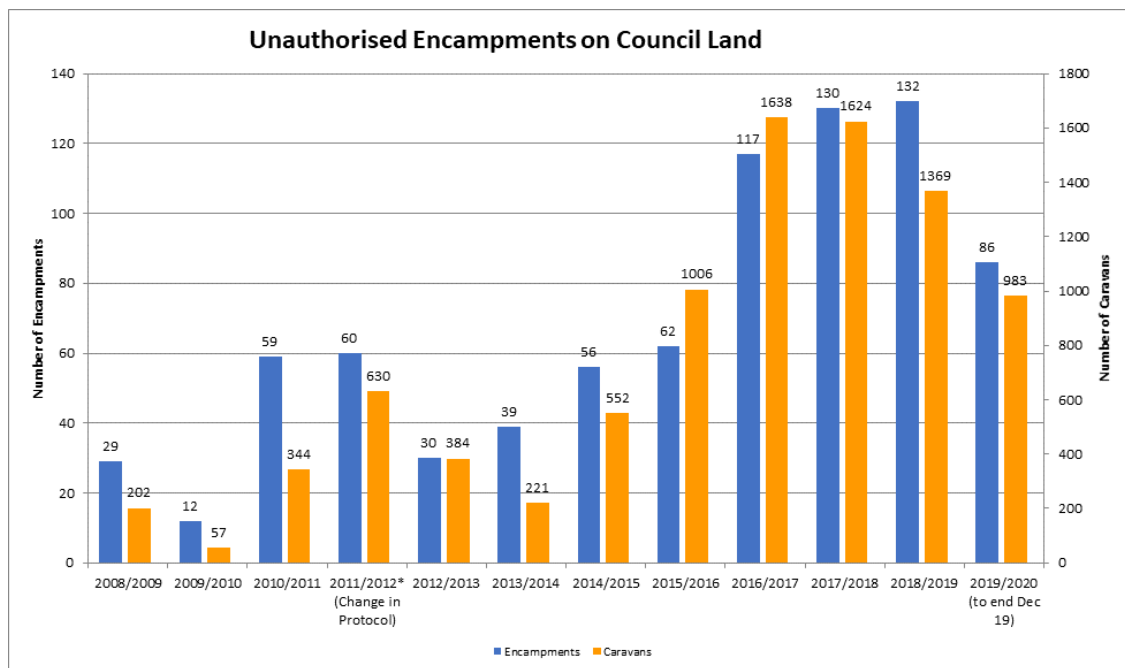
Unauthorised Encampments

- 5.1 The number of incursions has dropped markedly since the opening of the transit site. The four unauthorised in November were already on land when the transit site opened. These encampments declined to go to the transit site and left the city by the 8th of November 2019. In the remaining weeks of November and December 2019 there has been a couple of reported overnight stops on council land which arrived late in the evening and had vacated by the time our officers arrived the next morning. In January there was an encampment on a park in Balsall Heath that moved following the service of a Sec62A notice. They were resident for 20 hours and declined to use the transit site.

Financial Year		2019-20												
			April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Council Land	Number of Incursions		7	8	17	19	14	8	9	4	0	1	0	0
	Number of Caravans		51	43	149	363	128	91	125	33	0	8	0	0
	Mean Hours to Depart		387.3	116.0	127.1	131.8	345.2	309.6	179.7	53.3	0	20.0	0	0
	Mean Days to Depart		16.4	5.4	5.8	5.9	14.7	13.3	8.0	2.8	0	1.0	0	0
Private Land	Number of Incursions		0	0	0	0	1	1	0	2	0	7	0	0
	Number of Caravans		0	0	0	0	10	11	0	15	0	52	0	0
	Mean Hours to Depart		0	0	0	0	0	0	0	0	0	0	0	0

5.2 Although a reduction in the overall numbers of unauthorised encampments, there has been a slight increase in unauthorized encampments on private land. Predominantly this has been on car parks to supermarkets. Both WM Police and our officers have spoken to the managers for these facilities, who have declined the use of Sec 62A notices in favour of employing their own bailiffs to remove the encampment.

5.3 The graph below shows the trend data for total encampments per year since 2008.



7. Consultation

7.1 The report is for information and, therefore, no consultation has been undertaken.

7.2 Information continues to be made available to MPs and elected members to offer support in reducing the impact on communities that unauthorised encampments have and to reduce the burden on land owning departments.

8. Implications for Resources

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

9. Implications for Policy Priorities

- 9.1 This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

10. Public Sector Equality Duty

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

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

BIRMINGHAM CITY COUNCIL

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

12 FEBRUARY 2020
ALL WARDS

**CONSULTATION ON STRENGTHENING POLICE POWERS TO TACKLE
UNAUTHORISED ENCAMPMENTS**

1. Summary

- 1.1 On the 5th November 2019 the Home Office have issued a second consultation on strengthening police powers to tackle unauthorised encampments. The consultation closes on the 4th March 2020.
- 1.2 This report advises of the proposed response to the consultation to be made by officers following consultation with the Licensing and Public Protection Committee.

