

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 18 APRIL 2018 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise/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 - 14

4 MINUTES

To confirm and sign the Minutes of the meeting held on 14 March 2018.

15 - 26

5 REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2018/2019

REPORT OF THE ASSISTANT DIRECTOR, HIGHWAYS AND INFRASTRUCTURE

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6 REGULATION AND ENFORCEMENT SERVICE PLANS 2018/2019

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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- REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
- 189 - 190** 12 **SCHEDULE OF OUTSTANDING MINUTES**
- To consider the schedule of Outstanding Minutes.
- 13 **DATE OF NEXT MEETING**
- To agree that the next meeting will be held at 1000 hours on Wednesday 20 June 2018 at the Council House.
- 14 **OTHER URGENT BUSINESS**
- 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.
- 15 **AUTHORITY TO CHAIRMAN AND OFFICERS**
- 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

LICENSING AND PUBLIC PROTECTION COMMITTEE 14 MARCH 2018
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 14 MARCH 2018 AT 1000
HOURS IN COMMITTEE ROOMS 3 AND 4
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Alex Buchanan, Lynda Clinton,
Basharat Dad, Des Flood, Carol Griffiths, Nagina Kauser,
Chaman Lal, Mike Leddy and Rob Sealey

NOTICE OF RECORDING/WEBCAST

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

APOLOGIES

- 985 Apologies were received from Councillors Nawaz Ali, Liz Clements, Ian Cruise and Change Khan for non-attendance.

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

MINUTES

- 986 The Minutes of the meeting held on 14 February 2018, having been previously circulated were confirmed as a correct record and signed by the Chairman.

**CONTROL OF SEX ESTABLISHMENTS – SEXUAL ENTERTAINMENT
VENUE, THE ROCKET CLUB, 258 BROAD STREET, BIRMINGHAM B1
2HF**

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

(See document No. 1)

The following people were in attendance for the hearing.

Sarah Clover	-	Barrister
Carl Moore	-	Licensing Consultant
Warwick Ramseir	-	DPS Manager

The following information was provided to the Committee via e-mail prior to the meeting and hard copies were subsequently tabled at the meeting:-

(See document No. 2)

At this juncture, the Chair welcomed everyone to the meeting and made the necessary introductions. She outlined the running order of the business and the times each party would have to make their representation and summary.

The Chair after seeking confirmation that the applicant did not wish to make any preliminary points invited the Licensing Officer to present the report.

Shaid Yasser, Licensing Section, made introductory comments relating to the report.

Sarah Clover made the following comments in support of an application renewal for The Rocket Club Gentlemen's Entertainment Limited:-

She made reference to the very recently submitted documents and highlighted that they provided all the relevant information required as a result of the objection that had been received, adding that the additional information was to provide full transparency of the business.

She highlighted that The Rocket Club was a very long established sexual entertainment venue in Birmingham and had been making renewal applications since 2011. She stated that the necessary compliance visits had taken place over the years and there had never been any reported issues of concern and that Licensing Officers had been satisfied with the situation.

She confirmed that over the years nothing had changed regarding the structure and the persons involved in the club, and explained that it was not an unusual situation for the licence to be held in one company name, and for the company to trade and for the finances to go through another name.

She highlighted that the key reason for this in the sexual entertainment venue industry was due to discretion, and subsequently explained the reasoning behind this and provided an example within the documentation whereby other venues adopted this standard approach.

She made reference to the fact that the name on the application was different and did not appreciate that there was going to be an issue until now when the objector had made the objection. She confirmed that since 2011, the renewal application had always been submitted in this name form and it had never ever been perceived to be a problem.

Councillor Leddy expressed disapproval in seeing a club in the name of a licence holder being operated by another business which was not answerable and had not come before this committee.

He therefore suggested that Berkleys Leisure Limited trading as The Rocket Club would instil greater confidence, if, the individuals concerned were answerable to this Committee.

Sarah Clover responded by stating that in order to overt an objection such as this in the future, instruction could be taken on the face of the application.

After taking instruction from the applicant, she stated that for the purposes of the application, it could be written down in future that the Committee could see the one company trading as the name of the other and for today's purposes that the application be retrospectively corrected.

At this juncture, Sarah Clover provided a very brief submission.

At 1030 hours the Committee adjourned and the Chair requested that all present, with the exception of the Members, the Committee Lawyer and Committee Manager withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1040 hours and the decision of the Committee to grant the renewal application was announced with Warwick Ramseir being advised of the full decision and reasons as set out below in due course:-

987

RESOLVED:-

That the application by The Rocket Club Gentleman's Entertainment Limited for the renewal of the Sexual Entertainment Venue licence under the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 in respect The Rocket Club, 258 Broad Street, Birmingham, B1 2HF **BE GRANTED.**

Those matters detailed in the application and the Council approved standard conditions will form part of the licence issued pursuant to Paragraph 13, Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982.

Members carefully considered the representations on behalf of the applicant in response to the written objection as set out within Appendix 5 of the Committee Report (as those making the objection had not attended the Committee meeting) but were not satisfied that any statutory grounds ground to refuse the renewal of the application, as set out in Paragraph 12, Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) applied on this occasion.

Licensing and Public Protection Committee – 14 March 2018

Members were informed by the applicant's legal advisor, that the applicant current trading model, company structure (including key officers) and the premises layout had been in place since the Authority first granted the Sexual Entertainment Venue licence, and that this had not resulted any concerns being raised by either West Midlands Police or the Council's Licensing Enforcement Team at each subsequent annual renewal thereafter.

Furthermore, Members were informed by the applicant's legal advisor that the practice of retaining such a company structure (with a dormant company allied to the main operating company) was custom and practice or a "National Standard" for many venues of this type and that the rationale for adopting this was to ensure that there was an element of discretion for their patrons when expenditure at the venue was documented within their financial records.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Sexual Entertainment Venue Policy, the information contained in the application, the written representations received and the submissions made at the hearing by the applicant and their legal adviser and the written representations received.

The applicant is entitled to appeal the decision of the Licensing Authority before the expiration of the period of 21 days beginning with the relevant date appeal to the Magistrates' Court acting for the relevant area in accordance with the provisions of Paragraph 27 Schedule 3, of The Local Government (Miscellaneous Provisions) Act 1982.

LICENSING AND PUBLIC PROTECTION COMMITTEE – BUDGET MONITORING 2017/18 (MONTH 10)

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

(See Document No. 3)

David Jones, Finance Manager provided a detailed presentation of the report and responded appropriately to comments and questions from Members of the Committee.

David Jones made reference to the all year pressure on the Coroners Service and the high volume of demand. He confirmed that it was reviewed regularly and based on the latest figures in January 2018 they had managed to reduce pressures by keeping their costs under control during the year.

He referred to the Registrars Service and confirmed that they were looking to break even although a great deal of their income was seasonal. He further confirmed that they had identified a very small pressure which they would be reviewing up to the year end.

He referred to 1974 Inquest and the new cemetery and agreed to provide the Committee with an update in the near future.

At this juncture Councillor Clinton declared a non-pecuniary interest in relation to the 1974 Birmingham Pub Bombing agenda item.

Chris Neville, Acting Director of Regulation and Enforcement referred to the 1974 Inquest and reported that there had been a verbal assurance from Ministry of Justice that the costs would be covered by the Government. He further reported that the Chair had written to the Ministry of Justice seeking assurance that this would be the case.

He added that if the costs were not met by the Government, then they would have to be met corporately which would not be the responsibility of this Committee. He stressed that they were doing as much as they could to progress the issue and would endeavour to contact the Ministry of Justice again in this respect.

He referred to the new cemetery in Sutton Coldfield which was due to become operational in the spring and subsequently agreed to provide a progress update to the Committee.

Chris confirmed that they would be writing to the relevant Government department regarding registration fees and whether there was any movement where fees could be set locally.

Chris made reference to Appendix 5 of the report and provided a brief explanation of the 2 separate Proceeds of Crime accounts.

The Chair put the recommendations to the meeting all were unanimously agreed:-

988

RESOLVED:-

The Licensing and Public Protection Committee:-

Noted the latest Revenue budget position at the end of January 2018 (Month 10) and Forecast Outturn, as detailed in Appendix 1 of the report.

Noted the financial position with regard to the Savings Programme for 2017/18 as detailed in Appendix 2 of the report.

Noted the expenditure on grant funded programmes in Appendix 3 of the report.

Noted the position on capital projects, as detailed in Appendix 4 of the report.

Approved the net appropriations to reserves relating to Proceeds of Crime Act of £0.276m and noted the closing position on reserves, as detailed in Appendix 5 of the report.

LICENSING AND PUBLIC PROTECTION – REVENUE BUDGET 2018/19

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

(See document No. 4)

David Jones, Finance Manager provided a detailed presentation of the report and responded appropriately to comments and questions from Members of the Committee.

Chris Neville, Acting Director of Regulation and Enforcement referred to the hospitality training programme for drivers that had taken place approximately 3 years ago which had been funded by the Government. He referred to the ring-fenced reserve and saw no reason why some of the funding could be used for drivers' educational purposes in raising standards.

He confirmed that this would have to be given greater consideration with the submission of a report and taken into account whether there were any other aspects of the Commonwealth Games which could impinge on the Licensing Service.

David Jones, Finance Manager made reference to the additional resources that were both for the Mortuary and Coroners Services which had been set out in a previous report detailing where those resources were. He confirmed that the capital was for the Mortuary Service pertaining to health and safety improvements which had resulted in a larger capital programme than was anticipated.

Chris Neville reported on the urgent repair work that had to be done in order for the Mortuary Service to continue operating and agreed to share the financial information with the Committee in this regard.

Chris Neville confirmed that the Committee had been recently looking at this issue of the use of credit cards in taxis and stated that the proposal was to make it a requirement that all black cabs would take credit cards.

He reported that not all black cabs in the trade supported the proposal, and therefore, they would be looking to consult widely amongst the drivers and then return with a report, whereupon the Committee would be able to make a decision, after giving due consideration to the views of the trade.

The Chair put the recommendations to the meeting all were unanimously agreed:-

989

RESOLVED:-

The Committee:-

Noted the 2018/19 Revenue Budget Changes as detailed in Appendix 1 of the report.

Noted the 2018/19 Service and Subjective Budget in Appendix 2 of the report.

Noted the Budget 2018/19 to 2021/22 in Appendix 3 of the report.

Noted the 2018/19 budgeted employee establishment as detailed in Appendix 4 of the report.

Noted the latest 2018/19 Reserves position as detailed in Appendix 5 of the report.

RECOMMENDED CHANGES TO DRIVER'S MEDICAL FREQUENCIES

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

(See document No. 5)

Emma Rohomon, Acting Head of Licensing presented the report and responded appropriately to comments and questions from Members of the Committee.

Emma referred to the drivers with medical conditions and stated that they would expect them to continue to contact the department, as they would contact the Driving and Vehicle Licensing Agency (DVLA) reporting their condition. She highlighted that all drivers' medical records were confidential and held by Occupation Health.

She subsequently referred to 4.5 of the report and highlighted that any existing policies aside from frequency of medicals remained unchanged.

The Chair put the recommendation to the meeting and following a vote it was recorded that 9 were in favour and 2 were against.

990

RESOLVED:-

The Committee considered the matters raised in the report and amend the Policies, Procedures and Delegations in line with the recommendation made by Doctor Cathcart on behalf of the Occupational Health Service.

**HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS/APPLICANTS:
REFERENCES FROM MEMBERS OF PARLIAMENT**

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

(See document No. 6)

Emma Rohomon, Acting Head of Licensing presented the report and responded appropriately to comments and questions from Members of the Committee.

In response to previous information requested by Councillor Flood, Chris Neville, Acting Director of Regulation and Enforcement agreed to provide the information to all members of the Committee.

Emma explained the reasoning why within the Code of Conduct for members of the Licensing and Public Protection Committee, the prohibition on references was not included as the proposal applied to all elected members of the City Council and therefore avoided the risk of duplication of the code. She confirmed that there would be an amendment to the Constitution prohibiting all elected members of providing references.

The Chair and Chris Neville confirmed that the Leader had expressed the view that the proposal should extend to MEP's and the elected Mayor of the West Midlands.

Chris stated that if the Committee shared the same view, then the proposal required to be amended, in order to reflect that members of the Committee, would not accept references provided by; Members of Parliament, Members of European Parliament, the elected Mayor of the West Midlands and as suggested in Committee, the Police Crime Commissioner which would then form the basis of consultation.

Emma confirmed that they would be writing to all elected members after the elections with information regarding the Licensing Service, in order to dispel any myths that they may have and to clarify procedures with regard to making representations.

At this juncture, Sanjeev Bhopal, Senior Lawyer explained that due to the proposed change to policy as part of the recommendation, there was a requirement to undertake a consultation and that it would take place after Purdah, in accordance with the guidance that had been issued to all elected members and officers.

The Chair put the recommendations as amended to the meeting all were unanimously agreed:-

991

RESOLVED:-

- 2.1 That the Committee considered the revision to the current policy on applicants for Hackney Carriage and Private Hire Licence applications as set out at Paragraph 4.8 of this Report and:
 - 2.1.1 That if the recommendation at 2.1 was agreed by Committee, that officers undertake a public consultation for a period not exceeding 4 weeks on any appropriate revisions to the Council's Policy for Hackney Carriage and Private Hire applications incorporating the changes at Paragraph 4.8 of this Report as amended. And
 - 2.1.2 That officers revert to Committee with the outcome of the public consultation and provide Committee with their final recommendations on the proposed changes to Committee policy as set out at Paragraph 4.8 of this Report,

2.2 That Outstanding Minute No. 942(iii) be discharged.

VEHICLE ENGINE SIZES AND ELECTRICALLY POWERED VEHICLES

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

(See document No. 7)

Chris Neville, Acting Director of Regulation and Enforcement presented the report.

During the course of the presentation there was a five minute adjournment.

In response to comments and questions the following points were made:-

Chris Neville confirmed that there were 197 charging points for which the City Council had received funding specifically to accommodate taxis and private hire vehicles.

Chris provided an explanation as to why the Working Group had focused on engine size.

A brief discussion ensued regarding the lack of spare wheels in newer cars and the safety aspect. It was highlighted that these cars were manufactured with a repair kit which allowed the driver to safely get the puncture repaired or the tyre replaced within a certain timescale.

The Chair put the recommendations to the meeting all were unanimously agreed:-

992

RESOLVED:-

That Committee agreed in principle to the recommendations of the Working Group identified in paragraphs 6.1 to 6.4 of this report to remove the policy requirement for private hire vehicles to have a minimum engine size of 1600cc or 1500cc for the second-generation Toyota Prius.

That officers be instructed to consult with taxi and private hire trade representatives and the wider general public on the proposals in paragraphs 6.1 to 6.4 for a period of 6 weeks, as outlined in paragraph 7.2 of this report.

That a further report be brought to the Committee at the first opportunity to make final recommendations based on the results of the consultation.

That Outstanding Minute No. 968 of 17 January 2018 be discharged.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING JANUARY 2018

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

(See Document No. 8)

Emma Rohomon, Acting Head of Licensing made introductory comments relating to the report and highlighted some of the cases therein.

The Chair thanked Emma for reporting.

The Chair put the recommendation to the meeting and it was unanimously agreed:-

993

RESOLVED:-

That the report be noted

PROSECUTIONS AND CAUTIONS – JANUARY 2018

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

(See Document No. 9)

Chris Neville, Acting Director of Regulation and Enforcement made introductory comments relating to the report and subsequently referred to various prosecutions and cautions.

Mark Croxford, Head of Environmental Health agreed to provide the relevant information requested regarding food establishments with zero ratings.

The Chair put the recommendation to the meeting and it was unanimously agreed:-

994

RESOLVED:-

That the report be noted.

FIXED PENALTY NOTICES ISSUED JANUARY 2018

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

(See Document No.10)

Mark Croxford, Head of Environmental Health made introductory comments relating to the report and highlighted the cases therein.

The Chair put the recommendation to the meeting and it was unanimously agreed:-

995

RESOLVED:-

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 11)

Chris Neville, Acting Director of Regulation and Enforcement, updated the dates for which reports would be forthcoming in relation to various Outstanding Minutes.

It was -

996

RESOLVED:-

That Outstanding Minute Nos. 942 (iii) and 968 be discharged with the remaining Outstanding Minutes be continued.

OTHER URGENT BUSINESS

Uber Taxi Company

997

A discussion ensued following questions relating to the above-mentioned taxi company's licence renewal.

At this juncture a short adjournment took place where legal advice was provided to the Committee by the Committee Lawyer in attendance at the meeting.

Following legal advice, Chris Neville Acting Director of Regulation and Enforcement stated that the City was seeking clarity from Uber on its business model as it decides whether to renew the taxi application's licence after granting a temporary extension.

The Chair confirmed that the licence had been temporarily extended whilst they awaited the legal outcome and subsequently apologised for not alerting the Committee in this respect.

Chris Neville reported on the action officers had taken under the delegated powers, and stated, that if for any reason officers determined that the licence should not be renewed, then the decision would be passed to members with the assurance that all the relevant facts would be made available in order that the correct decision was made.

Chris reported that if the decision was passed to the Sub-Committee then the Sub-Committee could refer the matter to full Committee if considered appropriate.

Establishing Protocols for Various Major Facilities

998 Following a discussion relating to the above, the Chair made reference to the report which was to be provided to Committee from members that sat on the relevant committees which covered; Aston Villa and Birmingham City Football Clubs and Edgbaston Cricket Club.

Chris made reference to the gold, silver and bronze structure relating to significant public emergencies, stating that the oversight of the resilience and emergency planning was organised through the Leader's office.

AUTHORITY TO CHAIR AND OFFICERS

999 **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 ended at 1330 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

REPORT OF THE ASSISTANT DIRECTOR, HIGHWAYS & INFRASTRUCTURE TO THE LICENSING & PUBLIC PROTECTION COMMITTEE

18TH APRIL 2018

ALL WARDS

REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2018/2019

1 SUMMARY

- 1.1 This report deals with the annual review of fees and charges for Highway Services within the delegations of this Committee.

2 RECOMMENDATIONS

- 2.1 That the fees and charges set out in Appendix 1 are approved as follows:
- City Council retained fees and charges with effect from 30th April 2018
 - Highways Maintenance and Management Private Finance Initiative (HMMPFI) Service Provider, Amey retained fees and charges with effect from 7th June 2018

3 BACKGROUND

- 3.1 The City Council's Financial Regulation 15.2 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 Public Protection Committee on 12th April 2017.
- 3.2 Following commencement of the Highway Maintenance and Management PFI Contract in June 2010, specific permits, under the legislation shown in Table 1 below, are prepared by the Council's Highway Maintenance and Management Service Provider, Amey.

Under the terms of the Highway Maintenance and Management PFI Contract, Amey is entitled to retain the fee / charge associated with the issue of certain permits. Table 1 below identifies the fee recipient for different permit 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	Service Provider
Section 171 – Deposit of materials on the highway	Service Provider
Section 172 - Hoarding	Authority
Section 177 – Oversailing the Highway	Service Provider
Section 184 – Carting Over (Temporary Access)	Service Provider
New Roads and Street Works Act (NRSWA) 1991:	-
Section 50 - Licence for Private Apparatus in the Highway	Authority

3.3 The key points in relation to this are:

- For those permits where Amey retains the fees, this is at a level agreed between the City Council and Amey;
- The setting of the levels of fees and charges retained by the Authority for such permits ultimately remains a matter for this Committee;
- The contract restricts the maximum level of increase that Amey may request to the previous rate plus the HMMPFI contractual index (RPIx). This increase is contractually linked to the contract anniversary in June of each year; This increase is capped at 4.08% (January 2018 Index) for 2017/18 but may be rounded up for clarity.
- Those fees and charges received by the Service Provider are therefore contractually controlled and are not able to be amended by the committee. They are included for the committee to note.

4 PROPOSALS

- 4.1 The fees and charges covered by this report have been reviewed in line with the Corporate Charging Policy. The fees retained by the Service Provider Amey are to be increased by between 2.86% and 4.08% in line with the HMMPFI contractual requirements. Those retained by the Authority are to be increased by 5.4% 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, have been provided in Appendix 1 of this report.
- 4.2 The fees and charges have been compared to those of neighbouring West Midlands local authorities and UK Cities for similar services. The picture between different authorities is a varied one, with some different charging structures and different charges. The proposed charges are not significantly disparate to those of other authorities.
- 4.3 No changes such as additional fees, removed fees or altered pricing structures are proposed.
- 4.4 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.

5 IMPLICATIONS FOR RESOURCES

- 5.1 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 2017/18. The proposed fees and charges outlined in appendix 1 are estimated to increase income to the City Council by approximately £18,700 which will cover the associated increase in costs.

6 CONSULTATION

Senior officers and the Cabinet Member for Transport and Roads have been consulted.

7 IMPLICATIONS FOR POLICY PRIORITIES

- 7.1 The recommendations contained within this report are in accordance with Financial Regulations, the requirement to balance the Budget and the Corporate Charging Policy.
- 7.2 The extent to which the charges for the services covered by this report comply with the detailed requirements of the Corporate Charging Policy are identified and attached in Appendix 2.

8 IMPLICATIONS FOR EQUALITY AND DIVERSITY

- 8.1 Following an initial equalities assessment (Appendix 3) no specific implications have been identified for equality and diversity.

Appendices:

- Appendix 1: List of Proposed Revised Fees and Charges
- Appendix 2: Compliance with the City Council's Corporate Charging Policy
- Appendix 3: Equalities Analysis Appendix 4: Public Sector Duty Statement Equality Act 2010.

Background Papers:

- Corporate Charging Policy

Contact Officers**Kevin Hicks**

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CONSIDERATION OF POLICY REQUIREMENT OF CORPORATE CHARGING POLICY

POLICY REF	CORPORATE CHARGING POLICY REQUIREMENT	LICENSES AND PERMITS
3a	Distinguished between controllable & non-controllable charges (Set by Government)	Controllable
3c	Considered/identified subsidies	No subsidies
3d	Budget adjusted to reflect policy objectives	Not applicable
3e	Differential charging considered	Not applicable
3f	Charges compared with competitors	Not Applicable
3b	Maximises income, covers full cost	Covers cost
4	Discretionary services not charged for considered	Not applicable
7a	Charges simple to understand and administer	Yes
7b	Service users understand charges / payment method before service provided	Yes
7c	Method of payment considered	Yes
8a	Charges updated at least annually	Yes
8b	Charges take account of what market will bear	Yes, where applicable
8c	3 year Corporate Review of concessionary schemes	Not applicable



Equality Analysis

Birmingham City Council Analysis Report

EA Name	Licensing And Public Protection Highway Fees And Charges 2017/18
Directorate	Economy
Service Area	Economy - Highways & Infrastructure
Type	Reviewed Policy
EA Summary	Review of fees and charges for highways licensing functions for 2017/18
Reference Number	EA001892
Task Group Manager	dominic.waller@birmingham.gov.uk
Task Group Member	
Date Approved	2017-04-03 00:00:00 +0100
Senior Officer	lesley.edwards@birmingham.gov.uk
Quality Control Officer	hilarly.mills@birmingham.gov.uk

Introduction

The report records the information that has been submitted for this equality analysis in the following format.

Initial Assessment

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

Relevant Protected Characteristics

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

1 Activity Type

The activity has been identified as a Reviewed Policy.

2 Initial Assessment

2.1 Purpose and Link to Strategic Themes

What is the purpose of this Policy and expected outcomes?

The purpose is for the highway department with guidance from finance and legal to review the fees charged by the Highway Authority for licencing activity such as scaffolding and skips on the highway. This review takes place annually to ensure that fees are fair and meet the corporate charging policy. In the context of the equalities assessment, it reviews annually whether charges are likely to be unfairly applied with particular regard of those with protected characteristics. It also touches on whether those services charged for are likely to be provided in an unfair way because of the charge. The expected outcome is that the charges for 2016/17 will be increased in line with inflation and uplifted to meet staffing cost increases to create new charges for the 2017/18 financial year starting in April 2017.

For each strategy, please decide whether it is going to be significantly aided by the Function.

Children: A Safe And Secure City In Which To Learn And Grow	Yes
Health: Helping People Become More Physically Active And Well	Yes
Housing : To Meet The Needs Of All Current And Future Citizens	Yes
Jobs And Skills: For An Enterprising, Innovative And Green City	Yes

2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	Yes
Will the policy have an impact on employees?	Yes
Will the policy have an impact on wider community?	Yes

2.3 Relevance Test

Protected Characteristics	Relevant	Full Assessment Required
Age	Not Relevant	No
Disability	Not Relevant	No
Gender	Not Relevant	No
Gender Reassignment	Not Relevant	No
Marriage Civil Partnership	Not Relevant	No
Pregnancy And Maternity	Not Relevant	No
Race	Not Relevant	No
Religion or Belief	Not Relevant	No
Sexual Orientation	Not Relevant	No

2.4 Analysis on Initial Assessment

The charges have been reviewed by Highways, Finance and Legal for fees to be increased from 2016/17 to 2017/18 in relation to inflation and increases in staff overheads. This increase is currently set at 4.73% and rounded up for clarity.

The fees and charges are reviewed annually for Highways and generally increase in approximate relation to inflation. All fees are charged on an equal basis and do not discriminate or affect an individual group in a differential or negative way.

Fees are largely charged to business customers and applied to organisations rather than individuals. Consequently there is believed to be no impact on individuals or their characteristics. For example, a company will apply for a crane licence and the determining factors are how the operation is managed, whether safety has been considered, whether access is provided or controlled on the highway and if the operation is insured. At no point is an individual person of any characteristic considered affected unfairly by the charge.

3 Full Assessment

The assessment questions below are completed for all characteristics identified for full assessment in the initial assessment phase.

3.1 Concluding Statement on Full Assessment

The fees and charges for Highways 2017-18 are chargeable to all persons on an equal basis and will not adversely affect any individual group with a protected characteristic or otherwise.

The fee structure has not changed significantly from previous years but has been indexed to cover the cost of inflation and staff overhead increases.

All fees are made public via committee services and the report is published on the website each year. In this time no complaints or comments have been received. The fees in this years report do not differ significantly from previous years.

Colleagues within BCC finance and Legal have been consulted and no concerns have been highlighted.

4 Review Date

01/02/18

5 Action Plan

There are no relevant issues, so no action plans are currently required.

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) age (b) disability (c) gender reassignment (d) pregnancy and maternity (e) race (f) religion or belief (g) sex (h) sexual orientation

Licensing & Public Protection Committee							Appendix 1
Highways Related Fees & Charges 2018/19			Note those Charges determined by the service provider are contractually controlled and are unable to be amended by the committee. They are included for the committee to note.				
Who Recieves the Charge	Statutory Basis	Service Area and Description of Chargeable Item	Further details relating to charge	Duration	17/18 Charge (excl VAT)	18/19 Charge (excl VAT)	VAT status
	Highway Related Charges						
		Highway Licences					
Authority	NRSWA 1991, s50	New licence for private services in highway		until 2035	£ 760.00	£ 805.00	Non Business (0%)
Authority	NRSWA 1991, s50	Additional inspection fee for over 200 metres	Inspection fee for private services	until 2035	£ 180.00	£ 190.00	Non Business (0%)
Service Provider	HA 1980, s177	New licence for overhanging canopies etc on public highway			£ 760.00	£ 795.00	Non Business (0%)
Service Provider	HA 1980, s177	Amendment to existing canopy etc licence			£ 415.00	£ 435.00	Non Business (0%)
		Street Café Licences					
Authority	HA 1980, s115E	Up to 5 tables	Single location		£ 770.00	£ 815.00	Non Business (0%)
Authority	HA 1980, s115E	5 tables or more	Single location		£ 1,130.00	£ 1,195.00	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 Permits					
Service Provider		Application Fee (non refundable)	Where permit is granted by Authority		£ 80.00	£ 85.00	Non Business (0%)
Authority		Application Fee (non refundable)	Where permit is not granted by Authority		£ 80.00	£ 85.00	Non Business (0%)
		Individual Permits Fee					
Service Provider	HA 1980, s169	Scaffolding	Single location payable on approval	Up to 4 weeks	£ 145.00	£ 155.00	Non Business (0%)
Authority	HA 1980, s172	Hoarding	Single location payable on approval	Up to 4 weeks	£ 145.00	£ 155.00	Non Business (0%)
Service Provider	HA 1980, s184	Carting Over (Temporary Access)	Single location payable on approval	Up to 4 weeks	£ 145.00	£ 155.00	Non Business (0%)
Service Provider	HA 1980, s171	Deposit of Materials	Single location payable on approval	Up to 4 weeks	£ 145.00	£ 155.00	Non Business (0%)
Service Provider	HA 1980, s169	Crane	Single location payable on approval	1 day	£ 70.00	£ 75.00	Non Business (0%)
Service Provider	HA 1980, s169	Crane	Single location payable on approval	2 to 28 days	£ 145.00	£ 155.00	Non Business (0%)
Service Provider	HA 1980, s171	Excavation	Single location payable on approval	Up to 4 weeks	£ 145.00	£ 155.00	Non Business (0%)
		Permits for Projects with a Value up to £1million:					
Service Provider	HA 1980, s169	Scaffolding	Single location payable on approval	Over 28 days	£ 365.00	£ 380.00	Non Business (0%)
Authority	HA 1980, s172	Hoarding	Single location payable on approval	Over 28 days	£ 365.00	£ 385.00	Non Business (0%)
Service Provider	HA 1980, s184	Carting Over (Temporary Access)	Single location payable on approval	Over 28 days	£ 365.00	£ 380.00	Non Business (0%)
Service Provider	HA 1980, s169	Crane	Single location payable on approval	Over 28 days	£ 365.00	£ 380.00	Non Business (0%)
Service Provider	HA 1980, s171	Excavation	Single location payable on approval	Over 28 days	£ 365.00	£ 380.00	Non Business (0%)
Service Provider	HA 1980, s171	Deposit of Materials	Single location payable on approval	Over 28 days	£ 365.00	£ 380.00	Non Business (0%)
		Additonal Street Frontages					
Service Provider	HA 1980	Administration Fee per additional street frontage	per street		£ 80.00	£ 85.00	Non Business (0%)
		Extension or Amendment to Permit					
Service Provider	HA 1980	Administration Fee if less than 4 weeks	Partial Review of an approved permit		£ 80.00	£ 85.00	Non Business (0%)
		Large Development Highways Permit					
Authority	HA 1980	Project Value ≥£1million and over 4 weeks	% of scheme value.		0.15%	0.15%	Non Business (0%)

Licensing & Public Protection Committee							Appendix 1
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Who Recieves the Charge	Statutory Basis	Service Area and Description of Chargeable Item	Further details relating to charge	Duration	17/18 Charge (excl VAT)	18/19 Charge (excl VAT)	VAT status
		<i>Retrospective Highway Permit Issue</i>					
Service Provider	HA 1980	Retrospective Highway Permit	Applicable where a permit has not been provided previously. To cover site inspection, retrospective review of operations and fast track permitting.		2 x equivalent preapproved total permit value	2 x equivalent preapproved total permit value	Non Business (0%)
		<u>Skip Placements on the Highway</u>					
Authority		Registration Fee	Company etc registration		No Charge	No Charge	Non Business (0%)
Authority	HA 1980, s139	Permit Fee	Per skip	7 days	£ 18.00	£ 19.00	Non Business (0%)
Authority	HA 1980, s139	Retrospective Permit Fee	Applicable where a permit has not been provided previously. To cover site inspections, retrospective review of operations and fast track permitting	7 days	£ 170.00	£ 180.00	Non Business (0%)
Authority	HA 1980, s139	Removal of non-permitted skips	per skip, or reasonable costs incurred, which may also result in a fine following conviction in a Magistrates Court)	Per skip	£ 195.00	£ 210.00	Non Business (0%)

BIRMINGHAM CITY COUNCIL

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

18 APRIL 2018
ALL WARDS

REGULATION AND ENFORCEMENT SERVICE PLANS 2018/2019

1. Summary

- 1.1 This report presents the service planning process for the Regulation and Enforcement Division in terms of the Coroners and Mortuary, Environmental Health, Licensing, Registrars and Trading Standards services.
- 1.2 The resultant service plans for the period 2018/2019 in respect of Regulation and Enforcement are attached for your Committee's consideration and approval.
- 1.3 The service plans are strategic documents and as such reflect our response to corporate, national, regional and local priorities for those parts of the Regulation and Enforcement Services that report to your Committee as well as key performance data for those services.

2. Recommendation

- 2.1 That the Committee consider and approve the service plans as presented for 2018/2019, namely:
 - Appendix 1 Coroners and Mortuary
 - Appendix 2 Environmental Health
 - Appendix 3 Licensing
 - Appendix 4 Register Office
 - Appendix 5 Trading Standards

Contact Officer: Chris Neville, Acting Director of Regulation and Enforcement
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Email: chris.neville@birmingham.gov.uk

3. Background

- 3.1 Each year your Committee receives the service plans in respect of the operational services within Regulation and Enforcement that are accountable to your Committee.
- 3.2 The purpose of the service plans is to set out how corporate, national, regional and local priorities identified for Regulation and Enforcement, together with stakeholders' requirements are to be achieved at a strategic level as well as identifying key performance data for those services.
- 3.3 The plans also provide information on the contextual background to Regulation and Enforcement and a current organisational assessment.

4. Regulation and Enforcement Division

- 4.1 Regulation and Enforcement is within the Place Directorate of the City Council. For the Place Directorate our aim is to make a positive difference every day to citizens lives and deliver an integrated approach to place management.
- 4.2 Within Regulation and Enforcement Our Mission Statement is - locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.
- 4.3 As a workforce we work to the values of the City Council:
Put customers first - Be empathetic and respectful.
Act courageously - We lead, we manage and we tackle the difficult issues: everyday, everybody.
Be true to our word - We make promises and we keep them.
Achieve excellence - Get it right first time, every time.
- 4.4 Regulation and Enforcement provides an integrated range of services, a 'golden thread', throughout peoples' lives from cradle to grave, for example:
 - The Registrar's Service provides efficient registration of births.
 - Trading Standards ensure that the toys our children play with are safe.
 - Environmental Health and Health and Safety regulate standards in children's nurseries.
 - Environmental Health helps educate young people in relation to healthy eating and Health and Safety in the workplace to prepare them for adult life.
 - Trading Standards ensure that young people are protected from underage sales of tobacco, alcohol, fireworks, knives and solvents.
 - All services work through advice and assistance to members of the public and businesses which provide the conditions for economic growth in the business sector to ensure a fair and well regulated trading environment. This enables local and national economic growth.

- All services, through firm, fair and proportionate enforcement, ensure that members of the public and businesses are protected from those who seek to make profit at their expense – be it by removing counterfeit goods from the market place, prosecuting unlicensed ‘taxis’ or by tackling those who do not adequately protect people in the workplace.
- Environmental Health ensures that everyone’s wellbeing is protected, for example, through inspection of food premises, monitoring air pollution levels and acting against those that threaten health.
- The Waste Enforcement Unit tackle issues relating to Littering, Flytipping, placarding and graffiti which impact adversely on people’s quality of life and the vibrancy of our neighbourhoods.
- The Licensing Service ensures that premises selling alcohol or where regulated entertainment is carried on are properly licensed as are hackney carriage, private hire drivers and those operating such businesses in the city assuring public safety throughout.
- The Registrar’s Service enables marriages and civil partnerships to take place in the City and welcome new citizens through regular citizenship ceremonies.
- The vulnerable, for example, older citizens are protected from rogue builders and those in care homes are protected from identified hazards including scalding and accidents.
- At the end of life, the Coroners and Mortuary and Registrars services provide valued caring, empathetic and efficient services to help provide closure for bereaved families assuring that dignity is maintained throughout for the deceased.

4.5 Regulation and Enforcement’s impacts are felt nationally, regionally, locally and individually, for example:

- At a national level, our services are represented on Government and national bodies to influence the direction of legislation to protect our citizens and economic interests. We also host the England Illegal Money Lending Team.
- Regionally services work with other local authorities to address cross boundary issues. We work in the Greater Birmingham and Solihull Local Enterprise Partnership (LEP) to assist in the economic growth of the region and our services also work within the Central England Trading Standards Authorities (CENTSA) on joint activity across the seven West Midlands local authorities and the seven adjoining County authorities.
- We work to deliver our services at a local level in a manner responsive to the needs of the community, for example, the setting up of no cold calling zones in areas of high distraction burglaries etc.
- Regulation and Enforcement work in partnership at a local level with many organisations in the private, public and voluntary sectors, contributing significantly to enable those organisations to achieve their respective strategic objectives, this includes the Police and Fire

Service through to Business Improvement Districts and local volunteering groups.

- Much of our service provision is driven by the needs of individuals who approach us for assistance, either in the form of requests for assistance (complaints), service requests or licence applications.
- We are an important partner in the delivery and promotion of the health agenda working closely with Public Health colleagues.

4.6 Regulation and Enforcement – Legislative Framework

As an enforcement body Regulation and Enforcement is itself regulated both in terms of the legislation that is enforced on behalf of your Committee (over 130 Acts of Parliament and many more regulations and Orders) and through specific legislation which governs all investigative activities such as the Police and Criminal Evidence 1984 Act (PACE) and the Regulation of Investigatory Powers 2000 Act (RIPA).

The complex requirements on Regulation and Enforcement in relation to investigating offences, gathering evidence, preparing and presenting cases at Magistrates and Crown Courts are the same as those applied to the Police. This requires our officers to be suitably qualified and competent to investigate offences and prepare prosecution reports to ensure that at Court the required burden of proof (beyond all reasonable doubt) is met and offenders successfully prosecuted. Any failure of our prosecutions would leave us open to accusations of wasting resources, adverse publicity and the possibility of paying compensation.

Prosecution is the last resort in relation to dealing with non-compliance. Our published Enforcement Policy, which complies with the Code for Crown Prosecutors and Regulators Compliance Code, details how we attempt to achieve compliance with legislation. We advise businesses on how to comply, we assist them in establishing mechanisms to comply, we issue Notices requiring compliance and only as a last resort do we use the Courts. We also use prevention methods to protect businesses' economic interests. The removal of counterfeit goods prevents losses to legitimate businesses, promotes real economic growth and deter future offences.

We operate within the legislative framework that applies to all public bodies including freedom of information legislation, the duty to involve and legislation dealing with equality, diversity and discrimination.

To ensure that we achieve the high standards that are required to meet this level of excellence in enforcement, Regulation and Enforcement operates a robust set of policies and procedures within the accredited quality management system.

Intelligence led enforcement leading to well regulated manufacturing, retail and service sectors creates the environment to benefit the city's economic prosperity and its citizens' wellbeing.

Regulation and Enforcement will continue to maximise the impact of our powers as delegated and build upon the opportunities associated to general power of competence in the Localism Act 2011.

The Registration Service is governed by the Registrar General's Regulations and Instructions and we are committed to delivering our services to the highest standards consistent with the requirements of the City Council and the Registrar General.

5. Service Plans 2018/2019

- 5.1 The service plans of the individual service areas within Regulation and Enforcement, attached at Appendices 1-5, detail the services that are provided together with outcomes, measures and targets in respect of the specific services to be delivered in 2018/2019. They also set out the significant numbers of interactions that Regulation and Enforcement have with businesses and members of the public during the year.
- 5.2 Each service plan demonstrates how it represents improvements in the services to be delivered. The plans also include details of the resources available to deliver the planned services.
- 5.3 Regulation and Enforcement retains Investors in People accreditation and, for some services, ISO 9000 accreditation provides further assurance and independent assessment of the quality of services delivered.
- 5.4 Over the year ahead Regulation and Enforcement will continue to work with partners on key issues to maximise the use of our resources to deliver the best outcomes for Birmingham, this is detailed in the individual service plans.

6. Consultation

- 6.1 The service plans presented reflect the decisions taken through the Service Review process and the future council workstreams and all the plans relate directly to the Council's priorities.
- 6.2 This report consolidates many different projects and activities. Where consultation is required or appropriate this will be undertaken separately.