2. Recommendation

- 2.1 That the proposed responses to the consultation be considered by members and that officers be advised of any amendments that the committee wish to be made to the proposed responses.

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

- 3.1 In April 2018, the Government published a consultation on the effectiveness of enforcement against unauthorised developments and encampments. It sought views from a number of stakeholders including local authorities, police forces, Gypsy, Roma, and Traveller communities and the general public on the scale of the problem, whether existing powers could be used more effectively and if any additional powers were required.
- 3.2 Following that consultation the then Home Secretary, the Rt Hon Sajid Javid MP, announced the Government would look to amend sections 61 and 62A of the Criminal Justice and Public Order Act 1994 to:
- lower the criteria that must be met for the police to be able to direct people away from unauthorised sites and
 - to review how this Government could criminalise the act of trespassing when setting up an unauthorised encampment in England and Wales, learning from the trespass legislation that exists in the Republic of Ireland.
- 3.3 This latest document consults on whether criminalising unauthorised encampments would be preferable to the amendments originally proposed in February 2019 to the Criminal Justice and Public Order Act 1994, and if so, how it should work. The full consultation can be found at <https://www.gov.uk/government/consultations/strengthening-police-powers-to-tackle-unauthorised-encampments>
- 3.4 A council motion was passed at September 2019's meeting of the City Council. The detail of that resolution is in appendix 2 for information. The responses to this consultation are reflective of the motion passed at city council.

4.0 Consultation proposals

- 4.1 The consultation is seeking comments on the following specific areas:
- i. to consult on measures to criminalise the act of trespassing when setting up an unauthorised encampment in England and Wales.
- 4.2 To consult on an alternative approach to the criminalisation of trespass by amending the Criminal Justice and Public Order Act 1994:
- ii. amending section 62A to permit the police to direct trespassers to suitable authorised sites located in neighbouring local authority areas
 - iii. amending sections 61 and 62A to increase the period of time in which trespassers directed from land would be unable to return from 3 months to 12 months

- iv. amending section 61 to lower the number of vehicles needing to be involved in an unauthorised encampment before police powers can be exercised from six to two or more vehicles
 - v. amending section 61 to enable the police to remove trespassers from land that forms part of the highway
- 4.3 Appendix 1 to this report contains the questions from the consultation and the proposed response by your officers on behalf of the committee.

5. Implications for Resources

- 5.1 No specific implications have been identified at this stage. The proposals will potentially change the powers available to Police forces in England and Wales not powers available to Councils.
- 5.2 Birmingham already has a transit site and the ability to direct unauthorised encampments to our own and those of other authorities would ensure that sufficient spaces are available without having to over provide spaces that may or may not be used.

7. Implications for Policy Priorities

- 7.1 This proposal supports the council priorities of making Birmingham a great city to live in.

9. Public Sector Equality Duty

- 9.1 No specific implications have been identified at this stage.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Home Office consultation available at:

<https://www.gov.uk/government/consultations/strengthening-police-powers-to-tackle-unauthorised-encampments>

Questions within the consultation on strengthening police powers to tackle unauthorised encampments, with proposed responses.

Q1. To what extent do you agree or disagree that knowingly entering without the landowner's permission should only be made a criminal offence if it is for the purpose of residing on it?

A1. Strongly agree / **Agree** / Neither agree or disagree / Disagree / Strongly disagree

Rationale

Birmingham City Council debated and passed a motion in September 2019 calling government to make this change to the legislation.

Q2. To what extent do you agree or disagree that the act of knowingly entering land without the landowner's permission should only be made a criminal offence if it is for the purpose of residing on it with vehicles?

A2. Strongly agree / **Agree** / Neither agree or disagree / Disagree / Strongly disagree

Rationale

Birmingham City Council debated and passed a motion in September 2019 calling government to make this change to the legislation.

Q3. To what extent do you agree or disagree that the landowner or representatives of the landowner should take reasonable steps to ask persons occupying their land to remove themselves and their possessions before occupation of the land can be considered a criminal offence?

A3. **Strongly agree** / Agree / Neither agree or disagree / Disagree / Strongly disagree

Rationale

Birmingham City Council always engages with persons occupying their land in an unauthorised manner, advising them that they are occupying without permission or consent and that they should leave the land in a reasonable time period. This is usually done following the discharge of the duty to undertake a welfare assessment to ensure that the welfare needs of the persons in unauthorised encampment are considered in the wider process. Continuing to engage in this fashion is sensible, humanitarian and would likely not impinge on a person's human rights. To avoid unnecessary costs, it may be useful to not require such engagement from private landowners who do not have a duty to undertake welfare assessments.

Q4 To what extent do you agree or disagree that a criminal offence can only be committed when the following conditions have been met?

Q4a. a) the encampment prevents people entitled to use the land from making use of it;

A4a. **Strongly agree** / Agree / Neither agree or disagree / Disagree / Strongly disagree

Q4b. b) the encampment is causing or is likely to cause damage to the land or amenities;

A4b. **Strongly agree** / Agree / Neither agree or disagree / Disagree / Strongly disagree

Q4c. c) those on the encampment have demanded money from the landowner to vacate the land;

A4c. **Strongly agree** / Agree / Neither agree or disagree / Disagree / Strongly disagree

Q4d. d) those on the encampment are involved or are likely to be involved in anti-social behaviour.