7. Implications for Resources

- 7.1 The Regulation and Enforcement service plan commitments are designed to be accommodated within the resources currently available to your Committee.
- 7.2 In relation to your Committee these include externally provided ring fenced funding, including:

- The Illegal Money Lending Project is funded through the Department for Business Innovation and Skills.
 - The Regional Investigations team is funded through National Trading Standards.
 - Contaminated Land assessment and remediation works are funded by the Department for the Environmental Food and Rural Affairs.
- 7.3 The majority of the services within Licensing are funded through licence fees which are ring fenced by legislation in compliance with the EU Services Directive.
- 7.4 The savings for 2018/2019 are reflected in the budget set for the Committee.
8. Implications for Policy Priorities
- 8.1 Service plans flow from the Council Plan and other national and corporate priorities.
9. Implications for Equality and Diversity
- 9.1 The consideration of equality and diversity is fundamental to service planning arrangements.
- 9.2 This report consolidates many different projects and activities. The need to carry out an equality impact assessment will be assessed for each one.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil

BIRMINGHAM CITY COUNCIL
REGULATION AND ENFORCEMENT

CORONERS AND MORTUARY
SERVICE PLAN 2018/2019

1. **Introduction to Coroner's and Mortuary and the Service Plan**

1.1 **Statutory requirements**

The Coroner's and Mortuary Service provide the statutorily required Coroner's service for Birmingham (and Solihull) together with the statutorily required Public Mortuary facilities for the city.

All of our work is required by statute supported by guidance from the Chief Coroner for England and Wales.

The Coroners and Justice Act 2009 places a statutory duty on the city council to appoint and pay a Senior Coroner and where appropriate an Area Coroner together with self employed Assistant Coroners to discharge the functions of the Coroner. The Senior Coroner's statutory duty is to establish the cause of and circumstances of deaths in their area where:

- The deceased died a violent or unnatural death.
- The cause of death is unknown.
- The deceased died in custody.
- There are deaths under DOLs.

The Senior Coroner orders Post Mortems, conducts investigations and enquiries into the death which are presented at inquests in the Coroner's Court, authorises bodies to be taken out of England and makes recommendations based on their findings with a view to improving health and wellbeing.

The statutory duties on the city council in relation to the Senior Coroner are to:

- Secure the provision of whatever officers and other staff are needed by the Senior Coroner to carry out the function – it is the Senior Coroner who dictates what these requirements are and the local authority cannot interfere with the judicial role of the Senior Coroner and, therefore, has to provide and pay for what is asked for. In the case of Birmingham this has included the provision of Birmingham City Council staff.
- Provide accommodation that is appropriate to the needs of the Senior Coroner – the Coroner's Courts and offices to accommodate the Senior Coroner, Area Coroner and Assistant Coroners together with BCC staff.
- Maintain the accommodation.
- Pay the expenditure associated with the Senior Coroner and cannot refuse to pay the expenditure incurred by the Senior Coroner.
- Provide proscribed performance information in the form of statutory returns to the Ministry of Justice.

The statutory duties on the city council under the Public Health Act 1936 include:

- The provision of the mortuary for the reception and storage of bodies of people who have died in Birmingham and Solihull where the Senior Coroner orders a Post Mortem.
- Additionally the Human Tissue Act 2004 regulates how these Post Mortems are conducted and the security of the bodies and associated tissues.

1.2 The services provided for the Senior Coroner by BCC include:

- Appointment of the Senior Coroner and Area Coroner, including salary/pension and Assistant Coroners who are paid a daily rate.
- Provision, maintenance and management of the Coroner's Court in the city centre (and availability of a second court) together with associated office accommodation, administrative services, IT, etc required by the Senior Coroner and BCC staff.
- Receipt of all deaths notified to the Senior Coroner and their entry onto the CIVICA system for processing.
- Conducting all investigations required to enable the Senior Coroner to perform her legal duties.
- Provision of a front desk to assist all callers to the coroners, in person and by phone.
- Word Processing resources for all staff in preparing files for investigations, opening inquests, all in one inquests and inquests.
- Full secretarial support for the Senior Coroner, Area Coroner and Assistant Coroners.
- Setting of all inquests – ensuring all witnesses are summoned to attend.
- Operating the Coroner's Courts – ushering the inquests and dealing with all correspondence and administration relating to inquests.
- Presenting evidence to the Coroners in inquests.
- Dealing with witnesses and their fees including those of pathologists and expert witnesses.
- Arranging and supporting juries for inquests.
- All administrative support for the Senior Coroner, Area Coroner and Assistant Coroners.
- Liaising with Register Offices, hospitals, lawyers, families, police, emergency services, prisons and the military in relation to coronial matters.
- Dealing with all certification resulting from coronial involvement – death certification and removals out of England.
- Management of all processes.
- Providing statutory information required by the Ministry of Justice on performance.

1.3 The service provided by the mortuary staff includes:

- Admitting and properly handling bodies with dignity, respect and traceability.
- Arranging the attendance of pathologists and assisting them in undertaking post mortems.
- Taking blood and tissue samples for analysis and administering their processing through to disposal in accordance with HTA requirements.
- Preparing bodies to facilitate viewings and identifications of the deceased by the bereaved and release to undertakers.
- Providing a 24/7 call out service to accept bodies in liaison with police, ambulance, hospitals etc.
- Securing personal belongings.
- Release of bodies to funeral directors.
- Cleaning of the mortuary and laundry of clothing used.

1.4 Birmingham and Solihull Coroner's Service

The Coroner's and Mortuary services are provided by Birmingham City Council for the Birmingham and Solihull Coroner's Area. Solihull Metropolitan Borough, through agreement, is not involved in the management of the system but contributes to the net cost of the service by an annual payment based on the relative population of the Borough – currently Solihull MBC pays 16.1% of the net cost of the services provided. All figures in this Service Plan include deaths in Birmingham and Solihull.

1.5 Service Plan

This Service Plan details the work undertaken by the service, both in terms of quantity and quality, how this contributes to, and supports, the high level intended outcomes of the City; customer feedback; intended improvements; financial, people, IT and accommodation resources; and details what service will be provided

1.6 Planned Service Improvements in 2018/2019 and beyond

- To respond to developments in respect of the use of non-invasive post mortem services for the bereaved where appropriate.
- To make increasingly effective use of the service's new IT case management system, CIVICA, to reduce the need for paper and to produce lean processes. It is hoped that a portal system will be introduced during 2018 enabling hospitals and Doctors to enter death notifications directly onto the Civica system reducing the need for double entry.
- Undertake feasibility studies on setting up a Birmingham based CTPM facility within a multi-disciplinary setting.
- To improve the effectiveness of the provision of the weekend and bank holiday Out of England Service for bereaved people who want to repatriate bodies rapidly.

- To effectively resource the second court at Solihull to ensure that the increasing number of inquests (and the increasing number of long jury inquests) can be accommodated within the 6 month target for completion.

1.7 Current Organisational Assessment

Whilst there was a further increase in death referrals and a significant increase in the number of post mortems during 2017 there was a steady reduction in the time taken to release bodies for families where no inquest was required.

The service directly supports the **Council's Financial Plan 2017 priority** of 'Health – so Birmingham's a great city to grow old in' The work of the Coroners directly impacts on this as their investigations ensure that people are kept safe and healthy– they make recommendations to prevent instances that have led to preventable death from recurring. The Coroner's service also directly supports criminal investigations undertaken by the police. The results of Inquests on occasions provide the ability for the bereaved to take action against negligent care or practices that contributed to a death.

1.8 Quantity of work

The following tables indicate the workload of the service:

1.9 Number of deaths notified to the Coroner

Year	Number of deaths notified to the Coroner	Year on Year increase	Increase on 2014 baseline
2014	4,284	-	-
2015	4,805	12.2%	12.2%
2016	5,080	5.7%	18.6%
2017	5,203	2.4%	21.5%

The number of deaths notified to the Coroner had shown a sharp increase over the last three years. The figure of 5,203 notified deaths represents 44% of all deaths registered in Birmingham and Solihull – in line with national figures.

1.10 Number of inquests completed

Year	Number of inquests
2014	1,135
2015	601
2016	746
2017	810

The very high number of inquests completed in 2014 under the Senior Coroner was due to dealing with the backlog of cases that had built up in previous years. The 2015 figure represented a closer fit to expectation and

the increases in 2016 and 2017 resulted from the increased number and complexity of referral to the service. The increase in the number of Deprivation of Liberty (DOLS) cases, all of which required inquests, in 2015 and 2016 was halted by a legislative change in April 2017 when they were no longer required to be inquested.

The improvement in the time that the bereaved have had to wait for inquests to be held has been maintained. In 2013 only 46% of inquests were completed within 6 months of death, due to dealing with the backlog the figure fell to 43% in 2014 but in 2015 and 2016 93% of inquests were completed within the target 6 months a figure equalled in 2017.

Similar improvements were made in relation to the number of inquests that were completed more than 12 months from the death, this fell from 57% in 2014 (due to the backlog) to 1% in 2016 and remained very low at 2% in 2017.

1.11 The number of Post Mortems carried out

Year	Number of Post Mortems	% of PMs with toxicology	% of PMs with histology
2014	1,562	19.2	12.9
2015	1,702	16.0	10.5
2016	1,542	20.3	14.4
2017	1,762	21.3	14.0

The number of Post Mortems being carried out increased in 2017 reflecting the increase in number of referrals and the percentage of referrals that required a Post Mortem to establish the cause of death. The percentage of reported deaths resulting in post mortem increased to 34%, below the 2016 national average of 36%, reflecting the desire of the Senior Coroner to conduct Post Mortems where no other avenue is available to establish the cause of death. In addition 7 minimally invasive CTPMs were carried out on the order of the Coroner, reflecting the low level of demand for this service from the bereaved.

1.12 The number of Out of England Forms

Year	Number of Out of England Forms Issued
2014	141
2015	176
2016	227
2017	241 (22 for weekend OOE)

1.13 Percentage of notified deaths resulting in inquest

Year	% resulting in inquest	National average%
2014	14	14
2015	12	14
2016	15	16
2017	16	

1.14 The aims for 2018/2019 and subsequent years are:

- To ensure that at least 95% of inquests are held within six months of death.
- To maintain levels of customer satisfaction at current levels.
- To maintain the improvements made in 2017 in relation to the average time taken to release the deceased to their families in respect of A and B form deaths (1.7 days for As and 3.5 days for Bs).

1.15 Key Performance Indicators

National Indicators – these are figures required to be submitted by each Coroner Area to the Ministry of Justice – they cover a calendar year.

Indicator	Year	Birmingham and Solihull	National figure
% of all deaths notified to Coroner	2014	36.6	45
	2015	40.9	45
	2016	43.9	46
	2017	44.0	
% of notified deaths that result in inquest	2014	14	14
	2015	12.5	14
	2016	15	16
	2017	16	
% of notified deaths that are subject to PM	2014	36	40
	2015	35	38
	2016	30.4	36
	2017	34	
% of PMs with toxicology	2014	19.2	15
	2015	16	Not known
	2016	20.3	23
	2017	21.3	
% of PMs with histology	2014	12.9	21
	2015	10.5	Not known
	2016	14.4	23
	2017	14.0	
% of inquests completed within 6 months of death	2014	43	
	2015	93	
	2016	93	
	2017	93	

Indicator	Year	Birmingham and Solihull	National figure
% of inquests over 12 months from date of death	2014	57.1	Not known
	2015	3	
	2016	1	
	2017	2	
% of bodies released to families within 5 days of notification (where no inquest required)	2014	90.7	
	2015	89.7	
	2016	90.7	
	2017	91.8	

1.16 Benchmarking

The figures tabulated above provide benchmarking information against national KPIs set by the Ministry of Justice.

In addition there are local indicators that we see as KPIs – in 2013 we introduced a questionnaire for families attending Inquests to establish their satisfaction with the services provided – results tabulated below.

1.17 Tabulated results for Customer Satisfaction with Inquests

Question	% positive			
Pre Inquest	2014	2015	2016	2017
Were the reception staff polite and courteous at all times?	100	96	100	100
Were the Coroner's Officer/Investigators polite and courteous at all times?	100	97	100	100
How satisfied were you with the speed of initial contact from the Coroner's Officer/Investigator?	90	97	93	100
Were you dealt with sensitively at all times by all staff with whom you had contact?	100	99	93	100
How satisfied were you with the timescale in investigating the case and getting it to inquest?	93	94	93	75
How satisfied were you with the information that you received before the inquest and the arranging of the date of the inquest date and time?	98	90	87	100

At inquest				
How satisfied were you that the inquest tried to be fair to everyone who was involved?	100	94	100	100
Were you dealt with sensitively at all times?	97	97	93	100
Do you feel that the inquest provided a robust and fair presentation of the matters surrounding the death?	97	98	100	100
How satisfied were you with the outcome of the inquest?	100	95	100	100

1.18 Customer Research and Feedback

Customer Knowledge:

The service provided by Birmingham City Council since 1837 has continually changed to reflect and meet the changing expectations and requirements of legislation and most importantly the customers. The main requirement of customers in 2018 onwards is to have an efficient, effective and economic service that provides closure for the bereaved in a timely manner whilst meeting the legal requirements placed on the Senior Coroner. This is common across all groups in the city and the service provision reflects this with service provision that is the same for all customers regardless of their cultural, ethnic or religious background but provided in cognisance of the particular expectation from some communities that the dead should be buried or cremated as soon after death as is possible. Our services ensure that this need is met for all customers and 92% of all bodies are released by the Coroner for burial or cremation within 5 days of the death being referred to the Coroner where there is no inquest required. The average time to release a body to the family for an A form is 1.7 days (ranging from 1.2 – 1.9 days dependent on the month) and for a B form is 3.5 days (ranging from 2.8 – 4.7 days)

The service is advised by community leaders that there is a clear demand for non – invasive post mortems to be carried out and this service has been provided for families, at their expense, since 2015. However, this expected demand has not yet materialised in requests for the service. With the increased availability of angiography in combination with CTPMs it is expected that this demand will increase.

Customer Questionnaires :

Very high levels of satisfaction are achieved in relation to the people, processes, court facilities and inquest process.

Chief Coroner :

The changes to Coronial legislation that were introduced in July 2013 and guidance issued by the Chief Coroner were designed to address feedback from across the country that inquests were taking too long to be heard after death. This was reflected in the changes to legislation and guidance that inquests should be heard within 6 months of death and any over 12 months old must be reported to the Chief Coroner with a causal explanation.

1.19 Likely Future Developments

- The Chief Coroner is expected to continue to publish guidance documents for Coroners that they are obliged to follow – in his attempt to ‘standardise’ coronial services he may introduce requirements that will impact on the service, just as he did with the 6 month time limit for inquests.
- It is expected that there will be developments in respect of matters relating to the use of CTPM digital minimally-invasive post mortem techniques for Coronial PMs. To date the demand from the bereaved has been very small but the service has processes in place to deal with any requests received. Any increase is likely to arise if there is an increase in requests relating to the availability of CTPMs with angiography which will increase the number of deaths that are suitable for such CTPMs.
- The proposal to introduce Medical Examiners (MEs) is still ongoing and if implemented will impact on the Coroner’s service, especially in relation to the ability of the Senior Coroner to control which deaths are notified to her. There was a consultation on the national ME scheme which was expected to publish its findings in late 2016, however, there has been no such report. However, recent communication from the National Panel for Registration has advised Local Authorities not to make any further preparations for this initiative at the present time
- There has been significant delay in respect of inquests into the 21 deaths in the Birmingham Pub Bombings of 1974. It is anticipated that these delays will impact on the timetable and the likely conclusion date is now 2019 – this will not impact on the ongoing work of the Coroner’s service as it is being managed by a Coroner who is working outside the service.

1.20 Financial and People Resources

The Coroners and Mortuary Service net expenditure and budget allocation is tabulated for each year below. The figure for 2016/2017 is a forecast and the figure for 2017/2018 is the available budget for the service.

Year	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
£m	1.262 actual	1.227 actual	1.486 actual	1.488 (Estimated Outturn)	1.699 budget for 18/19
	1.261 budget	0.955 budget	1.145 budget	1.196 budget	

The service is provided by the Senior Coroner together with an Area Coroner who are both salaried and Assistant Coroners who provide cover in the absence of the Senior and Area Coroners and are paid a daily rate.

The Senior Coroners and her Assistants are supported by 6 Coroner's Investigators, 3 Coroner's Support Officers and 8 Administrative Officers. There are 5 Mortuary Technicians who provide the Public Mortuary Service to the Senior Coroner and the citizens of Birmingham and Solihull.

1.21 IT Resources

The main operating system within the Coroners and Mortuary Service is 'CIVICA' which is a relatively new system which provides benefits over the previous bespoke system.

1.22 Partners

The Coroners and Mortuary Service is delivered by the City Council with the West Midlands Police paying the salaries of 6 staff, Coroners Investigators and Coroners Officers who undertake investigations on behalf of the Coroner.

1.23 Capital Projects

It is anticipated that there is likely to be significant capital expenditure over the next 12 months in respect of a new ventilation and extraction system within the post mortem rooms to protect the health and safety of staff, pathologists and visitors from airborne pathogens including TB and also to control odours. Work is also planned to replace the roof to the Coroners Court

1.24 Service Delivery

Service Objective 1 To provide a full support service to the Coroner to enable the Coroner to deliver her statutory role			Mission Statement – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
Council Plan Strategic Outcomes <ul style="list-style-type: none"> Health 			Lead Officer Operations Manager Coroners and Mortuary	
Task	Outcome	Measure	Target	Method
<ul style="list-style-type: none"> To enter all notified deaths onto the CIVICA system on day of receipt 	<ul style="list-style-type: none"> To protect the health and well-being of citizens 	<ul style="list-style-type: none"> % of notifications entered on day of receipt Customer satisfaction with timeliness of service* 	<ul style="list-style-type: none"> 100% 80% of customers to be satisfied with speed of service 	<ul style="list-style-type: none"> Flexibility of staff to ensure this is achieved Customer satisfaction surveys.
<ul style="list-style-type: none"> To release the deceased to families expeditiously having regard for the judicial function of the service 	<ul style="list-style-type: none"> To protect the health and well-being of citizens 	<ul style="list-style-type: none"> Monthly average times for release of the deceased 	<ul style="list-style-type: none"> To match the figures for 2017 (based on an equal number of incoming deaths) 	<ul style="list-style-type: none"> Triaging of cases and management of staff. Civica report.

<ul style="list-style-type: none"> To provide the support required by the Senior Coroner to ensure that inquests are held in a timely manner 	<ul style="list-style-type: none"> To protect the health and well-being of citizens 	<ul style="list-style-type: none"> % of inquests held within 6 months of death % of deaths inquested within 12 months of death 	<ul style="list-style-type: none"> 95% of those deaths notified in 2018 100% of deaths notified in 2018 (not S11) 	<ul style="list-style-type: none"> Processes in place to ensure sufficient court availability , expedient communications with witnesses and flexibility of staff to prioritise inquests Appropriate IT operating systems
<ul style="list-style-type: none"> To provide support to enable the Senior Coroner to achieve KPIs in line with national averages 	<ul style="list-style-type: none"> To protect the health and well-being of citizens 	<ul style="list-style-type: none"> % of deaths notified % of deaths inquested % of deaths resulting in PM 	<ul style="list-style-type: none"> Within 10% points of national averages 	<ul style="list-style-type: none"> Processes and communications to ensure the requirements of the Coroner are met by staff and witnesses
<ul style="list-style-type: none"> To provide all statutory returns to the Ministry of Justice as required 	<ul style="list-style-type: none"> To protect the health and well-being of citizens 	<ul style="list-style-type: none"> Timely return of statistics 	<ul style="list-style-type: none"> On time 	<ul style="list-style-type: none"> My Appraisal

Service Objective 2 To provide a full Public Mortuary service to the Coroner to enable the Coroner to deliver her statutory role			Mission Statement – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
Council Plan Strategic Outcomes <ul style="list-style-type: none"> Health 			Lead Officer Operations Manager Coroners and Mortuary	
Task	Outcome	Measure	Target	Method
<ul style="list-style-type: none"> To undertake all Senior Coroner ordered PMs as instructed by the Senior Coroner 	<ul style="list-style-type: none"> To protect the health and well-being of citizens 	<ul style="list-style-type: none"> Number of PMs completed within a timescale to ensure 90% of bodies released within 5 days of notification 	<ul style="list-style-type: none"> All carried out within 5 days of order from Senior Coroner 	<ul style="list-style-type: none"> Procedures
<ul style="list-style-type: none"> To retain Human Tissue Authority Accreditation for PMs 	<ul style="list-style-type: none"> To protect the health and well-being of citizens 	<ul style="list-style-type: none"> Retention and implementation of Quality procedures 	<ul style="list-style-type: none"> Retention 	<ul style="list-style-type: none"> Procedures

BIRMINGHAM CITY COUNCIL
REGULATION AND ENFORCEMENT

ENVIRONMENTAL HEALTH SERVICE PLAN
2018/2019

2.0 **Introduction to Environmental Health Services and the Service Plan**

The diverse and holistic nature of the Environmental Health section offers a unique service to Birmingham's residents, traders and visitors. It protects their health, safety and environment including the air they breathe, the food they buy and their safety in the workplace. Our business knowledge and day to day approach helps businesses succeed from a compliance and economic viewpoint. We reduce the harm to everyday living by ensuring that pests, refuse, and noise nuisances are controlled.