A4d. **Strongly agree** / Agree / Neither agree or disagree / Disagree / Strongly disagree

Rationale

We have indicated Strongly Agree to all of Qu. 4a to 4d, but we would not want this to be an exhaustive list nor would we seek any one of these to be a sole criterion. We would prefer this to be an indicative list and if any one or more of these criteria were met, then it should automatically make the trespass a criminal offence.

This focus of this consultation is around tackling unauthorised encampments which typically relate to the unauthorised access of land by members of the travelling community with their vehicles for the purposes of residing on the land.

The typical impact of an unauthorised encampment to the landowner is the prevention of the lawful use of the land and damage to the land during the occupation e.g. surface damage, fly-tipping, forced entry and the use of the land as a toilet. These arise as a result of the trespass. If a criminal offence is to be considered, then this should be triggered when any of these criteria are met.

Q5. What other conditions not covered in the above should we consider?

- A5. Although it could be considered under damage to land the following should be added more overtly: Any criminal damage to locks, barriers or other property on the site. Wilfully preventing other organised events, for example parking on community football pitches and stopping an organised weekend of football.
-

- Q6. To what extent do you agree or disagree that police should be given the power to direct trespassers to suitable authorised sites in a neighbouring local authority area?

- A6. **Strongly agree** / Agree / Neither agree or disagree / Disagree / Strongly disagree

Rationale

This would improve the strategic approach, economic and operational response around dealing with unauthorised encampments at a regional level. This would benefit police forces who operate across local council boundaries and would also tie in with combined authority boundaries. There should be a requirement that the Sec 62A power can only be used if the borough in which the unauthorised encampment is currently residing has such a transit site. This should not be available to boroughs who do not meet the needs of the travelling community. In addition the Sec 62A needs to make it a criminal offence to settle on any land within any borough covered by the Sec 62A direction order.

- Q7. Should this be subject to conditions around agreements being in place between local authorities?

- A7. Yes / **No**

Rationale

There needs to be a consistency in England and Wales, and this should not be left to local agreements. However, the power to direct to another local authority area should only be available to those authorities with transit sites. It should also be within a reasonable distance such as a contiguous authority or 20 miles radius whichever is the smaller. Birmingham would not want to be using its transit site provision to underwrite an authority without such a facility.

- Q8: Should there be a maximum distance that a trespasser can be directed across?

- A8. **Yes**/No

Rationale

If yes, what distance should that be? It is unlikely that the needs of the travelling community can be met by directing them significant distances. It seems sensible to apply a caveat that the direction should be no further than an adjacent local authority or 20 miles

whichever is the smaller. The test for reasonability is around access to services such as hospitals. We would not want to be directing a group to a distance which impacted on medical care. In large rural areas the mileage limitation may have an impact not felt with by metropolitan councils.

Q9: Should there be any other conditions that should be considered when directing a trespasser across neighbouring authorities. If so, what should these be?

A9. **Yes/No**

If yes, what should these be? The direction Order should protect all land inside the borough where the notice was served and the borough(s) to which the unauthorised encampment was directed to.

Q10. To what extent do you agree or disagree that the period of time in which trespassers directed from land would be unable to return should be increased from 3 months to 12 months?

A10. Strongly agree / **Agree** / Neither agree or disagree / Disagree / Strongly disagree

Rationale

Having a single direction in a twelve month period reduces the operational involvement of the police and local authorities, slightly reducing operational pressures.

There is however a concern that the operational use of transit sites needs to be updated in Government Guidance¹. At present the direction to a transit site precludes those so served from entering any land within the local authority for a period of three months from the date of the direction. This brings into question the operational use of a transit site and what should be considered a reasonable period of time for a person upon the site to be permitted to be in residence on a transit site. The rationale for a transit site is to support those living a transitory lifestyle and as such a view is that occupancy on the transit site be limited to one month within each period of direction served by the police, in effect permitting a total of four months occupancy in any twelve month period. This is to maintain the operational viability of the transit site and to prevent it becoming a permanent residential site for any group or person(s). there is nothing stated in guidance which advises on this position and as such it is subject to challenge by private solicitors on behalf of the travelling community. Having clarity on this would promote transparency and consistency and reduce needless legal debate. This will be increasingly so if the decision is to shift to a twelve month period of time in which trespassers directed from land would be unable to return.

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418139/150326_Dealing_with_illegal_and_unauthorised_encampments_-_final.pdf

Q11. To what extent do you agree or disagree that the number of vehicles needing to be involved in an unauthorised encampment before police powers can be exercised should be lowered from six to two vehicles?

A11. Strongly agree / Agree / **Neither agree or disagree** / Disagree / Strongly disagree

Rationale

In our experience this power has never been exercised solely based on the numbers of caravans present rather it has been based on lawfulness, proportionality and necessity of such an action. The criteria for triggering a direction under s61 is a discretionary choice for the police and is often subject to one of a number of criteria being met, most relating to there being adverse behaviour on the part of the occupants e.g. "that any of those persons has caused damage to the land or to property on the land or used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his".

Q12. To what extent do you agree or disagree that the police should be granted the power to remove trespassers from land that forms part of the highway?

A12 **Strongly agree** / Agree / Neither agree or disagree / Disagree / Strongly disagree

Rationale

There have been instances where groups have encamped on the highway in industrial parks and this has had operational impacts on local businesses and concerns for the health and safety of the occupiers e.g. when encamped on turning circles for HGV drivers who have pets and children running around their manoeuvring vehicles. The highway back of pavement to back of opposite pavement is totally unsuitable for unauthorised encampments.

Q13: To what extent do you agree or disagree that the police should be granted the power to seize property, including vehicles, from trespassers who are on land with the purpose of residing on it?

A13 Strongly agree / Agree / **Neither agree or disagree** / Disagree / Strongly disagree

Rationale

The power to seize vehicles already exists under s62C. extending this to include property or to be a response following a s61 direction is possible, but a matter for the police to comment. The obvious difficulty is the potential to remove a persons home from a family and this is likely to be disproportionate.

Q14: Should the police be able to seize the property of:

- i) Anyone whom they suspect to be trespassing on land with the purpose of residing on it;
- ii) Anyone they arrest for trespassing on land with the purpose of residing on it; or
- iii) Anyone convicted of trespassing on land with the purpose of residing on it?

A14. Only if it is proportionate to do so. If this power is enacted then there should be clear information on how the property can be recovered or disposed of.

Q15. To what extent do you agree or disagree that the proposed amendments to sections 61 and 62A of the Criminal Justice and Public Order Act 1994 contained in this consultation are sufficient measures to tackle the public disorder issues which are associated with unauthorised encampments without the requirement for introducing specific powers that criminalise unauthorised encampments?

Strongly agree / **Agree** / Neither agree or disagree / Disagree / Strongly disagree

Rationale

The powers under s61 and s62A are discretionary, however if utilised they are a strong deterrent to the establishment of unauthorised encampments. The key aspect however is the presence of a transit site as that opens up s62A. Experience has shown that the absence of a transit site leads to more applications for High Court injunctions and reliance on s61, neither of which are within the control of the local authority. The presence of a transit site however, with support from the local police force is the most fair way to manage the issue of unauthorised encampments.

Q16. Do you expect that the proposed amendments to sections 61 and 62A of the Criminal Justice and Public Order Act 1994 contained in this consultation would have a positive or negative impact on the health or educational outcomes of Gypsy, Roma and Traveller communities? If so, do you have any evidence to support this view, and/or suggestions for what could be done to mitigate or prevent any negative impacts?

A16. Highly positive impact / **Positive impact** / Neither positive nor negative impact / Negative impact / Highly negative impact

Rationale

The most difficult task when dealing with unauthorised encampments is to make a fair and meaningful welfare assessment. Sometimes information is given to try and obtain an extended toleration of the encampment and it is difficult for officers to make an informed decision. The provision of transit sites and or tolerated stopping places significantly aids in a consistent response to welfare needs at a single location. Those with a real need often

have significant supporting information to evidence their needs. However, it is difficult to challenge those who do not have such evidence.

Q17. Do you expect that criminalising unauthorised encampments would have a positive or negative impact on the health or educational outcomes of Gypsy, Roma and Traveller communities? If so, do you have any evidence to support this view, and/or suggestions for what could be done to mitigate or prevent any negative impacts?

A17. Highly positive impact / Positive impact / **Neither positive nor negative impact** / Negative impact / Highly negative impact

Rationale

In our experience those with significant health problems have worked closely with our officers to meet the identified needs.

Q18. Do you have any other comments to make on the issue of unauthorised encampments not specifically addressed by any of the questions above?

A18. None identified

Motion Agreed by Council

- i. Write to the government expressing support for the proposed new powers (relates to extension of Sec 62 to adjacent authority areas) and for making deliberate trespass a criminal offence, but raise concerns about the impact on cash-strapped local authorities of allowing neighbouring authorities to avoid their responsibilities towards the gypsy and traveller community. This letter should make the case for both of these to be implemented as soon as possible and also for additional funding to be provided to police services and local authorities to allow them to carry out this work effectively.
- ii. Continue to work to revise the existing protocol agreed with the West Midlands Police. The council has a legal requirement to meet its equality duty and must consider the welfare of trespassers and is required in law to decide whether it can tolerate the encampment.
- iii. Continue to work on building the detailed evidence base required to gain a city-wide injunction against unauthorised encampments to enable the speedy removal of such encampments and prevent the practice of moving from site to site within the city boundaries.
- iv. Request the relevant Director and officers to see what more can be done to recover costs through the courts from trespassers for the associated legal fees, repairs to property and cleaning costs and to report back to Housing and Neighbourhoods Overview and Scrutiny Committee.
- v. Work with local councillors, friends of parks and other community groups to identify areas vulnerable to trespass and prioritise those for appropriate preventative and deterrent measures as and when funding permits. A report to be provided back to Housing and Neighbourhoods Overview and Scrutiny Committee.
- vi. Promote clearer reporting mechanisms for residents so that swift action can be taken at the first sign of unauthorised encampments being set up and that the relevant officers report back on steps taken to Housing and Neighbourhoods Overview and Scrutiny Committee.
- vii. Considers providing sufficient legal campsites to enable the Council to apply to the Courts for a City-wide injunction to prohibit unauthorised campsites and incursions as a matter of urgency.