The majority of our work is statutory that is to say the Council has a responsibility to deliver that service. We use intelligence received and emerging new challenges to our living environment to prevent and reduce escalation of potential harms. We have a strong tradition of joint working with many partners, both from within and outside the Council, to maximise our impact efficiently and to bring about shared outcomes and positive impacts for Birmingham. Our "prevent, protect, comply" approach requires officers to use a set of tools to change irresponsible or unthinking behaviour. These tools include education and advice, but where necessary and in line with our Enforcement Policy, we use the legislative powers invested with us by the City Council to ensure compliance.

2.1 **The work of the Section derives from five origins:**

- I. Statutory regulatory work includes food and health & safety inspections of premises, dealing with requests for assistance, carrying out the Air Quality Reviews, providing a Dog Warden Service.
- II. Discretionary regulatory work such as the advancement of waste from domestic properties.
- III. Formal consultation responses to other City Council service areas, such as Licensing and Planning Management.
- IV. Educational work such as providing information to businesses and residents, and carrying out responsible dog ownership initiatives.
- V. With the joint funding from the Director of Public Health for Birmingham, we will also need to tackle Health Priorities in the City that overlap with environmental health service delivery.

2.2 **Service Delivery**

We continue to work within all Wards so that we can bring about environmental improvements to their local areas by proactive joint working with communities and other agencies. Officers regularly respond to Member led requests for assistance.

2.3 **The core elements of the Environmental Health service are:**

- To respond to requests for assistance, including noisy neighbours, stray dogs, rats and other pests, food complaints, work-related accidents, flytipping, and dangerous private trees (approximately 35,233 requests in 2017/2018)

- To assess and take action in respect of potential statutory nuisances.
- To support the City ambition around clean air, through supporting the developing Clean Air Zone and the revision of the Air Quality Action Plan, whilst continuing to deliver on existing air quality related tasks.
- To support the agenda for a cleaner City in respect of fly-tipping and littering through both proactive and reactive programmes including enforcement action where appropriate.
- To provide a Pest Control Service.
- To undertake statutory inspection programmes for food safety, food hygiene, health and safety standards, environmental permitting and animal licensing (approximately 5,000 inspections in 2017/2018).
- To investigate and prevent further illness from food poisoning incidents and outbreaks, food contamination and food fraud and to investigate and prevent further illness from other communicable diseases
- To investigate and prevent further harm from workplace incidents leading to serious personal injuries, death, ill health and dangerous occurrences (e.g. structural collapse, unguarded machinery, trips, slips & falls and escapes of hazardous substances).
- To continue to provide support to Planning Management through advising on the environmental merits of planning applications and to provide the function of the Responsible Authority for Environmental Health under the Licensing Act 2003.
- To maintain and manage the strategy for the assessment and remediation of contaminated land.
- To make an active contribution in delivering the Health and Well Being Strategy focusing on public health outcomes for Birmingham.
- To educate, advise and support Birmingham's businesses and residents.

2.4 **Saving Tracker (New and On-going)**

Environmental Health:

The Public Health funding has ceased in 2018/2019 which is a net reduction of £1m. This money was ring fenced to work that assisted the Director of Public Health but also overlapped into Environmental Health as a win/win.

An additional £155k has been added for 2018/2019 to operate a waste team tackling placarding and waste issues. A team of 2 enforcement officers and 2 on street officers to remove placards and identify where they are being displayed will be recruited to the waste enforcement team. Monthly reports will be made to committee on this activity.

Pest Control:

The pest control income target has been reduced by £300k to £0.7m for 2018/2019.

2.5 **Planned Service Improvements for 2018/2019**

- Waste Enforcement Unit is now embedded in Environmental Health and an additional £155K funding has been identified for 2018/19 to support their work.
- Waste Enforcement Unit will prioritise RFAs that evidence that enables a criminal investigation to ensue and thereby improve the numbers of prosecutions taken.
- To exercise the powers in the new Anti-social Behaviour, Policing and Crime Act to protect residents and the city as a whole. Five injunctions have been sort and made by the County Court to control unauthorised encampments and violent threats to staff. We will continue to exercise these powers where it is proportional to do so.
- To build on existing and create more Primary Authority Partnerships with regional and national companies. As well as providing a single point of contact for business support and advice, these also help to reduce regulatory burdens by ensuring other local authorities apply consistent standards. This work is funded by the partner business and is part of a national programme.
- Support the transfer of food businesses from the existing wholesale market to the new market in Witton. Provide continued support and appropriate supervision at the new market to ensure food safety is maintained.
- To continue to work with colleagues from other service areas and in partnership with Defra / DfT to scope out the extent of a Clean Air Zone and determine which vehicle types need be captured. To further determine what other interventions are necessary to ensure compliance with the legislative limits in the shortest time possible.
- To progress and complete the review of the Air Quality Action Plan to build in new and developing measures incorporating the Clean Air Zone study, the *Birmingham Connected* policy and the *City Blue Print for Low Carbon Fuel Refuelling Infrastructure*.
- We will expand the network of real time monitoring sites in the city centre with a new station being installed at St Mark's Crescent to measure background levels of pollution in the city centre and two smaller sites on St Chads and Lower Severn Street to assess nitrogen dioxide levels from the A38 in the areas of exceedance identified by Government. It is planned all three stations will be up and running by late spring / early summer at the latest.
- To work with partner services and organisations to manage incidences of unauthorised encamping to ensure land is returned to public use in the shortest time possible, within a comprehensive strategic framework.
- To work with partner services to bring forward planning applications for sites for GRT use (permanent and transit) as identified in the BDP and to assist in identifying further sites for transit purposes in line with existing evidence and an updated needs assessment.
- The 5 Dog Control Orders were replaced by 5 Public Space Protection Orders in October 2017. These will continue to be applied to irresponsible dog owners who fail to control or clear up after their pets.

- The Animal Welfare Team will provide a Dog Warden Service to collect stray dogs for Solihull Metropolitan Council. Officers will also assist with public protection issues surrounding uncontrolled dogs in Solihull. This follows successfully securing a 2 year contract to undertake this work.
- The Animal Welfare Team will support colleagues in Social Services and Funerals and Protection of property in a new Agreement involving the emergency removal and boarding of animals where their owners have passed away, or have been taken into hospital or detained for mental health reasons.
- We will continue to work in partnership with Birmingham's Housing Void Team to offer a holistic service for removal of waste from void premises; treatment of rodents or insects in the premises; to undertake pest proofing; and to return gardens into a usable state before they are re-tenanted.
- We shall continue our partnership with Birmingham's property services through the restoration of their properties / land back to an acceptable standard to permit their being re-let.
- Through funding through the Birmingham Community strategic partnership, we will manage a small Antisocial behaviour Team tackling homelessness, rough sleeping and begging issues and other ASB type behaviours including noise nuisance impacts associated with Buskers and street speaking.
- To support a programme for Interns to invest in youngsters from University backgrounds to assist in them gaining experience and permanent work.

2.6 **Key Performance Indicators**

These include the:

Place Directorate Performance indicators:

100% of planned Food inspections undertaken.

% of food premises that score 3 or more on the food hygiene rating system – target 80%.

Regulation and Enforcement Indicators

100% of planned Health and Safety inspections undertaken.

100% of planned Environmental Protection inspections undertaken.

Percentage of RFAs responded to in 5 working days	95%
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Customer satisfaction with the overall quality of our Services	80%
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2.7 **National Returns**

Environmental Health is required to make a number of statutory/national returns and plans including:

- Waste Data Flow [formerly Flycapture] return to the Department of the Environment, Food and Rural Affairs (Defra).
- Food Law Enforcement Plan (Food Standards Agency).
- Annual Returns (Food Standards Agency).
- Air quality Annual Status Reports (Defra).
- Pollution Prevention and Control returns (Defra).
- Review Contaminated Land Strategy (Defra).
- Clean Air Zone progress outputs (Joint Air Quality Unit, Defra / DfT).
- Health & Safety Law Enforcement Plan (Health & Safety Executive).
- Health and Safety statistics (LAE1) (Health & Safety Executive).
- National Pest Control Survey.
- Animal Health and Welfare prosecutions to Defra.
- Private Water Supply Regulations 2009 (DWI).

2.8 **Organisational Assessment**

This section details the service's current performance and other indicators, showing trends where applicable. Section 2.17 details the resources available during 2018/2019.

- Despite on-going resource pressures in terms of officers available to carry out the core and additional activities, we have continued to provide an excellent service by concentrating resources where they are needed most; by focusing on statutory rather than discretionary work; by engendering a 'more for less' approach to performance; by the employment of interns to support core services and deliver Public Health based project work; and by officers working flexibly and taking on more responsibility and retaining higher workloads.
- Environmental Health is set to achieve 100% of the Food Safety and Health & Safety inspection programmes, but is unlikely to achieve 100% in the Environmental Protection inspection programme due to two vacancies unfilled until October and a number of long term sicknesses. These inspections will be undertaken in the first quarter of the 2018/2019 financial year. The target of responding to 95% of requests for assistance within 5 days is not being met, this being due to the increased number of RFAs and additional work around waste enforcement and public health work. This inability to respond quickly is also being reflected in a reduction in customer satisfaction rates. It is also thought that customer satisfaction is adversely affected where non-statutory matters were resolved by negotiations and these are no longer being investigated by us. This has led to an increase in complaints against service and ombudsman's enquires (the latter of which have found no maladministration).

2.9 Performance against KPI

Type of Indicator	Indicator	Performance	
Place Directorate Indicators – Inspection Programmes	Percentage of programmed food inspections undertaken	2017-2018	100%
		2016-2017	100%
		2015-2016	100%
		2014-2015	100%
		2013-2014	100%
		2012-2013	100%
Regulation and Enforcement	Percentage of programmed Health and Safety inspections undertaken	2017-2018	100%
		2016-2017	100%
		2015-2016	100%
		2014-2015	100%
		2013-2014	100%
		2012-2013	100%
	Percentage of programmed EPU inspections undertaken	2017-2018	91%
		2016-2017	91%
		2015-2016	100%
		2014-2015	100%
		2013-2014	100%
		2012-2013	100%
	% of food premises that score 3 on the Food Hygiene Rating Scheme	2017-2018	86%
		2016-2017	85%
		2015-2016	86%
		2014-2015	86%
		2013-2014	85%
		2012-2013	88%
Regulatory Services' Local Indicators – response times to customer requests	We will respond to 95% of Requests for Assistance within 5 working days	2017-2018	76% EH 95% PC
		2016-2017	93% EH 98% PC
		2015-2016	71% EH 95% PC
		2014-2015	90% EH 92% PC
		2013-2014	95% EH 94% PC
		2012-2013	99% EH 98% PC

Regulatory Services Local Indicators – customer satisfaction	80% Customer satisfaction with reactive services – requests for assistance	2017-2018	Not collated
		2016-2017	64% EH 87% PC
		2015-2016	60% EH 94% PC
		2014-2015	68% EH 91% PC
		2013-2014	64% EH 85% PC
		2012-2013	87% EH 98% PC
	We will receive more compliments than justified complaints (ratio of compliments to complaints)	2017-2018	Not collated
		2016-2017	2:1 EH 0.25:1 PC
		2015-2016	5:1 EH 1:1 PC
		2014-2015	10:1 EH 0.5:1 PC
		2013-2014	10:1 EH 0.5:1 PC
		2012-2013	5:1 EH 1:1 PC
Environmental Health Local Indicators – speed of dealing with customer requests	We will respond to Planning Applications from Planning Committee in the target time	2017-2018	74%*
		2016-2017	90%
		2015-2016	93%
		2014-2015	94%
		2013-2014	95%
		2012-2013	97%

* The reduction in the % response to Planning Applications was due primarily to the team responsible carrying two vacancies for 6 months of the year. These accounted for 40% of the resource allocated to this function.

2.10 Quantity of work

Year	Number of Requests for Advice and Assistance	Number of finalized Prosecutions / FPN's for littering*	Number of Simple Cautions	Number of special projects e.g. proactive surveys/ investigations
2017-2018	35,233	149 / 597 Total: 746	14	1041
2016-2017	38,356	580	12	398
2015-2016	37,468	312	9	316
2014-2015	45,829	366	7	605
2013-2014	41,492	368	14	1,095
2012-2013	38,036	434	3	1,605
2011-2012	48,585	225	12	1,995

* Data for 2016-17 and earlier contains totalled data only.

Year	Number of Food premises inspected / intervened	Number of programmed Health and Safety premises Inspected	Number of premises holding Env. Permits inspected	Number of incidents found on district (by officers)	Notifications
2017-2018	3,080	436	129	3,979	2,901
2016-2017	2,626	197	138	3,953	3009
2015-2016	3145	269	142	5,786	2,567
2014-2015	2862	354	171	8,350	2,501
2013-2014	2752	318	196	7,235	2,660
2012-2013	3284	296	205	8,700	3,357
2011-2012	4032	141	262	15,731	4,323

2.11 **Customer Research**

The Environmental Health section ordinarily undertakes regular customer satisfaction questionnaires, encouraging customers to make suggestions for service improvements. No such surveys have been undertaken this year due to resource issues and with the departure of the support officer who normally undertakes this function it is presently uncertain as to how the service will gather this information going forward.

The corporate 'Your Views' system provides further information on customer needs and expectations. Environmental Health is part of the Customer Services Excellence Standard awarded to Regulation and Enforcement. The retention of the Customer Service Excellence Standard demonstrates that we are identifying our customers together with their needs from our services.

2.12 **Needs of Stakeholders**

General

In addition to the desire to support the City's priorities, stakeholder needs are also identified through other sources such as the Birmingham Annual Opinion Survey and the Community Safety Partnerships' Strategic Assessment as well as intelligence from RFAs, meetings and other data sources. This indicates that:

- Rubbish and litter (litter and household/commercial waste).
- Dog fouling.
- Noisy neighbours/parties/dogs.
- Fear of Crime.

We will continue to respond to requests for assistance from members of the public, including the following types for which most requests are made:

- Flytipping.
- Domestic noise.
- Food hygiene.
- Pest control.
- Air Pollution.
- Stray dogs.

We make our services available to the public by a variety of routes to ensure that they can engage with us, tell us about problems they would like us to solve and keep informed about the services we provide. Our officers respond to residents in their preferred way by telephone, email or personal visits.

Environmental Health will review and update the streamlined pages it has on the City Council's website. We receive between 85,000 and 90,000 'hits' per year on our information and e-form pages.

We also utilise social media routes wherever possible to ensure that the public is kept up to date with topical issues in both their local area and city wide e.g. we regularly provide information via our Twitter account and have nearly 1900 followers, a number which is growing each month.

Food Safety

The Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement imposes requirements on Birmingham City Council as a Food Authority. Compliance with this agreement is essential in demonstrating competency as a food authority.

Primary Authority Partnerships have been developed with leading food businesses, these partnerships support businesses operating on a regional or national scale and enhance the reputation of the authority.

We will ensure that future service plans include a clear and realistic comparison of the resources required to carry out the **full** range of statutory food law enforcement activities at **all** relevant food businesses in the area against the resources available to the Service. The Plan should contain a detailed and reasoned intervention strategy and intervention programme which includes arrangements for all historic overdue interventions and unrated businesses on a risk basis. The plan should also include an estimate of the resource required to monitor its implementation and to carry out suitable risk based monitoring across all areas of the Service.

We will carry out interventions at all relevant food premises in the area at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice (FLCoP) and other centrally issued guidance.

We will maintain up to date accurate records in retrievable form on all food establishments in its area, in accordance with the Food Law Code of Practice and centrally issued guidance. These records shall include reports of all interventions/inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, results of any sampling, details of any complaints and any action taken, and also relevant food registration and approval information. The authority should also record, with reasons, any deviations from set procedures.

Smoke Free

Smoking is the primary cause of preventable illness and death. Exposure to other peoples tobacco smoke is also a cause of ill health¹. In Birmingham, deaths attributable to smoking aged 35+, have been estimated as 308 per 100,000 population, significantly higher than the national (272) average (2014 - 16)². The adult smoking prevalence in Birmingham is 14% (2016) which is lower than the national average of 15.5% (2016). Within the routine and

¹ <http://ash.org.uk/category/information-and-resources/fact-sheets/>

² <https://fingertips.phe.org.uk/profile/tobacco-control/data#page>

manual occupations, 26% are reported as current smokers in Birmingham (26.4% for England)². Smoking rates are, therefore, highest in those that earn the least and estimates show that within the lowest income groups an average smoker could spend a 10th of the total household expenditure on tobacco. A 20 a day smoker of a premium brand will spend about £3,600 a year on cigarettes¹.

Every year in Birmingham, early deaths due to smoking result in 3,153 years of lost productivity which costs the local economy approx. £59M (Dec 2015). Local businesses in Birmingham also lose approx. 213,020 days of productivity every year due to smoking-related sick days. This costs about £19M (Dec 2015).

This demonstrates the need for the service to ensure workplaces, work vehicles and enclosed public places, including those dealing in shisha smoking within premises, comply with the smoke-free legislation thereby reducing the frequency in which persons can smoke in the environment, thereby increasing the likelihood of the person quitting smoking and reducing the exposure to cigarette smoke in the environment.

Air Pollution / Air Quality

Air pollution is widely recognised to damage human health, the primary pollutants being fine particles and oxides of nitrogen, the primary source for which at a local level is road transport. Consideration of the health burdens arising from air pollution suggest that there are approximately 900 deaths linked to man-made air pollution each year (see following page).

The West Midlands region is recognised as having the greatest extent (in km) of roads that exceed the legislative limit for nitrogen dioxide (NO₂) pollution, outside of London. In Birmingham the largest area of concern is the city centre both within and around the ring road, comprising the inner city wards of Ladywood, Nechells, and Aston. Whilst the burden is borne mostly by residents of these wards, surrounding wards are also impacted as key arterial routes enter the city from all directions.

In recognition of the challenge faced by the city around air quality the Council have established an Air Quality Members Steering Group comprising key politicians³ to respond to the challenge, cutting across portfolios and putting the needs of the citizens first. This Member Group is supported by a managerial level cross service officer led steering group incorporating public health and transportation experts to ensure air quality is embedded in all key decisions affecting the City and the developing Combined Authority.

³ Cabinet Member for Clean Streets, Recycling and Environment, Cabinet Member for Transport, Cabinet Member for Health and Social Care, Chair Licensing & Public Protection Committee, Chair Planning Committee

Officers from Environmental Health continue to work closely with colleagues to scope out the developing Clean Air Zone (CAZ), incorporating regular discussions with the Joint Air Quality Unit from Defra / DfT. The CAZ feasibility study is expected to be completed this year and will incorporate consultation with the public on the identified options.

The service also maintains a close working relationship with neighbouring local authorities through a West Midlands wide Environmental Protection Group and also the Low Emissions Towns & Cities Programme (LETCP) to ensure that air quality initiatives are considered at a regional level and that they link into aims and goals of the Combined Authority.