BIRMINGHAM CITY COUNCIL

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

12 FEBRUARY 2020
ALL WARDS

UPDATE ON CIVIL PARTNERSHIPS, MARRIAGES AND DEATHS (REGISTRATION)

1. Summary
 - 1.1 The appended briefing note provides an update in relation to Civil Partnerships, Marriages and Deaths (Registration).
 - 1.2 The Civil Partnerships, Marriages and Deaths (Registration etc.) Act successfully completed its passage through Parliament on 15 March 2019 and attained Royal Assent on 26 March 2019. The Act will modernise how marriages are registered for the first time since 1837, through the issue of a marriage schedule system and registration in an electronic register. It will move away from the current paper register creating a more secure system for keeping marriage records.
2. Recommendations
 - 2.1 That the attached briefing is noted for information.

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Briefing Note

Report To: LPPC

From: Andrea Haines, Superintendent Registrar/Operations Manager
(andrea.haines@birmingham.gov.uk) Tel: 0121 303 0200

Date: February 2020

Title: Civil Partnerships, Marriages and Deaths (Registration etc.)

Background Information

1.0 Brief History

- 1.1 The Civil Partnerships, Marriages and Deaths (Registration etc) Act successfully complete its passage through Parliament on 15 March 2019 and attained Royal Assent on 26 March 2019. The Act will modernise how marriages are registered for the first time since 1827, through the issue of a marriage schedule system and registration in an electronic register. It will move away from the current paper register creating a more secure system for keeping marriage records.
- 1.2 Date for implementation has not yet been agreed.

2.0 Key changes to marriage registration

- 2.1 Introduction of a schedule system for marriage in England & Wales
- 2.2 Changes in the marriage entry:-
 - Replacing father with mother/father/parent
 - Allowing up to four mother/father/parent entries for each party, rather than just one entry of natural/step-father
 - Closure of all marriage registers (civil and religious)
 -
- 2.3 Return of all marriage stock, from Church of England/Authorised Persons/Society of Friends/Marriage Officers to the Local Registration Service.

3.0 Marriage after civil preliminaries

- 3.1 The Superintendent Registrar's Certificates for marriage will be replaced with a single Marriage schedule and an electronic entry on RON (Registration On Line) will be the register.

- 3.2 The legislation only requires two witnesses however there will be the facility to enter up to six witnesses on the schedule and subsequent marriage entry.
- 3.3 The designation of step-father will be replaced with a more generic step-parent for use with either mother or father. There will no longer be a designation for any reference to adoptive mother.
- 3.4 The sex of each party will not be part of the marriage registration, however, the sex of both parties will remain on Notices of Marriage.
- 3.5 Age will be changed to date of birth on the schedule and marriage entry.
- 3.6 The schedule must be returned to the registration district office where the marriage took place by the Bride or Groom, within 21 days of the marriage ceremony, so it can be formally registered.
- 3.7 The Marriage certificate will be issued by the Register Office after the completion of the electronic registration.

4.0 Marriage in Church of England / Church in Wales

- 4.1 The marriage will no longer be registered at the ceremony, instead the clergyman will issue a marriage document which the couple, their witnesses and the clergyman must sign.
- 4.2 The document which must be returned to the registration district office where the marriage took place by the Bride or Groom, within 21 days of the marriage ceremony, so it can be formally registered.
- 4.3 The marriage certificate will be issued by the Register Office after the completion of the electronic registration.

5.0 Marriage Registers - Areas of Change

- 5.1 Currently all marriages are recorded in a manual marriage register, registers will no longer be required.
- 5.2 All marriage registers in Church of England and Wales, all non-conformist churches and civil marriage registers will need to be closed on a date still to be confirmed once the implementation date has been set and deposited with the Register Office.
- 5.3 The entering of all schedules and marriage documents onto RON will fall to the register office.

6.0 Certificates

- 6.1 Certificates can only be issued after the marriage has been entered and locked on to RON.
- 6.2 Marriage Certificates will be issued by the Registration Service and General Register Office only in future.
- 6.3 There will be no provision to allow a local authority to charge a priority fee to complete the registration on RON on the day of the marriage or at point of registration

7.0 Service Impact

- 7.1 It is expected that there will be very little notice of the intended commencement date for the introduction of the marriage scheduling system.
- 7.2 From commencement date Superintendent Registrar's certificate for marriage will no longer be valid and therefore a marriage will not legally be able to take place.
- 7.3 On commencement date all issued authorities for marriage will be null and void, schedules will need to be issued in their place. Where the marriage is due to take place after the commencement date and the authorities have already been collected by the couple, the Register Office will need to arrange for the return of the authority and replace it with a schedule.
- 7.4 From commencement date a programme for the return, closure and archiving of all registers held in the religious buildings will commence. There are 382 religious' buildings in the district of Birmingham.
- 7.5 The deposit of the marriage registers from the religious buildings will use up storage space in the repository. This will impact on future storage space for birth and death registers.
- 7.6 For civil marriages at the Register Office, electronic registration will be completed at the time of the marriage.
- 7.7 For Civil Marriages at Approved Premises electronic registration will be completed at the Register Office within five days of the marriage taking place.
- 7.8 For Religious Marriages, electronic registration will be completed at the Register Office within five days of receipt of the schedule. (Prior to commencement the responsibility for entry onto RON is the General Register Office's.)
- 7.9 The Register Office will have no prior knowledge of any Church of England marriages taking place and therefore will not be able to ensure that the electronic registration takes place.