EFFECTS OF AIR POLLUTION



Up to

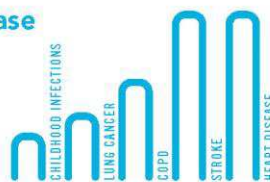
900 DEATHS



per year linked to man-made air pollution

LINKED TO

Heart disease
Diabetes
Asthma
Obesity
Cancer
Dementia



Deaths due to air pollution worldwide per year

LINKED TO

Still births
Infant deaths
Low birth weight
Organ damage
Premature deaths



CHILDREN IN HIGH POLLUTION AREAS

x4

more likely to have reduced lung function when they become adults



61%

OF JOURNEYS TO WORK ARE BY CAR OR VAN

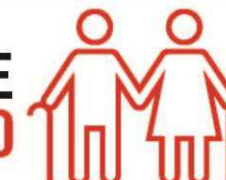
Exposed to **21%** higher levels of pollution



Affects the

VULNERABLE & DEPRIVED

areas most



BUS & TAXI DRIVERS

are exposed to

3x



more pollution than anyone else

#BrumBreathes

Numbers have been rounded. Evidence provided by Public Health Birmingham, May 2017; birminghampublichealth.co.uk

Birmingham City Council

Health & Safety

We continue to work in partnership with co-regulators including the Health & Safety Executive, Ofsted and the Care Quality Commission. By maintaining these communication streams between organisations, it encourages the sharing of intelligence and improves the overall safety and welfare of employees and residents.

2.13 Likely Future Developments

Environmental Health is involved locally and nationally within professional bodies and governmental groups looking at potential future development that may impact on our services. Key developments facing Environmental Health in the coming year include:

Food Safety

The Food Safety Act revised code of practice has been implemented; this places greater emphasis on competency requirements for inspecting officers. We are developing a comprehensive competency framework to ensure all our officers meet those requirements.

- Significant new labelling rules were implemented 3 years ago under the Food Information Regulations. This was the most comprehensive review of labelling rules for over 20 years and has provided challenges across all food business sectors. Officers will continue to support businesses, particularly with new allergen rules, but are now taking appropriate enforcement action for continued non-compliance using new powers. This includes carrying out an increased amount of sampling to ensure consumers are not put at risk from unlabelled allergenic substances.

In 2017 The Food Standards Agency (FSA) released a new vision that states the existing system of food regulation has not kept pace with technological changes and is not flexible enough to adapt to the changing environment, with the view that "one size doesn't fit all". The paper, 'Regulating our Future' was released in 2017 and contains a number of radical changes that could potentially weaken regulatory control further. We will continue to thoroughly evaluate the FSA's proposals as they are developed to ensure our commitment to effective food safety controls.

Health & Safety

Based on local intelligence we will continue to look at machinery guarding in business premises in Birmingham. In addition, once national priorities have been identified by the Health & Safety Executive we will look to run further projects which investigate any high risk practices or premises which are relevant to Birmingham and are regulated by the local authority.

Air Pollution / Air Quality

Air quality remains a high priority for Government, especially given the European Union has commenced stage 2 infringement proceedings against the UK Government for continued breach of the Air Quality Directive and

ClientEarth, a group of environmental lawyers are taking Government to court for the third time on the grounds of continued breaches and the pace of action. Government's latest Air Quality Plan (July 2017) saw an increase in the number of areas of exceedence, both in terms of local authority areas and actual areas within Birmingham resulting in increased challenges for compliance delivery through the Clean Air Zone study.

Government's strategy to deliver compliance continues to revolve around Clean Air Zones (CAZ) and Birmingham have received a Ministerial Direction to complete a Clean Air Zone study by 15 September 2018. This study is ongoing and it is anticipated a preferred option will be ready for consultation early summer.

Given the emphasis on CAZ there has been professional interest and lobbying of Government to bring other air quality legislation up to date, starting with a new Clean Air Act. Government are now gathering evidence on the use of solid fuel in domestic heating and it is likely that the new Act will contain provisions around domestic wood burning. Whether this will be completed in 2018 is at present unclear.

Animal Health & Welfare

The legislative provisions surrounding the licensing of pet shops, boarding kennels and catteries, including 'home dog boarders' and dog day care centres, riding establishments and performing animals is currently under government review and new regulations are likely to come into effect in October 2018.

Whilst the full details are not known, it is believed that the level at which dog breeders will require a licence will be reduced from 5 litters per year to 3, the performing animals – certificate of registration system is likely to change to a new licensing system and measures will hopefully put in place to aid enforcers to tackle traders who sell pets over the internet without a pet shop licence in place.

Other

Pest Control continue to maximise the commercial offer for end to end treatments of void premises to help landlords re-let their premises. This work includes removal of waste, environmental cleans, treatment of rodents and insects, and undertaking pest proofing as necessary. This is an ongoing process. Pest Control are also expanding this to working with internal departments to assist in their pest control needs.

2.14. **Potential to maximise funding for service provision**

With the ongoing budgetary pressures in the current financial climate, it is important that services are reviewed regularly and that new ways of providing them are sought.

We will continue to take opportunities to work with regional and national companies, with a Birmingham presence, to set up Primary Authority Partnerships for both Food and Health & Safety.

2.15 **Service Delivery**

Environmental Health contributes to each of the City Council's Strategic Outcomes. It is our declared strategy to ensure that all of the work that we undertake and all of the services that we provide clearly support these. The services that will be delivered are contained in Appendix 2A to this Service Plan. More detailed plans relevant to specific service areas, together with outturns on delivery will be reported to Committee over the next few months as required by law and statutory codes of practice:

- Food Law Enforcement Plan.
- Health and Safety Law Enforcement Plan.
- Annual Animal Welfare Plan.
- Air Quality Action Plan.

We will continue to provide a range of interventions set out in our statutory duties and powers delegated through the Licensing and Public Protection Committee. Processes will be reviewed to ensure that services are delivered in as effective and efficient way as possible in order to minimise any effect on customer needs and satisfaction. It should be noted, however, that the additional savings and loss of posts to meet these may have an effect on the range of services provided as well as the response times.

If resources allow, we will implement the following additional services:

- Inspection of all low risk food premises.
- Delivery of the Safe@Work scheme to help young people stay safe at work.
- We will look to reduce costs by trying to return dogs to their owners rather taking them to Birmingham's Dogs Home.

2.16 Financial And Resource Planning And Management

Revenue budget for 2018/19 is shown below (in 000's), with figures for 2014/15, 2015/16, 2016/17 and 2017/18 are also included for comparison. The savings targets are included.

ENVIRONMENTAL HEALTH	2014/15 (Budget Report) £'000	2015/16 (Budget Report) £'000	2016/17 (Budget Report) £'000	2017/18 (Budget Report) £'000	2018/19 (Budget Report) £'000
Employees	3,844	3,763	3,659	4,227	3,870
Non Employees	1,026	579	944	1,696	799
Capital Finance Costs	16	16	0	0	8
Savings Targets	(170)	(172)	(24)	0	0
TOTAL EXPENDITURE	4,716	4,186	4,579	5,923	4,677
Income	(680)	(654)	(1,037)	(1,866)	(870)
Grants	0	0		0	0
Savings Targets	0	0	(10)	(10)	0
TOTAL INCOME	(680)	(654)	(1,047)	(1,876)	(870)
NET EXPENDITURE	4,036	3,532	3,532	4,047	3,807
Recharges removed and non-employee budget reduced (net nil)	0	0	0	0	0
Depreciation removed and non-employee budget reduced	0	0	0	0	0

PEST CONTROL	2014/15 (Budget Report) £'000	2015/16 (Budget Report) £'000	2016/17 (Budget Report) £'000	2017/18 (Budget Report) £'000	2018/19 (Budget Report) £'000
Employees	701	709	728	740	751
Non Employees	296	223	207	208	200
Capital Finance Costs	0	0	0	0	0
Savings Targets	0	0	0	0	0
TOTAL EXPENDITURE	997	932	935	948	951
Income	(1,052)	(1,352)	(938)	(944)	(644)
Grants	0	0	0	0	0
Savings Targets	(300)	(1,300)	0	0	0
TOTAL INCOME	(1,352)	(2,652)	(938)	(944)	(644)
NET EXPENDITURE	(355)	(1,720)	(3)	4	307
Recharges removed and non-employee budget reduced (net nil)	0	0	0	0	0
Depreciation removed and non-employee budget reduced	0	0	0	0	0

2.17 **People Resources**

For 2018/2019 there has been a slight reduction in full time equivalent Officers within Environmental Health available to deliver this plan.

Total FTEs on 1 st April each year					
	2014/15	2015/16	2016/17	2017/18	2018/19
Environmental Health	68.2	54	58	60.3	54.7
Pest Control	23	22	21	17	24.8
Admin Support	17.37	15.37	10.3	9.7	8.66
Total	108.57	91.37	89.3	87	88.16

To account for the reduction in resources, we will continue to find more effective ways of working, including joint and partnership working where appropriate, to ensure that our key performance indicators are met and that essential, statutory and mandatory services are provided.

The Section is structured by functional teams, as illustrated in the organisation chart, shown as Appendix 2B.

There has been little in the way of training outside of in-house/cascade training in the last 4 years. We intend to put all enforcement staff through competency training in enforcement to increase efficiencies and improve assurance for this work. We will be seeking, continued accreditation to the 'Investors in People' standard will ensure confidence in our ability to deliver the plan and address matters of competency amongst our work force.

Environmental Health and Pest control use corporate email system and a job management system called M3 (MAPSS) for recording and managing work. The Environmental Protection Unit uses some non-standard systems for its specialised air pollution work which is not on the corporate intranet.

2.18 **Partners**

The Environmental Health service acknowledges that maintaining and developing its services can be achieved more efficiently through selected partnership working. We work closely with neighbouring Local Authority Environmental Health services who form a number of West Midlands Joint Working Groups on specific topics including Food Safety, Health and Safety, Air Pollution, Animal Welfare and Environmental Health Chief Officers to ensure consistency in the delivery of services across the region.

Environmental Health enters into partnerships when we have assessed, using a decision matrix, the desirability of the working in terms of increased efficiency, synergy and commonality of priorities. This table details the significant partnership working that we currently undertake to provide financial support, joint working and delivery of jointly agreed interventions.

Activity	Description	Partners
Embracing public health responsibilities through the use of environmental Health legislation and practice	Working to bring about public health outcomes for Birmingham.	Public Health England Birmingham Public Health, BCC Service Commissioners
Tackling obesity	Exploring initiatives through contracts, inspection and environmental health legislation.	Birmingham Public Health; West midlands local Authorities; BCC Commissioning
Improving Health and Safety of the workforce and those visiting places of work	Involvement in specific projects aimed at delivering national and regional strategies.	Health and Safety Executive, West Midlands Metropolitan Authorities
Scoping and delivery of a Clean Air Zone	Working with partners to identify the likely extent of a CAZ and the vehicles most likely to be affected to secure legislative compliance	JAQU (Defra / DfT Joint Air Quality unit), Centro, WM ITA, Combined Authority
Dealing with air pollution on a regional level	The coordination of effort and sharing of best practice at a regional level, including the securing of external funding, to provide for air quality improvements.	West Midlands Metropolitan Authorities, Defra
Dealing with unauthorised encampments	The provision and delivery of a joint protocol between BCC and WMP on managing unauthorised encampments.	West Midlands Police
Managing the impacts arising from the night time economy	The provision of officers to support a pan Birmingham task force to manage nuisance and crime arising from the night time economy.	West Midlands Police, BCC Planning, BCC Licensing, BCC Trading Standards, West Midlands Fire Service
Tackling food safety and food fraud issues	Through membership of forums and by acting as a consultee on ongoing and proposed food safety matters.	Food Standards Agency West Midland Food Liaison Group
Food inspections in premises supplying food to schools and residential homes. Improving food safety in school kitchens.	Conducting food inspections and engaging in regular liaison with key contacts.	BCC Procurement Citiserve
Shisha	Legislative compliance and communication campaign regarding health messages.	Fire service, HMRC, Stop smoking services, NHS, DoH, BCC planning, BCC licensing, BCC Trading Standards, BCC Public

Activity	Description	Partners
		Health, Birmingham Tobacco Control alliance; CenTSA, other West Midlands local authorities, Public Health England and the Chartered Institute of Environmental Health.
Research and voluntary work opportunities for student Environmental Health Practitioners.	By giving training and work based opportunities to students who wish to carry out work based projects which will be of value to Birmingham, helping the students to qualify and provide work experience to start them in their work careers.	Various University Establishments
Tackling sites blighted by litter and fly-tipping.	Engagement work with private and public land owners, supported by enforcement work in support of the 'Blooming Streets' and micro-composting initiatives aimed at creating sustainable options for problem locations.	Keep Britain Tidy, Community Safety Partnership, Fleet and Waste Management, Place Managers Residents Group representatives
Tackling litter and dog fouling	Enforcement work in support of the 'Love where you Live' national initiative aimed at reducing litter.	DEFRA, Keep Britain Tidy, Community Safety Partnership. The Dogs Trust (Big Scoop)
Tackling organised fly-tipping	To undertake intelligence led interventions, including use of warrants and seizure powers aimed at targeting organised criminality.	Partners to the Government Agency Intelligence Network (GAIN), including Police Regional Organised Crime Unit and other Local authority partners.
Responsible dog ownership	To continue to work with partners to raise awareness of responsible dog ownership issues such as dog fouling, and helping children and young people to stay safe around dogs.	Police, national and local animal charities and where required with other agencies such as Keep Britain Tidy, Defra. The Dogs Trust
Provision of a Dog Warden Service for Solihull Metropolitan Council.	Collecting stray dogs and providing patrols or visits to deal with community protection issues	Solihull Metropolitan Council. Contracted stray dog kennels.

Activity	Description	Partners
	surrounding uncontrolled dogs.	
Emergency Removal and Boarding of animals where owners are deceased, or have been taken to hospital or detained for mental health reason.	To arrange for the safe removal and boarding of animals and to act a single point of contact with the agencies involved.	Social Services, Funerals and Protection of Property, private animal boarding establishments. NHS staff.
Animal Health – disease control.	To continue to work with livestock keepers, transporter and abattoirs in the city to ensure legislative compliance, involving bio-security and animal identification. Continued investigations into the illegal importation of puppies and dogs.	Defra / Other local authorities / private quarantine kennels and transporters.
Counterfeit and fake alcohol	To remove counterfeit and fake alcohol from Birmingham's shops where intelligence is received.	HMRC, Trading Standard, Fire Service, Police.

2.19 **Information management**

Our IT system ensures the validity of our performance management information. It provides controls for the gathering and review of customer and other stakeholder feedback and ensures this feedback is acted upon. We are able to monitor our performance via the corporate system that provides a 'dashboard' view of our progress against declared targets and objectives. Corporate Data Quality Assurance templates will be used to assure the robustness of our performance figures.

Environmental Protection intends to switch monitoring the inspection programme from the current Access database to the MAPPS system. This should make tracking simpler, and slightly ease data entry requirements for officers.

SERVICE DELIVERY

All activities are focused on ensuring public health outcomes for Birmingham.

Each section details how the work contributes to the:

Sustainable Community Strategy Birmingham 2026 Priorities:

- Enjoying a high quality of life
- Social Cohesion

Supported by 4 themes:

- Succeed economically
- Stay safe in a clean green City
- Be Healthy
- Make a Contribution

Council Business Plan 2015+ Priorities:

- **A Fair City** – where people are safe; people are not excluded from opportunities or services because of their background or where they live; older people are cared for with dignity in their own community
- **A Prosperous City** – where local entrepreneurs can thrive; inward investment is attracted; there is a highly skilled workforce. A smart, green and sustainable city with excellent connectivity
- **A Democratic City** – where everyone has a duty to contribute to civic life and a right to be heard as equals; where public services are accountable and focus on the 'whole place' and the 'whole person'; where citizens work together to look after each other
- **Council of the Future**

Values

- Putting residents first
- Acting courageously
- Being true to our word
- Achieving excellence

Service Objective 1 Offer advice to and respond to requests for assistance from residents, businesses and elected Members on Environmental Health issues including the resolution of neighbourhood issues, statutory nuisances and advice to businesses.			Mission Statement – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
Council Plan Strategic Outcomes <ul style="list-style-type: none"> • A Fair City – Safe and inclusive • A Prosperous City – Supporting business in a green and sustainable city • A Democratic City – Accountable public services focussing on the ‘whole place’ 		Sustainable Community Strategy Birmingham 2026 Priorities <ul style="list-style-type: none"> • Enjoy a high quality of life • Promote social cohesion • Succeed economically • Stay safe in a clean, green city • Be healthy • Make a contribution 	Lead Officer Head of Environmental Health	
Task	Measure	Target	Method	Outcome(s)
1.1 Respond to all requests for advice and assistance (RFA)	<ul style="list-style-type: none"> • Percentage of all RFAs responded to within the performance target deadline (normally 5 days) 	95%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> • To protect the health and wellbeing of citizens and visitors and safeguard businesses • To support compliant businesses from unfair competition
1.2 Provide a good service to our customers (new)	<ul style="list-style-type: none"> • Percentage of customers satisfied with overall quality of service provided 	80%	Customer satisfaction surveys	

Service Objective 2 Improve the environment through proactive and reactive enforcement measures in respect of tackling fly-tipping, illegal dumping of refuse, advancement of waste and other issues causing detriment to the environment			Mission Statement – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
Council Plan Strategic Outcomes <ul style="list-style-type: none"> • A Fair City – Safe and inclusive • A Prosperous City – Supporting business in a green and sustainable city • A Democratic City – Accountable public services focussing on the ‘whole place’ 		Sustainable Community Strategy Birmingham 2026 Priorities <ul style="list-style-type: none"> • Enjoy a high quality of life • Promote social cohesion • Succeed economically • Stay safe in a clean, green city • Be healthy • Make a contribution 	Lead Officers Head of Waste Enforcement Unit Head of Environmental health	
Task	Measure	Target	Method	Outcome(s)
2.1 Conduct proactive enforcement to deal with areas of land blighted by environmental crime	<ul style="list-style-type: none"> • Prioritise referrals for proactive enforcement where residents are willing to provide evidence Respond to local community’s concerns about blighted areas Take enforcement action where proportionate, practicable and appropriate. Where practicable, to involve local communities and partners in reducing the levels of environmental crime issues in local areas. Where sites suffer repeated problems, to scope additional methods of prevention.	100%	Waste Enforcement Unit Management Information (WEU MI)	<ul style="list-style-type: none"> • To improve the environmental quality of local areas

2.2 Programme to ensure that Birmingham's businesses dispose of their waste legally	<ul style="list-style-type: none"> Percentage of commercial businesses that are inspected which are deemed compliant <p>Conduct duty of care inspections at all premises inspected or otherwise visited by officers Carry out inspections and visits in 'hot spot' areas Undertake follow up visits to check compliance and maintain standards Conduct enforcement activity to promote compliance and to deter anti-competitive avoidance of legal duties</p>	100%	Departmental Computer System (MAPSS) WEU MI	<ul style="list-style-type: none"> To promote compliance with environmental legislation and protect compliant businesses To reduce the likelihood of fly-tipping and associated environmental impact from fly-tipping To prevent the Council from underwriting waste disposal costs from non-compliant businesses
2.3 Programme of litter enforcement exercises	<ul style="list-style-type: none"> Percentage of planned exercises completed <p>Partnership working with other involved parties Robust enforcement against people found littering</p>	90%	WEU MI	<ul style="list-style-type: none"> To improve the cleanliness of streets and open spaces in the city To dissuade people from littering
2.4 Enforcement action – Waste Data Flow Return	<ul style="list-style-type: none"> Improvement on year-on-year enforcement trends <p>Intelligence led approach to realise an understanding of the true nature of dumped waste across the city. Statistical return to Defra Focus on work tackling cleanliness across the city</p>	Increase in number	WEU MI	<ul style="list-style-type: none"> To improve the cleanliness of streets and open spaces in the city