- 7.10 Resource in terms of time and officers will need to be made available to ensure all marriages are entered onto RON within the required five day time scale to enable to issuing of the marriage certificates.

8.0 Income generation

- 8.1 There would be an increase in the number of first time marriage certificates issued for religious buildings as the certificates will only be obtainable from the local Register Office or the General Register.
- 8.2 The approximate annual number of certificates currently issued by the religious buildings is around 600. $600 \times £11$ (cost of a marriage certificate) = potentially £6600.00 additional income.

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

12 February 2020
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
DECEMBER 2019**

1. Summary
 - 1.1 This report advises the Committee of the outcomes of appeals against the Sub Committee's decisions which are made to the Magistrates' Court, and any subsequent appeals made to the Crown Court, and finalised in the period mentioned above.
2. Recommendation
 - 2.1 That the report be noted.

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3. Summary of Appeal Hearings for December 2019

	Magistrates'	Crown
Total	4	
Allowed		
Dismissed	2	
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court		
Consent Order	2	

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 December 2019 costs have been requested to the sum of £6096.60 so far with reimbursement of £5946.60 so far (97.53%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2019 to December 2019, costs associated to appeal hearings have been requested to the sum of £19,344.05 so far with reimbursement of £17,248.05 so far (89.16%) ordered by the Courts.
- 4.4 For the fiscal year thus far, April 2019 to December 2019, costs contra Birmingham City Council associated to appeal hearings have been requested and awarded in excess of £60.00.

5. Implications for Policy Priorities

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

6. Public Sector Equality Duty

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

7. Consultation

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

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

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

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Hamad Ali	05.12.2019	Dismissed	£150.00	£150.00	The appeal was against the decision of the Sub Committee to refuse to grant a private hire driver licence to Mr Ali on 17.09.2019, owing to convictions recorded against him. Mr Ali attended Court represented by Mr Chauhan. The Magistrates were not satisfied that the decision of the Committee was wrong and the appeal was therefore dismissed. Full costs of £150.00 were awarded.
2	Mohammed Zadran	05.12.2019	Dismissed	£150.00	£0.00	The appeal was against the decision of the Sub Committee to refuse to grant a private hire driver licence to Mr Zadran on 17.09.2019, owing to a conviction for taxi touting recorded against him. Mr Zadran attended Court represented by Mr McVeighy. The Magistrates were not convinced the decision of the members was wrong and accordingly they dismissed the appeal. Appeal costs were sought in the sum of £150.00 but the Magistrates were not minded to award any costs in this particular case.

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	New Era Birmingham Limited In respect of Stories 30 Ladywell Walk Birmingham B5 4ST	09.12.19	Consent Order	£3860.00	£3860.00	The appeal was against the decision of the Sub Committee on 30.05.2019 to modify the conditions of licence following an application for an expedited review submitted by West Midlands Police. The appeal was allowed by way of a consent order approved by the court. The premises licence was amended to include the conditions of licence added at a further review hearing on 31.10.2019. The appellant was ordered to pay costs in the sum of £3860.00.
2	Dharminder Gulati Wheeler Street Foodstore 6-8 Wheeler Street Birmingham B19 2ER	16.12.19	Consent Order	£1936.60	£1936.60	The appeal was against the decision of the Sub Committee on 01.07.2019 to suspend the premises licence for four weeks and modify the conditions of licence, following an application for a review of the premises licence submitted by West Midlands Police. The appeal was allowed by way of a consent order. The conditions of licence were amended, satisfactory to West Midlands Police. The appellant was ordered to pay costs in the sum of £1936.60.

BIRMINGHAM CITY COUNCIL

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

12 FEBRUARY 2020
ALL WARDS

PROSECUTIONS AND CAUTIONS – DECEMBER 2019

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of December 2019.
2. Recommendation
 - 2.1 That the report be noted.

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3. Results

3.1 During the month of December 2019 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 20 Environmental Health cases were finalised resulting in fines of £13,693. Prosecution costs of £6,044 were awarded. No simple cautions were administered as set out in Appendix 1.
- Two Licensing cases were finalised resulting in fines of £480 and 14 penalty points issued. Prosecution costs of £1,500 were awarded. No simple cautions were administered as set out in Appendix 2.
- No Trading Standards cases were finalised and one simple caution was administered as set out in Appendix 3.
- Five Waste Enforcement cases were finalised resulting in fine of £1,426. Prosecution costs in the sum of £2,350 were awarded. No simple cautions were administered as set out in Appendix 4.
- Appendix 5 lists cases finalised by district in December 2019 and cases finalised by district April 2019 – December 2019.
- Appendix 6 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2019 to December 2019.

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 2019 to December 2019 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£200,871 has been requested with £160,249 being awarded (80%).

Licensing

£17,798 has been requested with £9,422 being awarded (53%)

Trading Standards

£41,429 had been requested with £21,096 being awarded (51%).

- 5.3 For the month of December 2019 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£9,812 has been requested with £8,394 being awarded (86%).

Licensing

£3,566 has been requested with £1,500 being awarded (42%)

Trading Standards

No costs have been requested or awarded

- 5.4 The following income has been received so far from the courts in 2019/20.

Environmental Health

£59,251 has been received including Waste Enforcement cases.

Licensing

£2,242 has been received.

Trading Standards

£6,060 has been received.

(Total £67,553).

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

6. Implications for Policy Priorities

- 6.1 The contents of this report contribute to the priority action of ensuring business compliance with legislation to protect the economic interests of consumers and businesses as contained in the Council Business Plan 2015+.

7. Public Sector Equality Duty

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

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

FOOD HYGIENE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	12/12/19	Zurbiyan Restaurant Ltd 392 Coventry Road Birmingham B10 0UF	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions found at Zurbiyan, 392 Coventry Road, Birmingham. There was evidence of both mouse and cockroach activity in the premises. Mouse droppings were found on equipment, on a food preparation surface, shelving, a cutlery tray and the floor of the customer seating area. Juvenile cockroaches were found on the floor of the serving area, adult cockroaches, egg casings and cockroach droppings were found with general dirt and debris under the front counter display unit. The premises was not kept clean, the refrigerator in the rear kitchen was dirty, kitchen taps were dirty, shelving was dirty, the extraction canopy above the cooking range was dirty and greasy and there was pooling blood above open food in the walk in chiller. The mincing machine was dirty. There was an open drain in the side preparation room. The external door was ill fitting with a gap allowing pest access into the premises. There were holes in the rear kitchen area, the ceiling of the storage cupboard and along pipework in the customer seating area.	£10,000 – offence 1 No separate penalty for remaining offences. £1,004 costs (£1,004 requested)	Bordesley Green	Bordesley Green

LITTER OFFENCES – SJP

	Date Case Heard	Name	Fine/Penalty & Costs	Ward of defendant
2	10/12/19	Jordan Cope Worcester Proved in absence	£220 £350 costs (£175 requested)	Out of area
3	10/12/19	Angela Craig Birmingham Proved in absence	£220 £350 costs (£175 requested)	Bournville & Cotteridge
4	10/12/19	Lulian Madalin Curtea Birmingham Proved in absence	£220 £120 costs (£175 requested)	Soho & Jewellery Quarter
5	10/12/19	Jack Garghan Birmingham Proved in absence	£220 £350 costs (£175 requested)	Rubery & Rednal
6	10/12/19	Louise Gwilt Shrewsbury Guilty plea	£40 £85 costs (£175 requested)	Out of area
7	10/12/19	Karl Harris Birmingham Guilty plea	£146 £100 costs (£175 requested)	Bournville & Cotteridge

8	10/12/19	Tamassina Hessel London Proved in absence	£220 £350 costs (£175 requested)	Out of area
9	10/12/19	Sarwar Hussaini Birmingham Proved in absence	£220 £350 costs (£175 requested)	Newtown
10	10/12/19	Chloe Jones Birmingham Proved in absence	£220 £350 costs (£175 requested)	Moseley
11	10/12/19	Aaron Kettle Oldbury Proved in absence	£220 £350 costs (£175 requested)	Out of area
12	10/12/19	Adrian Lang Redditch Proved in absence	£220 £350 costs (£175 requested)	Out of area
13	10/12/19	Zac Little Solihull Proved in absence	£220 £350 costs (£175 requested)	Out of area
14	10/12/19	Peter McGeechan Glasgow Guilty plea	£70 £85 costs (£175 requested)	Out of area
15	10/12/19	Alistair McMurray Leicester Guilty plea	£137 £100 costs (£175 requested)	Out of area

16	10/12/19	Laura Roberts Bromsgrove Proved in absence	£220 £350 costs (£175 requested)	Out of area
17	10/12/19	Mohammed Tariq Birmingham Proved in absence	£220 £350 costs (£175 requested)	Ladywood
18	10/12/19	Yue Wang Preston Proved in absence	£220 £350 costs (£175 requested)	Out of area
19	10/12/19	Robert Waslik London Proved in absence	£220 £175 costs (£175 requested)	Out of area
20	10/12/19	Bradley Wright Liverpool Proved in absence	£220 £175 costs (£175 requested)	Out of area

LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
10/12/19	19	£3,693	£5,040	£3,325

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

During the period of December 2019 no simple cautions were administered.