Service Objective 3 Promote and ensure Food Safety, including a programme of food inspections and the investigation of food related complaints, food fraud and food poisoning.			Mission Statement – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
Council Plan Strategic Outcomes <ul style="list-style-type: none"> • A Fair City – Safe and inclusive • A Prosperous City – Supporting business and promoting a skilled workforce • A Democratic City – Accountable public services focussing on the ‘whole place’ 		Sustainable Community Strategy Birmingham 2026 Priorities <ul style="list-style-type: none"> • Enjoy a high quality of life • Promote social cohesion • Succeed economically • Stay safe in a clean, green city • Be healthy • Make a contribution 	Lead Officer Head of Environmental Health	
Task	Measure	Target	Method	Outcome(s)
3.1 To develop the statutory Food Law Enforcement Plan	<ul style="list-style-type: none"> • Plan developed To undertake a review of last year’s food safety service and develop a food hygiene intervention programme in line with statutory code of practice	Plan reported to LPPC	Committee database	<ul style="list-style-type: none"> • To ensure that the Local Authority complies with the Food Standards Agency’s Statutory Guidance
3.2 To undertake a statutory food intervention programme to ensure that new and existing food businesses comply with food safety legislation	<ul style="list-style-type: none"> • Percentage of planned inspections undertaken Inspections in line with the statutory Food Law Code of Practice Inspections ensure that all food businesses requiring approval under specific EU legislation are able to maintain their approval To work with food business operators where possible to ensure that they comply with their	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> • To protect the health and wellbeing of citizens, employees of businesses and visitors • To maintain a high level of consumer confidence in food businesses in Birmingham • To take appropriate enforcement action against food businesses where the health of the public is put at risk

	legal responsibilities as well as scoring as highly as possible on the Food Hygiene Rating Scheme			<ul style="list-style-type: none"> To discharge the local authority's duty in meeting the Food Law Enforcement Plan
3.3 To target all food businesses scoring 0 - 2 on the Food Hygiene Rating Scheme to raise their standards	<ul style="list-style-type: none"> Percentage of targeted businesses that are rated as 0 – 2 (as of 1st April 2015) in which interventions are undertaken <p>Inspection in line with Food Law Code of Practice. To carry out revisits and other interventions, including enforcement action where necessary. To ensure food businesses are operating to a safe standard.</p>	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> To protect the health and wellbeing of citizens, employees of businesses and visitors To protect good businesses from being disadvantaged by non-compliant traders To assist businesses to remain competitive To ensure that resources are targeted to the poorest performing businesses
3.4 To tackle food fraud in Birmingham	<ul style="list-style-type: none"> Percentage of planned food fraud investigations completed 	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> To protect the health and wellbeing of citizens, employees of businesses and visitors To protect good businesses from being disadvantaged by non-compliant traders
3.5 To provide additional support and training to food businesses through securing external funding	<ul style="list-style-type: none"> Percentage of food businesses which receive additional support and training being satisfied that this has helped them understand the legal requirements (Survey to demonstrate satisfaction) 	80%	EH MI	<ul style="list-style-type: none"> To assist food businesses to remain competitive

Service Objective 4 Promote and ensure healthy and safe working environments including a programme of health and safety inspections and focussed visits, investigation of serious accidents and complaints concerning working conditions.			Mission Statement – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
Council Plan Strategic Outcomes <ul style="list-style-type: none"> • A Fair City – Safe and inclusive • A Prosperous City – Supporting business and promoting a skilled workforce • A Democratic City – Accountable public services focussing on the ‘whole place’ 		Sustainable Community Strategy Birmingham 2026 Priorities <ul style="list-style-type: none"> • Enjoy a high quality of life • Promote social cohesion • Succeed economically • Stay safe in a clean, green city • Be healthy • Make a contribution 	Lead Officer Head of Environmental Health	
Task	Measure	Target	Method	Outcome(s)
4.1 To develop the Health and Safety Law Enforcement Plan	<ul style="list-style-type: none"> • Produce a health and safety inspection plan in line with Health and Safety Executive guidance. 	Plan reported to Public Protection Committee	Committee database	<ul style="list-style-type: none"> • To ensure that the Local Authority complies with the Section 18 Health and Safety at Work etc Act 1974.
4.2 Investigation of work place related accidents and incidents, including those resulting in serious injuries and fatalities.	<ul style="list-style-type: none"> • Percentage of mandatory (serious) incidents investigated. 	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> • To protect employees and members of the public from unsafe practices. • To ensure that employers meet their statutory responsibilities in relation to health and safety
4.3 To undertake a programme of targeted inspections of high risk activities, in accordance with the	<ul style="list-style-type: none"> • Percentage of high health and safety risk activities inspected. To take appropriate action in line	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> • To protect employees and members of the public from unsafe practices. • To protect the wellbeing of vulnerable people in care

National Local Authority Enforcement Code.	with the departmental Enforcement Policy.			environments. <ul style="list-style-type: none"> To ensure that employers meet their statutory responsibilities in relation to health and safety
4.4 To undertake a programme of targeted inspections of cooling towers which are regulated by the Local Authority.	<ul style="list-style-type: none"> Percentage of businesses with cooling towers inspected <p>To ensure that businesses meet their statutory responsibilities in relation to health and safety.</p>	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> Increase Businesses awareness of the dangers associated with poorly managed cooling towers. Protect employees and the wider public from the health risks associated with poorly managed cooling towers.
4.5 Maintain current Primary Authority Partnerships and where possible develop future partnerships.	<ul style="list-style-type: none"> Percentage of enquiries from Local Authorities and Company Partnerships responded to within 5 working days <p>Support businesses in Health & Safety compliance and Local Authorities in Health & Safety related enforcement.</p>	100%	BRDO – Primary Authority Partnership Portal	<ul style="list-style-type: none"> To protect employees and members of the public from unsafe practices. To ensure that employers meet their statutory responsibilities in relation to health and safety

Service Objective 5 Improve the environment and protect the public from environmental hazards arising from air and land and in the form of noise.			Mission Statement – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
Council Plan Strategic Outcomes <ul style="list-style-type: none"> • A Fair City – Safe and inclusive • A Prosperous City – Supporting business in a smart, green and sustainable city with excellent connectivity • A Democratic City – Accountable public services focussing on the ‘whole place’ 		Sustainable Community Strategy Birmingham 2026 Priorities <ul style="list-style-type: none"> • Enjoy a high quality of life • Promote social cohesion • Succeed economically • Stay safe in a clean, green city • Be healthy • Make a contribution 	Lead Officer Head of Environmental Health	
Task	Measure	Target	Method	Outcome(s)
5.1 Undertake inspections of regulated facilities in line with the Defra inspecting protocol	<ul style="list-style-type: none"> • Percentage of premises inspected 	100%	EPU EPR Access database Transition to MAPPS database	<ul style="list-style-type: none"> • To protect the health and well-being of citizens, employees of businesses and visitors. • To support businesses in the community by providing regulatory advice, proportionate enforcement and a consistent and level playing field.
5.2 Review and assess the air quality in the area, compare against legal limits, designate AQMA and prepare, issue and update AQAP.	<ul style="list-style-type: none"> • Maintain a suitable network of monitoring sites • Complete ASR return • AQAP reviewed and issued, building in consultee comments 	Ensure data capture rate >90% Complete ASR in time AQAP re-issued	Laboratory results Confirmation from Defra AQAP approved by LPPC and AQ Quartet and uploaded on website	<ul style="list-style-type: none"> • To protect the health and well-being of citizens, employees of businesses and visitors.

5.3 Development and deployment of a Clean Air Zone	<ul style="list-style-type: none"> Progress made on CAZ 	Extent of CAZ and vehicles affected, scoped out	Monitoring, modelling, partnership working, agreement from partners	<ul style="list-style-type: none"> To protect the health and well-being of citizens, employees of businesses and visitors. To promote the local economy through supporting the development of low emission technologies
5.4 To review the Contaminated Land Inspection Strategy (CLIS) and issue the new version (following consultation)	<ul style="list-style-type: none"> CLIS reviewed and issued, building in consultee comments <p>Heavily dependent on resources</p>	CLIS re-issued	CLIS approved by LPPC and Cabinet Member and uploaded on website	<ul style="list-style-type: none"> To protect the health and well-being of citizens, employees of businesses and visitors.
5.5 To undertake the role of responsible authority for Environmental Health under the Licensing Act 2003	<ul style="list-style-type: none"> Percentage of all applications for premises licences responded to within the consultation period (28 days) 	90%	Environmental Protection Unit Management Information (EPU MI)	<ul style="list-style-type: none"> To protect the health and well-being of citizens, employees of businesses and visitors To promote compliance with the objectives of the Licensing Act in Birmingham by the licence trade.
5.6 To respond to planning applications as a non-statutory consultee on behalf of Planning Management	<ul style="list-style-type: none"> Percentage of all planning consultations responded to within the consultation period (28 days) 	85%	EPU MI	<ul style="list-style-type: none"> To protect the health and well-being of citizens, employees of businesses and visitors To promote the local economy by providing for sustainable development

Service Objective 6 Tobacco Control			Mission Statement – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
Council Plan Strategic Outcomes <ul style="list-style-type: none"> • A Fair City – Safe and inclusive • A Prosperous City – Supporting business in a green city • A Democratic City – Accountable public services focussing on the ‘whole place’ 		Sustainable Community Strategy Birmingham 2026 Priorities <ul style="list-style-type: none"> • Enjoy a high quality of life • Promote social cohesion • Succeed economically • Stay safe in a clean, green city • Be healthy • Make a contribution 	Lead Officer Head of Environmental Health	
Task	Measure	Target	Method	Outcome(s)
6.1 Undertake smokefree inspections	<ul style="list-style-type: none"> • Percentage of premises subject to a food hygiene or health and safety inspection to have a smokefree inspection 	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> • To protect the health and wellbeing of citizens, visitors and employees of businesses. • To take appropriate enforcement action against premises which do not comply with legislation.
6.2 Undertake inspections to ensure legislative compliance and provide advice to Shisha premises in Birmingham	<ul style="list-style-type: none"> • Percentage of planned inspections undertaken <p>Partnership working with other agencies including HMRC, Stop Smoking Services, NHS, BCC Planning, BCC Trading Standards, WM Fire Authority, Tobacco Control Alliance, DoH, and CentSA</p>	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> • To protect the health and well-being of citizens, businesses and visitors • To provide advice to Shisha users on the dangers of smoking Shisha • To provide advice to Shisha premises owners on their legal obligations. • To take appropriate enforcement action against premises which do not comply with legislation.

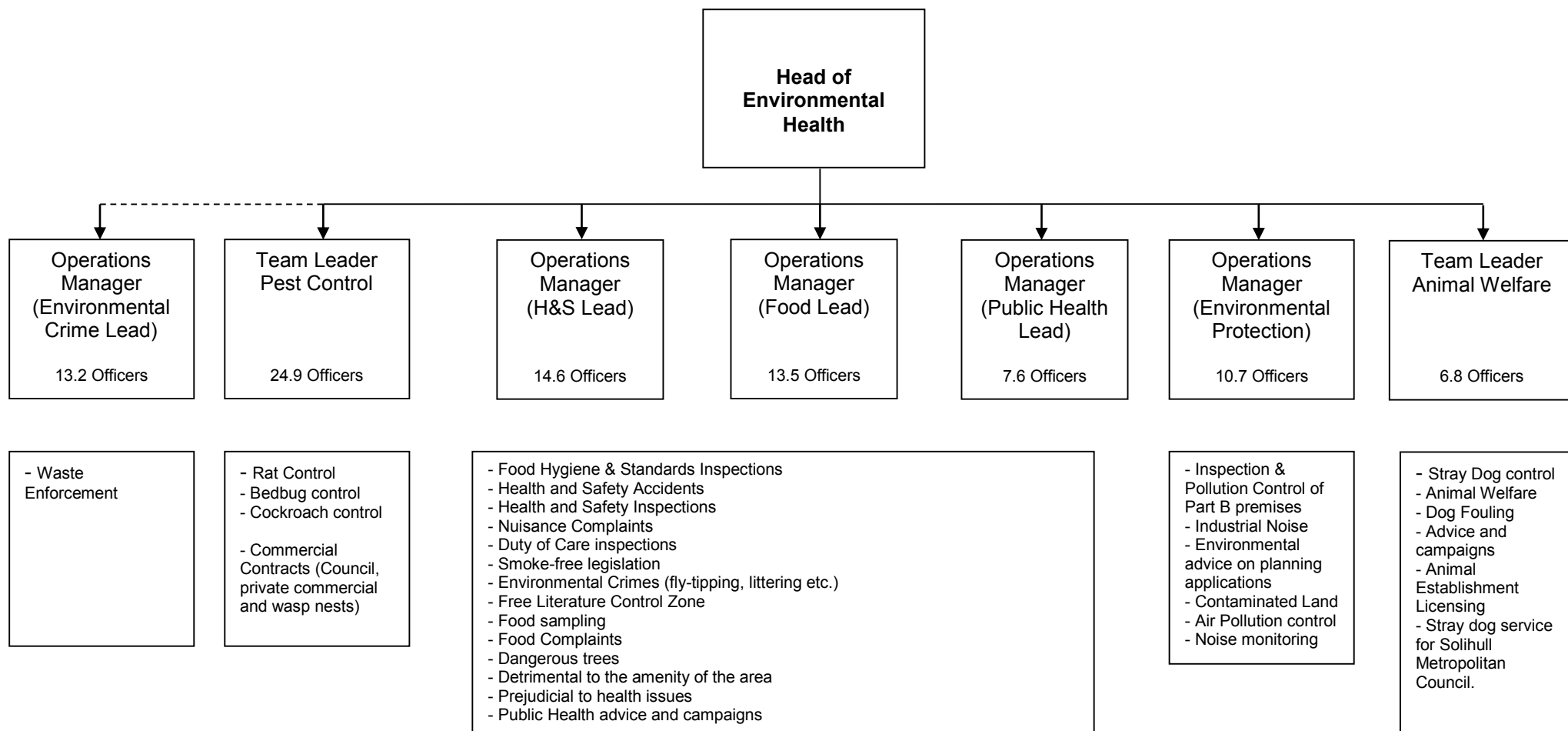
Service Objective 7 To provide an effective and efficient pest control service			Mission Statement – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
Council Plan Strategic Outcomes <ul style="list-style-type: none"> • A Fair City – Safe and inclusive • A Prosperous City – Supporting business and promoting a skilled workforce • A Democratic City – Accountable public services focussing on the ‘whole place’ 		Sustainable Community Strategy Birmingham 2026 Priorities <ul style="list-style-type: none"> • Enjoy a high quality of life • Promote social cohesion • Succeed economically • Stay safe in a clean, green city • Be healthy • Make a contribution 	Lead Officer Head of Environmental Health	
Task	Measure	Target	Method	Outcome(s)
7.1 To respond to all requests for assistance (RFA) and advice regarding pest control	<ul style="list-style-type: none"> • Percentage of RFAs responded to within the designated performance timescale <p>Monitoring of work and appointment system to ensure that requests are responded to within the designated timescales Treatment carried out in line with relevant codes of practice</p>	95%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> • To protect the health and wellbeing of citizens, employees of businesses and visitors. • To improve the environmental quality of local areas.
7.2 Provide proactive rat treatments in the city where ‘hotspots’ are identified.	<ul style="list-style-type: none"> • Number of proactive treatments within a postcode area where pest problems have been identified <p>Implementation of proactive exercises aimed at identifying hotspots and monitoring of results</p>	5 treatments	Departmental computer system (MAPPS) Pest Control Management Information (PC MI)	<ul style="list-style-type: none"> • To protect the health and wellbeing of citizens, businesses and visitors.

7.3 Offer a commercial pest control service to generate income to support the provision of free rat treatments in domestic properties.	<ul style="list-style-type: none"> Income generation target <p>Market a competitive commercial pest control service.</p>	Income generation target achieved	Market a competitive pest control service for domestic and commercial customers	<ul style="list-style-type: none"> To protect the health and wellbeing of citizens, businesses and visitors. To enhance officers' skill base and to move into other areas of Pest Control which concern the public
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signage, issue FPNs and undertake proactive dog fouling exercises	exercises undertaken (40 planned)		Management Information (AW MI)	of streets and open spaces in the city
8.4 To respond to enquiries regarding the welfare of dogs and take appropriate action	<ul style="list-style-type: none"> Percentage of all RFAs to be responded to within the performance deadline target 	95%	AW MI	<ul style="list-style-type: none"> To protect and promote animal health and welfare
8.5 Undertake a programme of inspections of licensed animal establishments	<ul style="list-style-type: none"> Percentage of licensed animal establishments inspected 	95%	AW MI	<ul style="list-style-type: none"> To protect animal welfare within Birmingham and to support businesses publicly trading in Birmingham
8.6 Promote responsible dog ownership through a programme of planned initiatives	<ul style="list-style-type: none"> Percentage of planned initiatives undertaken (5 planned) 	100%	AW MI	<ul style="list-style-type: none"> To protect the health and wellbeing of the public and to promote animal welfare within Birmingham
8.7 To enforce legislation in relation to dog control, including the Public Space Protection Orders and Microchipping of Dogs Regulations.	<ul style="list-style-type: none"> Numbers of enforcement activities (Fixed Penalty Notices served, Notices served, level of compliance, number of prosecutions taken) 	No target, log of activities	AW MI	<ul style="list-style-type: none"> To protect and promote animal health and welfare To protect the health and wellbeing of the public To reduce the numbers of stray dogs
8.8 To respond to requests from the People Directorate to undertake assessments on dogs or animals kept by those looking to adopt or foster children	<ul style="list-style-type: none"> Log all requests and income generated 	Log of requests and income generated	AW MI	<ul style="list-style-type: none"> To protect the health and wellbeing of the public, in particular young people and children Income generation for the service
8.9 To provide a professional dog handling service to assist the private and	<ul style="list-style-type: none"> Log all requests and income generated 	Log of requests and income generated	AW MI	<ul style="list-style-type: none"> To protect the health and safety of those involved with forcing entry to

public sector with evictions, forced entries or to restrain dogs for any works to be carried out.				premises where dogs are kept <ul style="list-style-type: none"> To protect animal welfare Income generation for the service
8.10 To promote the neutering of cats and dogs by the issue discounted animal neutering vouchers provided by national animal charities.	<ul style="list-style-type: none"> Number of discounted neutering vouchers issued by officers 	Identify those animals at risk and log numbers issued	AW MI	<ul style="list-style-type: none"> To protect and promote animal health and welfare To protect the health and wellbeing of the public To reduce the numbers of stray dogs and cats
8.11 To satisfy a new Agreement with Social Services and Funeral Protection of Property to undertake the emergency removal and boarding of animals from properties where the owner has been hospitalised or is deceased.	<ul style="list-style-type: none"> Log all requests and income generated 	Log requests and income generated	AW MI	<ul style="list-style-type: none"> To protect the health and wellbeing of the pet owner and in particular the health and welfare of the animals. Income generation for the service
8.12 To action and record information provided by Street Cleansing in respect of deceased animals found.	<ul style="list-style-type: none"> Log all requests 	Log all requests	Departmental computer system (MAPSS)	<ul style="list-style-type: none"> To inform owners that their lost pet has been found and to provide closure.
8.13 To ensure animal health legislation is complied with in respect of animal transportation.	<ul style="list-style-type: none"> Percentage of livestock vehicles to be inspected (12 planned) 	100%	AW MI	<ul style="list-style-type: none"> To protect and promote animal health and welfare in transport.

ENVIRONMENTAL HEALTH STRUCTURE CHART 1st April 2018



BIRMINGHAM CITY COUNCIL
REGULATION AND ENFORCEMENT

LICENSING SERVICE
SERVICE PLAN 2018/2019

3.1 **Introduction to the Service and Service Plan**

This plan sets out the priorities for Birmingham City Council's Licensing Service for the coming year and beyond. It sets out what services will be delivered, how they fit in with the Council's strategic outcomes and the national agenda and what the service seeks to achieve.

3.2 **The core elements of the service are:**

The City Council has a number of licensing, regulatory and registration powers and duties. These powers and duties are delegated to the Licensing and Public Protection Committee. The provision of a Licensing Service is a statutory duty placed on the Local Authority. The granting and issuing of specific licences, permits and registrations is delegated to the Director of Regulation and Enforcement and Head of Licensing on the understanding that any applications giving rise for concern may be referred to the Licensing and Public Protection Committee for determination.

The Licensing and Public Protection Committee plays a vital and unique role in an administrative function regarding the grant, suspension and revocation of Licences. The legislation delegated to the Licensing and Public Protection Committee includes:

- Animal Boarding Establishments Act 1963*
 - Birmingham City Council Act 1990
 - Breeding of Dogs Act 1973 and 1991*
 - Dangerous Wild Animals Act 1976*
 - Gambling Act 2005
 - House to House Collections Act 1939
 - Licensing Act 2003
 - Local Government Act 2003
 - Local Government (Miscellaneous Provisions) Act 1976
 - Local Government (Miscellaneous Provisions) Act 1982 as amended
 - Performing Animals (Regulation) Act 1925*
 - Pet Animals Act 1951*
 - Police, Factories etc (Miscellaneous Provisions) Act 1916
 - Poisons Act 1972
 - Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002
 - Riding Establishments Acts 1964 and 1970*
 - Scrap Metal Dealers Act 2013
 - Town Police Clauses Act 1847 and 1970
 - Zoo Licensing Act 1981*
- *administered and enforced by the Animal Welfare Officers from the Environmental Health Service

The Licensing Service is structured to reflect the types of licences that are administered. The General Licensing Team issues licences and Temporary Event Notices under the Licensing Act 2003 in respect of premises selling alcohol or where regulated entertainment is carried on, and also deals with a

range of other licences under many of the Acts of Parliament listed above. The Hackney Carriage and Private Hire Team administers licences for hackney carriage and private hire drivers, vehicles and operators. Dividing the functions in this way meets our legal requirement to ensure that the two different licensing regimes do not cross-subsidise each other financially. The Enforcement Team within Licensing carries out our enforcement and compliance responsibilities. It is funded from licence fees, 60% of which come from hackney carriage and private hire licences and the remaining 40% from other licences.

The work of the Enforcement Team is generated through a combination of responding to Requests for Assistance (RFAs) from members of the public or other businesses, officer initiated projects, and pre-planned inspection programmes of licensed premises and vehicles. The team ensures both legal compliance amongst reputable businesses and identifies and prosecutes licence holders who act in contravention of the licences they have been granted. We work with many different law enforcement agencies to achieve this.

The Licensing Service is integrated with the Trading Standards Service through an accredited Quality Management System. This joint venture, under the acronym REMS (Regulation and Enforcement Management System), was first accredited in March 1999 and has proven successful in terms of improving the quality of the services provided. The system enables us to measure and review our performance with a view to achieving continuous improvement.

The key aim of the Licensing and Public Protection Committee and the Licensing Service is to raise standards of people, vehicles and premises licensed in Birmingham. Everything that we do is done with reference to this objective. Our overarching priority is to protect the safety of people using licensed premises or vehicles and to ensure that the licensed trade operates fairly.

We use a variety of ways to both promote public safety and awareness regarding licensing.

3.3 Planned Service Improvements

IT System

Since 2016 we have been supporting and working with the Council's IT partners, to introduce a replacement IT system to administer licences. The migration of data from our existing IT system (SOPRA) to the replacement system (Northgate) has been more difficult than was envisaged, which has delayed the implementation of the new system. It is hoped the new system will be implemented during 2018. It will meet the need identified in the Casey Report on CSE to ensure that the same system is used to administer licence applications and record compliance checks and enforcement activity.

Our ambition is to develop the system and our processes to move all hackney carriage and private hire licence applications and renewals on-line.

SEV Policy

In 2018/2019 we will complete the review of our Sex Establishment Policy.

Vehicle Emissions Policy

On 1st March 2017 we launched a formal 12-week consultation to seek the views of the hackney carriage and private hire trade and the general public on proposals for new emissions standards for licensed vehicles to comply with DEFRA's requirements for Birmingham to have a Clean Air Zone. The emissions policy was agreed at LPPC in October and we will continue to work with the trade towards its implementation. This will include proposals to licence electric vehicles and vehicles with smaller engines.

Driver, Vehicle and Operator Conditions

During 2016 we consulted with the trade to review the conditions of licence for private hire drivers, vehicles and operators. Refreshed conditions were approved by the Committee early in 2017. These revised conditions will begin to take effect this year.

Hackney Carriage Bye-Laws

Having reviewed conditions of licence private hire drivers, vehicles and operators we will now review our bye-laws for hackney carriage drivers and the vehicle conditions during 2018/2019.

Points System for Drivers

We intend to introduce a points system this year to enable us to record minor contraventions by licensed drivers similar to the cumulative points system operated by the DVLA for driver licences. The system will be built upon the revised conditions of licence.

Vehicle Signage

We began a consultation on vehicle signage in 2016 which was paused as we focussed on other more pressing issues at the time. However, the consultation has now resumed with a view to bringing proposals to the Committee later this year.

Birmingham City Council Act 1990

We will review the workings of the Birmingham City Council Act so far as it relates to massage and special treatment licences to determine whether it is relevant and necessary by consulting with interested parties and bringing a report to the Licensing and Public Protection Committee.

Quality Rating Scheme for Private Hire Operators

In 2018 we will be implementing the Quality Rating Scheme for private hire operators that the Licensing & Public Protection Committee approved in 2017.

3.4 **Key Performance Indicators**

Place Directorate Indicator:

- The percentage of Hackney Carriage and Private Hire vehicles that do not have any safety related faults at stop-check inspections – Target:
Hackney Carriage – better than previous year.
Private Hire – better than previous year.

Regulation and Enforcement Indicators:

- The percentage of Requests for Assistance responded to within 5 working days – Target 100%.
- The percentage of personal callers to our office who are seen within 15 minutes of their appointment time – Target 97%.

3.5 **National Returns**

The Licensing Service is required to make statutory returns to the Gambling Commission; the Home Office and HMRC Returns under the Finance Act 2011.

3.6 **Organisational Assessment**

As part of the 2017 budget setting process and budget consultation for the City Council, the financial savings targets for Licensing were removed in recognition of the ring fenced nature of its budget. This decision was approved by Full Council in February 2017. As a consequence, the overspend that was recorded against the General Licensing budget at 31 March 2017 was rebalanced to nil with effect from 1 April 2017.

3.7 **Key Performance Indicators**

Type of Indicator	Indicator	Performance	
Place Directorate Indicators – Inspections New indicators introduced in 2012/2013	Percentage of Hackney Carriage Vehicles fully compliant with Safety Critical Conditions	2017-2018*	78%
		2016-2017	85%
		2015-2016	84%
		2014-2015	86%
		2013-2014	86%
		2012-2013	83%
	Percentage of Private Hire Vehicles fully compliant with Safety Critical Conditions	2017-2018*	63%
		2016-2017	79%
		2015-2016	80%
		2014-2015	82%
		2013-2014	79%
		2012-2013	73%
Regulation and Enforcement Local Indicators – response times to customer requests	We will respond to Request for Assistance within 5 working days	2017-2018*	89.7%
		2016-2017	92%
		2015-2016	94%
		2014-2015	97%
		2013-2014	96%
		2012-2013	99%
		2011-2012	100%
		2010-2011	100%
		2009-2010	99%

Licensing Local Indicators – inspection programmes	Delivery of programmed inspection programme	2017-2018*	89%
		2016-2017	88%
		2015-2016	93%
		2014-2015	70%
		2013-2014	81%
		2012-2013	100%
		2011-2012	97%
		2010-2011	100%
		2009-2010	100%
Licensing Local Indicators – response time to Licensing Applications	General Licences - % responded to in target time	2016-2017	91.5%
		2015-2016	97.6%
		2014-2015	100%
		2013-2014	100%
		2012-2013	100%
		2011-2012	100%
		2010-2011	100%
		2009-2010	100%
	Hackney Carriage and Private Hire Licences - % responded to in target time	2016-2017	100%
		2015-2016	100%
		2014-2015	100%
		2013-2014	100%
		2012-2013	100%
		2011-2012	100%
		2010-2011	100%
		2009-2010	100%
Licensing Local Indicators – Customer Care	% of Licensing callers with appointment seen within 15 minutes	2017-2018*	100%
		2016-2017	100%
		2015/2016	99.9%

*part year (Apr – Jan)

3.8 **Customer Research**

Licensing undertake a variety of planned consultations in order to gather information on the needs and expectations of our customers and potential customers. Our customers are Licensees, including Hackney Carriage and Private Hire drivers and operators, members of the public who live or do business in Birmingham and businesses that trade in the city. Regular customer satisfaction questionnaires encourage customers to make suggestions for service improvements. The corporate Your Views system provides further information on customer needs and expectations. Liaison meetings are held with groups of customers including Hackney Carriage and Private Hire drivers and operators where needs and expectations are expressed.

Throughout 2017/2018 officers consulted with trade representatives on a range of new initiatives and policies, including, but not limited to vehicle emission standards, vehicle signage and the Quality Rating Scheme for private hire operators. The emissions consultation received 775 responses from drivers and members of the general public.

In 2018/2019 officers will continue to consult and engage with the taxi and private hire trade as new policies are developed which will include a penalty points system for drivers.

3.9 **Needs of Stakeholders**

One of our strongest relationships with partner agencies is that with the West Midlands Police. We recognise that we share mutual targets and priorities. In particular, we have a common interest in the night time economy and making the city centre a place where people from all backgrounds want to come and where they will feel safe, which supports the Be Birmingham 2026 strategic priority to stay safe in clean, green neighbourhoods.

We consider the needs of hackney carriage and private hire drivers and operators through our Trade Liaison meetings which are scheduled every two months and their views are reflected in the decision making process for all new significant policy decisions.

The needs of the general public are taken into account by the legislative requirements of the Licensing Act 2003 and the Gambling Act 2005 which enable anyone to ask for a licence to be reviewed and which enable the public to object to the grant of any new licences.

Further specific consultation is evidenced in individual committee reports.

Protection of Children from Harm

Licensing has specific responsibilities under the Licensing Act 2003 to protect children from harm, and under the Gambling Act 2005 to protect children and vulnerable persons from being harmed or exploited by Gambling. These responsibilities are achieved through the application of conditions to licences to support the objectives of the legislation and by enforcement of the objectives where they are breached. In respect of taxi and private hire drivers, Licensing must ensure that drivers are 'fit and proper' to be entrusted to drive members of the public.

The key priority for the Licensing Service is Public Safety, but at the present time Child Sexual Exploitation (CSE) is of particular concern. Well publicised issues in other towns and cities in England have linked CSE to the taxi and private hire trade. One of the worst affected places was Rotherham. In February 2015 the Casey Report concluded that Rotherham MBC was not fit for purpose, having failed in its duties to protect vulnerable children and young people from harm. The report focussed heavily on the Licensing service and examined its contribution to the council's failings. In Birmingham the Licensing service is using the Casey Report as a template to measure itself against, to learn lessons and critically analyse whether it needs to change to ensure that Birmingham's children are protected.

We attend the CSE and Missing Sub-Group as well as the CSE Operational Group where matters concerning Child Sexual Exploitation are discussed with

colleagues from many partner agencies. Officers continue to raise awareness of the work we do in all areas of Licensing with our partners, to ensure there is no delay in sharing important information and intelligence.

3.10 Likely Future Developments

We have systems to ensure that we are aware of likely future developments that may impact on our services through our membership of the Institute of Licensing (IOL), National Association of Licensing Enforcement Officers (NALEO) and our cooperation with the Neighbouring Authorities Working Group (NAWG) and the Regional Taxi Licensing Forum (RTLTF).

Locally, our decision to make hackney carriage and private hire licence applications available on line will involve considerable financial and staffing resource investment for the service, based on the requirement to replace our IT system. It will represent a significant change for new applicants and licensed drivers who will need to be able to use computer technology to access the system.

The introduction of a Clean Air Zone in Birmingham is likely to have one of the biggest effects on our vehicle policy seen in many years as vehicles will need to meet the new, more stringent, air quality standards. Birmingham has until 2020 to demonstrate that it has improved its air quality. Between now and then Licensing must adapt its policies to meet the challenge.

In 2018 we will review the Birmingham City Council Act 1990.

The Institute for Licensing has published a draft framework to assist licensing authorities to determine applications for driver licences from people with criminal convictions. We will consider this guidance when it is finalised, which is expected to be in the early summer of 2018.

3.11 Potential for Services to be provided by outside organisations

One of the main recommendations of the 2013 Service Review was to determine whether there are benefits to be gained from outsourcing the Licensing Service, or parts of it, to an external company or service provider. A report was presented the Cabinet Member for Development, Transport and the Economy outlining the benefits and risks of such a proposal. No further decisions have been made to progress this matter.

An alternative to outsourcing could be the development of a Public Sector Mutual. These are organisations that have left the public sector, but continue to deliver public services. Employee control usually plays a significant role in their operation.

Licensing has Service Level Agreements (SLAs) with other agencies to provide services on its behalf, namely the City's Occupational Health Service for driver medicals and DBS checks, the City's Driver Training Centre for driving tests. We first outsourced the provision of MOT testing in 2008.

3.12 **Service Delivery**

As part of our inspection programme in 2018/2019 we will also prioritise premises under the Licensing Act 2003 that have not paid their annual licence renewal fee, as the Act now places a duty upon us to suspend the licences of premises that have not paid.

Subjects for the inspection programme will include:

- Premises licensed under the Licensing Act 2003.
- Premises licensed for the provision of massage and special treatments.
- Premises licensed as sex establishments (we will inspect each premises at renewal and carry out a further annual compliance check).
- Premises licensed under the Gambling Act 2005.
- Private Hire Vehicles and Hackney Carriage Vehicles for compliance with conditions of licence.
- Operators of private hire vehicles for compliance with conditions of licence.
- Specific exercises to identify private hire drivers who are prepared to pick up passengers who have not pre-booked their journey.
- Scrap metal collectors.
- Scrap metal sites.
- Our Inspection Programme for 2018/2019 is attached at Appendix 3B.

In addition to the inspection programme, we have proposed a series of themed projects that have been identified by reference to known problem areas, which evidences an intelligence-led approach to enforcement.

3.13 **Financial And Resource Planning And Management**

In setting our fees this year we undertake a thorough review of our costs associated to delivering the Licensing Service, as required by the City's Corporate Charging Policy.

In February 2016 fees for 2016/2017 were approved by the Committee, again utilising one third of the ring fenced carry forward balance (totalling £189k), which resulted in further reductions to fees. These fees were continued into 2017/2018.

The principle of using one third of the ring-fenced carry forward balance for hackney carriage and private hire fees continues to be applied when calculating the fees.

As fees are set on closed accounts, the Licensing and Public Protection Committee agreed in 2017 that the fees and charges report for Licensing could be brought after the accounts are closed rather than in the February of the following year.

The budget for General Licensing remains under pressure due to its reliance on statutory fees that are uncontrollable and which do not cover the cost of service provision.

The service funds 40.5 FTEs. The service also funds the secondment of a Police Constable to the Enforcement Team and the Police Motorbike. Our structure chart is appended as Appendix 3C.

3.14 **Partners**

The Licensing service acknowledges that maintaining and developing its services can be achieved more efficiently through selected partnership working. We work closely with neighbouring local authority licensing services who are members of the regional group called Neighbouring Authorities Working Group (NAWG). Licensing enters into partnerships when we have assessed, using a decision matrix, the desirability of the partnership in terms of increased efficiency, synergy and commonality of priorities. This table details the partnership working that we currently undertake

Activity	Description	Partners
Enforcement of Licensing legislation and conditions	Employment of a Police Constable and Police Motorcycle for HC and PH enforcement and compliance	West Midlands Police
Provision of testing required for the Licensing process	Medical tests and DBS checks for drivers	Occupational Health Unit
	MOT testing of vehicles	MOT Testing Stations
	Driving tests for licensed drivers	Driving Test Centres
Inspection of licensed premises	Joint inspection visits to licensed premises via Joint Licensing Task Force to increase levels of compliance. (various agencies where appropriate)	West Midlands Police, BCC Planning, BCC Environmental Health, BCC Trading Standards, West Midlands Fire Service, HMRC, Safeguarding Children Board, UK Border Agency
Vehicle and driver licensing conditions and plying for hire offences	Stop checks and plying exercises – require the police to stop vehicles	West Midlands Police, DVSA, CMPG (Central Motorway Police Group), UK Border Agency, HMRC
Corporate membership of Professional Institute	Keeping up to date with legislative changes and benchmarking against other authorities.	Institute of Licensing, NALEO (National Association of Licensing and Enforcement Officers)

Activity	Description	Partners
The Night Time and Daytime Economy / Community Safety Partnership	Working with partners to ensure that visitors to Birmingham enjoy high levels of safety.	Birmingham CSP West Midlands Police BCC Highways BCC Transportation City Centre Management Business Improvement Districts

APPENDIX 3A

Licensing Service Objectives 2018/2019			Mission Statement 'Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors		
MISSION STATEMENT- locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors			Lead Team/Officer – Head of Licensing		
<u>Objective</u>	<u>Task</u>	<u>Outcome</u>	<u>Measure</u>	<u>Target</u>	<u>Method</u>
To provide effective administration on all licensing applications	We will respond to all applications in a timely manner	To provide an efficient and expedient licensing services for our customers	Percentage of applications processed within 60 days.	90%	Follow efficient procedures, with monthly monitoring
To deliver a programme of inspections of premises, people and vehicles	Inspection programme	To ensure compliance with Licensing legislation	To deliver 100% of planned inspection programme. Percentage of hackney carriage and private hire vehicles that do not have safety related faults at stop-check inspections. PH Compliance rate: HC Compliance rate:	100% To improve on 2017/2018 ≥ 78.5% ≥ 85.4%	Follow inspection programme, with monthly monitoring
To deliver effective enforcement action against those contravening licensing requirements	Enforcement action in accordance with the Enforcement Policy	To achieve compliance with legislation	Percentage of prosecution cases that are successful:	95%	Follow Enforcement policy and quality procedures

Objective	Task	Outcome	Measure	Target	Method
To provide an efficient and expedient service for dealing with customer enquiries and complaints	We will respond to all RFA's (Requests For Assistance)	RFA Customer Satisfaction results	Response time to RFAs within 5 working days	97.5%	Follow RFA procedures, with monthly monitoring
To introduce a penalty point system for All drivers	We will introduce a penalty point system for all drivers to deal with minor breaches of conditions at stop checks	Improved standards for vehicles and drivers	Launch of scheme	Dec 2019	Public consultation prior to approval of scheme by L&PPC.
Identify and take appropriate enforcement action against drivers illegally plying for hire	Carry out exercises attempting to take un-booked journeys	To achieve compliance with legislation	Number of exercises carried out. Number of drivers refusing journeys compared against journeys taken. Number of drivers caught illegally plying for hire.	12 plying for hire exercises	Exercises carried out with police support - daytime and evening
High profile deterrent & advisory presence: "Yellow Coating"	Carry out exercises in entertainment districts / problem areas	Deterrent effect Raise profile of service	Number of exercises carried out		Exercises carried out daytime and evening

Objective	Task	Outcome	Measure	Target	Method
To review the existing policies on vehicle age and engine size to encourage the licensing of environmentally friendly vehicles.	We will work in partnership with Environmental Health and Transportation colleagues to link the licensing of vehicles to the City's Air Quality Action Plan	Improved end of pipe emissions from Birmingham Licensed fleet.	The production of an approved policy that addresses vehicle age and engine sizes for licensed vehicles	To have an approved policy in place before January 2019	Liaison with the Environmental Protection Unit and linking to the West Midlands Low Emissions Strategy. Consultation with licensed drivers, vehicle proprietors and operators.
Quality Rating Scheme for Private Hire Operators	We will implement the Quality Rating scheme for private hire operators that will give recognition to those who achieve high standards in respect of compliance with their legal responsibilities	Improved customer choice and improved standards amongst operators	Scheme implemented	To have a scheme in place by August 2018	

Objective	Task	Outcome	Measure	Target	Method
To review whether the Birmingham City Council Act 1990 is still relevant and necessary.	Consult with interested parties and bring proposals to the Licensing & Public Protection Committee.	Proposal for the future of the BBC Act 1990	To have reported options for the Act to the Licensing & Public Protection Committee.	To have reported the options to the Committee by July 2018.	Public consultation and presentation of report to elected members.
To raise public awareness of personal safety when using taxis and private hire vehicles.	Deliver a public safety campaign	Greater public awareness of the risks of using vehicles that are unlicensed or of taking journeys in un-booked private hire vehicles.	Number of people who hear the campaign.	To deliver a media campaign in conjunction with the Universities to target fresher's week.	Social media campaign
To procure a system that will enable applicants for licences to be able to apply and pay for licences on-line.	To deliver a programme of channel shift by building a web portal linked to our licensing system.	Reduction in time spent by applicants visiting the Licensing office, reduction in data entry for officers.	Implementation of new IT system.	Applications for licences under the Licensing Act, Gambling Act and for Hackney Carriage and Private Hire licences to be available on-line by 31.08.18	Implementation of on-line systems (where appropriate)

Objective	Task	Outcome	Measure	Target	Method
To modernise our conditions of licence for Hackney Carriage Vehicles	In consultation with the trade and wider public to review our conditions of licence.	Conditions which protect the public, and which are fit for purpose	Revised conditions approved by the Licensing & Public Protection Committee.	July 2018	Consultation with the trade and wider public.
To review the Hackney Carriage Byelaws	In consultation with the trade and wider public to review our conditions of licence.	Byelaws which are fit for purpose	Revised byelaws approved by the Licensing & Public Protection Committee prior to submission to Secretary of State	Dec 2018	Consultation with the trade and wider public.