LICENSING CASES**APPENDIX 2**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
21	4/12/19	MD Golam Mukthadir Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded <u>not guilty</u> to two offences; one of plying for hire on Navigation Street, Birmingham and one of consequently having invalid insurance. Found guilty after trial.	£180 – no insurance + 8 penalty points No separate penalty for plying. £500 costs (£2,122 requested)	Quinton	Ladywood
22	13/12/19	Syed Abdur Rahim Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded <u>not guilty</u> to two offences; one of plying for hire on Smallbrook Queensway, Birmingham and one of consequently having invalid insurance. Found guilty after trial.	£300 – plying + 6 penalty points No separate financial penalty for no insurance £1,000 costs (£1,444 requested)	Holyhead	Ladywood

LICENSING SIMPLE CAUTIONS

During the period of December 2019 no simple cautions were administered.

TRADING STANDARDS CASES

No Trading Standards prosecutions were finalised during December 2019.

TRADING STANDARDS SIMPLE CAUTIONS

During the period of December 2019 one simple caution was administered.

Trade Marks Act 1994

One simple caution was administered for having in possession, custody or control in the course of a business, goods namely, handbags, watches, belts, purses and sunglasses, which bore signs identical to or likely to be mistaken for registered trademarks, namely, Michael Kors, Yves Saint Laurent, Versace, Patek Philippe, Boss or Hugo Boss, Hermes, Diesel, Luis Vuitton, Prada and Lacoste.

WASTE ENFORCEMENT CASES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
23	11/12/19	Rashta Rafique Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of causing controlled waste, namely a large quantity of refuse sacks filled with domestic waste and wallpaper, a toilet cistern, boxes and hedge trimmers to be deposited from a vehicle under his control onto land on Cranby Street, Birmingham.	£180 £1,000 costs (£2,033 requested)	Shard End	Alum Rock
24	12/12/19	Duman Marian Cadular Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely carpets, refuse sacks and bulky waste furniture pieces on land in Cranby Street, Birmingham.	£430 £500 costs (£1,399 requested)	Alum Rock	Alum Rock
25	12/12/19	Charlene Gwatidzo- Rusike Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Stylers Afro Hair Salon and Barber, 39-41 Station Road, Erdington, Birmingham was disposed of within 7 days.	£300 £50 costs (£340 requested) Sat at the back of Court for the afternoon. Magistrates deemed this as sentence served. No financial penalty to pay.	Castle Vale	Erdington

26	12/12/19	Robert Valentine Briscoe Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of causing or permitting controlled waste, namely numerous black bin bags of waste, to be deposited on Heath Street South, Winson Green, Birmingham.	£416 £400 costs (£815 requested)	Bordesley & Highgate	Ladywood
27	18/12/19	Mohammed Ahmed Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from M J Barbers, 427-429 Moseley Road, Birmingham was disposed of within 7 days.	£100 £400 costs (£896 requested)	Balsall Heath West	Balsall Heath West

WASTE ENFORCEMENT SIMPLE CAUTIONS

No simple cautions were administered during December 2019.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – DECEMBER 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	2	0	0	0	0	0	0	2
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	19	0	0	0	0	0	0	19
Environmental Health (including WEU)	0	1	1	2	2	0	0	0	0	0	0	6
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 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	0	0	0	0	1	0	0	0	0	2
Environmental Health (FPNs) Not paid and prosecuted	0	0	1	0	3	1	0	2	0	0	12	19
Environmental Health (including WEU)	0	1	1	2	2	0	0	0	0	0	0	6
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-DECEMBER 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	3	1	1	0	12	0	0	0	3	0	0	20
Environmental Health (FPNs) Not paid and prosecuted	0	1	0	0	478	0	0	0	0	0	0	479
Environmental Health (including WEU)	2	7	16	20	34	2	9	6	2	4	0	102
Trading Standards	0	0	0	2	4	1	5	0	1	3	0	16

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-DECEMBER 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	2	2	1	2	5	0	3	0	0	1	4	20
Environmental Health (FPNs) Not paid and prosecuted	30	24	23	30	58	17	32	17	4	20	224	479
Environmental Health (including WEU)	1	10	19	19	24	0	9	4	1	4	11	102
Trading Standards	0	0	1	2	1	1	5	1	1	3	1	16

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2019 – MARCH 2020

Waste Investigation Outcomes													
	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Total
Duty of care inspections into the waste disposal arrangements of commercial premises	64	97	93	94	92	83	127	123	26				799
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	37	59	64	51	45	50	76	60	12				454
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	7	9	39	37	10	36	39	25	9				211
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences (£80)	0	0	0	0		0	0	0	0				0
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	4	7	4	7	4	10	6	8	4				11
Prosecutions													
Number of prosecution files submitted to legal services, (number produced quarterly.	13	10	35	9	9	7	13	11					107

BIRMINGHAM CITY COUNCIL**LICENSING AND PUBLIC PROTECTION COMMITTEE****12 FEBRUARY 2020****SCHEDULE OF OUTSTANDING MINUTES**

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
1231 23/10/2019	<u>Update Report On Unauthorised Encampments</u> – The Assistant Director of Regulation and Enforcement be requested to report further in three months' time to update on the various work items contained within the report.	See agenda Item No. 7 To be discharged