LICENSING ENFORCEMENT TEAM
INSPECTION PROGRAMME 2018/2019

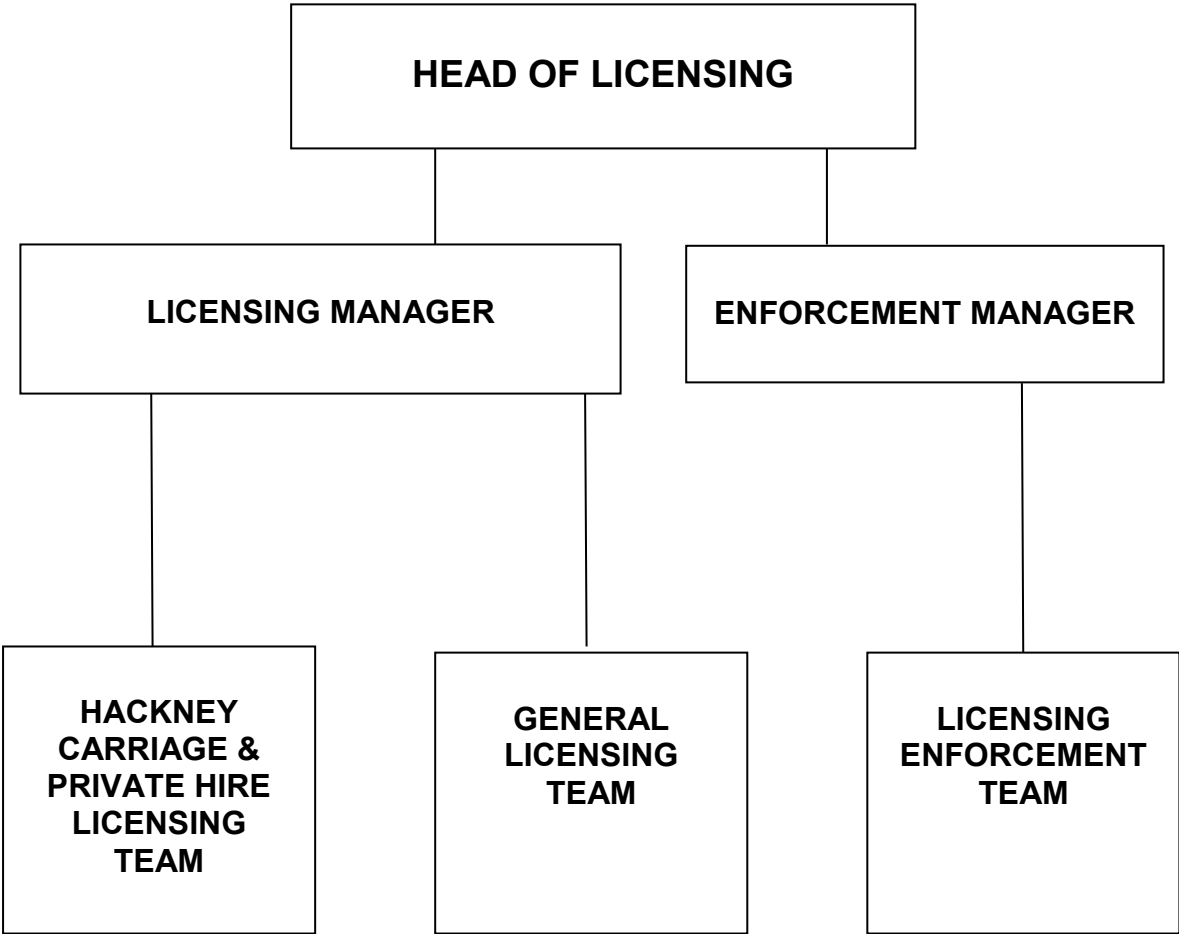
The licensing enforcement team will undertake to complete an inspection programme as follows:

Service Area	Target
Requests For Assistance (RFA)	Every premises which is the subject of an RFA during the year will be inspected.
Premises licensed or applying for licences under Licensing Act	Inspections will be targeted at new or varied licence applications, premises subject to RFA's, late or non-payers or other intelligence received from outside sources e.g. Police/EH/Fire Service/Business Rates. 100% of applications for a new or varied licence will receive an inspection.
Premises licensed or applying for licences under Gambling Act	100% of applications for a new or varied licence will be inspected.
Premises licensed or applying for licences under Birmingham City Council Act	100% of premises applying for a new licence will be visited.
Premises licensed or applying for licences as a sex establishment or Sexual Entertainment Venue under Local Government (Miscellaneous Provisions) Act 1982	All premises applying for a new licence will be visited. All premises applying for renewal of licence will be visited. All premises that are already licensed will receive at least one annual compliance inspection.
Scrap metal collectors under the Scrap Metal Dealers Act 2013	All applicants for a new licence will be subject to a suitability test.
Businesses licensed to operate private hire vehicles under Local Government (Miscellaneous Provisions) Act 1976	All operators to have a least one annual inspection Operators who have failed to comply with the conditions of licence during an inspection will be re-inspected after 4 months and will continue to be inspected at four monthly intervals until they pass, after which they will revert to an annual inspection.

Service Area	Target
Vehicles licensed to be used for private hire purposes under provisions of Local Government (Miscellaneous Provisions) Act 1976	18 stop-check exercises. This will provide for at least one stop-check per month, with more in the approach to Christmas and New Year when demand for hackney carriages and private hire is at its greatest.
Drivers licensed to drive a private hire vehicle under Local Government (Miscellaneous Provisions) Act 1976	18 stop-check exercises. This will provide for at least one stop-check per month, with more in the approach to Christmas and New Year when demand for hackney carriages and private hire is at its greatest.
Vehicles licensed as Hackney Carriages under the Town Police Clauses Act 1847	18 stop-check exercises. This will provide for at least one stop-check per month, with more in the approach to Christmas and New Year when demand for hackney carriages and private hire is at its greatest.
Drivers licensed under the Town Police Clauses Act to drive Hackney Carriages	18 stop-check exercises. This will provide for at least one stop-check per month, with more in the approach to Christmas and New Year when demand for hackney carriages and private hire is at its greatest.

*N.B. The proposed number of stop check exercises for hackney carriage and private hire is 18 in total, at which all types of vehicles and drivers will be inspected.

LICENSING STRUCTURE CHART



BIRMINGHAM CITY COUNCIL
REGULATION AND ENFORCEMENT

REGISTER OFFICE
SERVICE PLAN 2018/2019

4. Introduction to the Service and the Service Plan

Statutory requirements

The Registration Service Act 1953 requires every local authority to provide a Registration Service. The service is a statutory service and local authorities in general are obliged by law to provide accommodation and staffing to enable the registration of all civil events within a statutory time frame. Such events include the registration of births, deaths, stillbirths, marriages and civil partnerships, the provision of a certificate service and the provision of Citizenship Ceremonies. Various other Acts, such as the Marriage Act 1949 and the Birth and Death Registration Act 1953, place a statutory requirement on the public to register such events.

Although the Registration Service is regulated by the Registrar General, whose office is part of the Identity and Passport Service, the local and legal responsibility for the provision of the Service is given to a senior council officer called the Proper Officer for Registration Matters. The Proper Officer for Birmingham City Council is Jacqui Kennedy, Place Corporate Director.

4.1 The Core Statutory Elements of the Service are to:

- Register all births occurring within Birmingham within 42 days.
- Register all deaths occurring within Birmingham within 5 days.
- Attest declarations for births and deaths occurring outside Birmingham.
- Provide and certify copies of all registrations to the Registrar General.
- Provide a service as a Designated Register Office for persons who are subject to Immigration Control and who may or may not be Birmingham citizens.
- Undertake the legal preliminaries to marriage and civil partnership.
- Provide certificates of birth, death, marriage and civil partnership.
- Attend, provide a ceremony for and register civil marriages and civil partnerships at the Register Office.
- Attend and register marriages and civil partnerships taking place at registered buildings.
- Assist in the registration of places of worship.
- Attend, provide a ceremony for and register civil marriages and civil partnerships at approved premises.
- Assist in the certification of registered buildings as a place for the solemnization of marriages.
- Make statutory payments to authorised persons for making returns of marriage ceremonies in religious buildings.
- Arrange and provide citizenship ceremonies.
- Assist the public with corrections to registrations.
- Re-register births in accordance with the Registration Acts.
- Provide statistical information to the Registrar General and Birmingham City Council.
- Ensure the security, maintenance and restoration of registers and indexes.
- Arrange for the approval of buildings to be used as venues for civil marriage and civil partnership ceremonies.
- Arrange for the approval of religious buildings to be used as venues for the registration of civil partnership.

- Provide a conversion procedure for Civil Partners
- Report Sham marriages to the Home Office (UKVI) and fraudulent applications for certificates to the Registrar General.

4.2 Non-statutory services provided

The Service provides a range of non-statutory services (some of which are income generating to cover business costs) as set out below:

- Civil ceremonies, for example baby naming and renewal of vows.
- Nationality Checking Service.
- European Passport Return Service.
- Provision of advice, searches and copy certificates for use in genealogical research.
- Provision of advice on name changes, bereavement procedures, Tell Us Once.
- Provision of an Emergency Bereavement Service outside normal office hours e.g. at weekends and bank holidays including short notice out of England removal orders.

The legislation that regulates the Registration Service is listed below:

4.3 The Registration of Births Deaths and Still Births

- Births and Deaths Registration Act 1953.
- Population (Statistics) Act 1960.
- The Registration Service Act 2007.
- Registration of Births and Deaths Regulations 1987.
- Marriage (Registrar General's Licence) Act 1970.
- Legitimacy Act 1976.
- The Deregulation (Still-Birth and Death Registration) Order 1996.
- The Contracting Out (functions of the Registrar General in relation to authoring re-registration of births) Order 1997.
- The Deregulation (Correction of Birth and Death Entries in Registers of Other Records) Order 2002.
- The Registration of Births and Deaths (Electronic Communications and Electronic Storage) Order 2006.
- Legitimacy Act 1976.
- Adoptions and Children's Act 2002.
- The Adopted Children and Adoption Contact Register Regulations 2005.
- The Adoption Information and Intermediary Services (Pre-commencement) Adoptions Regulations.
- Gender Recognition Act 2004.
- The Gender Recognition Register Regulations 2005.
- The Registration of Births, Deaths and Marriages Regulations 1968.
- The Registration of Births, Deaths and Marriages (Amendment) Regulations 2007.
- The Registration of Births, Deaths and Marriages (Amendment) No 2 Regulations 2007.
- Perjury Act 1911.
- The Registration of Births, Deaths and Marriages (Amendment) Regulations 2005.

- The Registration of Births, Deaths and Marriages (Amendment) Regulations 2007.
- Family Law Reform Act 1987.
- Guardianship of Minors Act 1971.
- Affiliation Proceeding Act 1957.
- Statutory Declaration Act 1836.
- Human Fertilisation and Embryology Act 1990.
- Human Fertilisation and Embryology (Deceased Fathers) Act 2003.
- Baptismal Registers Measure 1961.
- National Health Service Act 2006.
- Education Act 1996.
- Population (Statistics) Act 1938 and 1960.
- The Anglo Spanish Consular Convention 1963.

Marriages and Civil Partnerships

- Marriage Act 1949.
- The Marriage Act 1976.
- The Marriage Act 1983.
- Perjury Act 1911.
- The Marriage (Prohibited Degrees of Relationship) Act 1986.
- The Marriage Act 1994.
- The Registration Service Act 2007.
- The Registration of Marriages Regulations 1986.
- The Marriage Act 1994 (Approved Premises).
- The Registrar General's Act 1970.
- The Reporting of Suspicious Marriages and Registration of Marriages (Miscellaneous Amendments) Regulations 2000.
- The Asylum and Immigration (Treatment of Claimants) Act 2004.
- The Immigration (Procedure for Marriage) Regulations 2005.
- The Registration of Births, Deaths and Marriages (Fees) Order 2002.
- Marriage Act 1983 (Housebound and detained persons).
- Marriage (Registrar General's Licence) Act 1970.
- Marriage (Scotland) Act 1956 as amended by the Marriage (Scotland) Act 1977.
- Marriage (Ireland) Act 1846.
- Marriage of British (Facilities) Acts 1915 and 1916.
- Marriage with Foreigners Act 1906.
- Marriage with foreigners Act 1892-1988.
- The Foreign Marriage Order 1970.
- Places of Worship Registration Act 1855.
- The Civil Partnership Act 2004.
- Civil Partnership Act 2005.
- The Marriages and Civil Partnerships (Approved Premises) Regulations 2005.
- The Reporting of Suspicious Civil Partnerships Regulations 2005.
- The Civil Partnership (Registration Provisions) Regulations 2005.
- The Immigration (Procedure for Formation of Civil Partnerships) Regulations 2005.
- The Registration of Civil Partnerships (Fees) (No. 2) Order 2005.
- The Marriages Act (Same Sex Couples) 2013.

- The Immigration Act 2014.

Registration Service and Certificates

- Marriage Act 1949.
- Birth and Deaths Registration Act 1953.
- Civil Partnership Act 2004.
- Civil Partnership Act 2005.
- The Registration Service Act 2007.
- Legitimacy Act 1976.
- Gender Recognition Act 2004.
- Places of Worship Registration Act 1855.
- The Marriages and Civil Partnerships (Approved Premises) Regulations 2005.
- The Registration of Births, Deaths and Marriages (Fees) Order 2002.
- Baptismal Registers Measure 1966.

4.4 Service Plan

This Service Plan details the work undertaken by the service, both in terms of quantity and quality, how this contributes to, and supports, the high level intended outcomes of the City; customer feedback; intended improvements; financial, people, IT and accommodation resources; and details what service will be provided.

4.5 Planned Service Improvements in 2018/2019 and beyond

- To continue to progress new income generation schemes.
- To market and promote the service.
- To further enhance the ceremony suite.
- To provide ceremony suite viewings.
- To continue to review processes to achieve more efficiencies.
- To extend electronic payment facilities to speed up processes and improve the customer journey.
- To continue with partnership working with hospitals and GP's to improve the quality of death certificates issued by doctor's in order to decrease the return of incorrect certificates, speed up death registration and improve communication channels.
- To continue to work towards the implementation of a full registration service on a Saturday.
- To improve flexibility and business resilience by implementing succession planning and progressing the service area training plan.
- To provide online death appointments by the close of the current financial year.

4.6 Current Organisational Assessment

- The sustained intensive workload of the Register Office, has continued to provide the driver to make further improvements to processes and procedures. Various processes and procedures have been reviewed over the past year and improvements implemented in the certificates and births and deaths registration sections to make the processes leaner. Improvements include the further employment of the Stopford electronic diary system with the availability to book multiple births and death registration appointments online and greater availability of more appointments to reduce waiting times. Job roles have been

reviewed and where appropriate combined to create greater flexibility and achieve efficiencies.

- Service managers have strengthened partnership working with faith advocacy groups, GPs and hospitals to help reduce factors which delay the death registration process.
- Private Citizenship ceremonies have gained in popularity and are proving a welcome service enhancement.
- Service managers have continued to work with other service areas to help resource the Register Office.
- The fees and charges were reviewed and following a benchmarking exercise a number of non statutory fees were revised which has helped improve the Services' financial position.
- The content of marriage ceremonies has been reviewed and a range of marriage packages are now available to provide couples with more choice and the options to have a bespoke ceremony.
- The ceremonies suite has been redecorated to improve the customer experience.
- The telephony system was upgraded in January which has improved the resilience of the service. This improvement, together with the achievement of 60% birth appointments now being made online has led to a reduction in the volume of incoming calls and improved call response times.
- The office is opened earlier to reduce waiting times.
- A range of keepsakes have been introduced.
- The European Passport Return Service has been introduced.
- The first phase of new statutory services for which fees are applicable came into effect in November 2017.
- Although the service is restricted in the ways in which it can generate income in that the majority of fees are statutory and do not reflect the cost of delivery, review of non- statutory services has resulted in an increase in the fees charged for non -statutory to reflect the cost of delivery.
- In recent years staffing levels have been significantly reduced and some posts held vacant to mitigate a challenging income target. A further loss of posts this year has further impacted on the ability of the service to meet the nationally agreed KPIs timeliness registration targets which are reflected in the measures table below which has attracted GRO intervention. It should be noted that failure to provide some duties is an offence. Given the available resources, the Service is operating effectively.
- The appointments system has been reviewed and appointments rationalised which has improved the timeliness of birth registration considerably, however, this approach is not sustainable in the long term as it has impacted negatively on the ability of the service to meet the demand for taking notices of marriage thereby impacting on income. Limited recruitment is therefore necessary.

4.7 Key Performance Indicators

The Key Performance Indicators for the local registration service are set nationally.

They are as follows:

- 98% of all births registered within 42 days.
- 98% of all stillbirths registered within 42 days.
- 95% of all deaths registered within 5 days of occurrence.

- 95% of appointments made to register births are within 5 working days of the request.
- 95% of appointments made to register deaths are within 2 working days of the request.
- To see 95% of all customers, who have an appointment, within 10 minutes of their appointed time.
- To see 95% of other customers i.e. those without an appointment, within 30 minutes of their arrival.
- 95% of all applications for certificates dealt with within 5 working days from receipt of application.
- 92.5% of customers surveyed expressing satisfaction with the service.
- Total number of complaints not to exceed 0.3% of all registrations.
- To provide all new citizens with a Citizenship Ceremony with 3 months of being notified that their application to become a British Citizen has been successful.

4.8 **National Returns**

A local Registration Service is required by law to make annual and quarterly returns to the General Register Office.

An annual report is also required about performance and achievement this report is made to the Registrar General after the end of the financial year.

4.9 **Outcomes from Nationally Agreed Performance Indicators**

The Registration Service reports on a series of nationally agreed key performance indicators. The outcomes for the last and previous years are shown below. Performance levels for death and birth registrations in 2017 were particularly affected by unusually high levels of sickness and death rates which impacted on the NHS and Coroners Court.

Type of Indicator	Indicator	Performance	
National Good Practice Guide Indicators	% of births registered within 42 days of birth	2014	89%
		2015	94%
		2016	63%
		2017	88%
	% of deaths (excluding post mortem and inquest cases) registered within 5 days of occurrence	2014	75%
		2015	66%
		2016	58%
		2017	55%
	% of applicants for certificates dealt with in 5 working days from receipt of application	2014	100%
		2015	100%
		2016	100%
		2017	100%
	**% of appointments for birth registrations that are within 5 working days of the request	2014	36%
		2015	44%
		2016	42%
		2017	34%

	% of appointments for death registrations that are within 2 working days of the request	2013 2014 2015 2016 2017	97% 97% 93% 93% 90%
	% of customers, who have an appointment, who are seen early, on time or within 10 minutes of their appointment time	2014 2015 2016 2017	94% 92% 93% 92%
Regulation and Enforcement Local Indicators – customer satisfaction	We will respond to correspondence within 5 days	2013 2014 2015 2016 2017	100% 100% 100% 90% 97%
Registration Service Local Indicators – speed of dealing with customer requests	To issue copy certificates on the same day as application to customers attending the office	2013 2014 2015 2016 2017	100% 100% 100% 100% 100%
	To issue copy certificates within five working days to customers applying by post or online.	2013 2014 2015 2016 2017	100% 100% 100% 100% 100%

4.10 Quantity of work

Year	Number of Certificates issued	Number of Births registered	Number of Deaths Registered	Number of marriages at Register Office
2013	134,628	23,636	10,001	1,749
2014	132,785	23,791	10,160	1,637
2015	130,564	22,707	10,172	1,315
2016	137,475	24,425	9,990	1,377
2017	134,456	23,664	10,249	1,275

Year	Number attending citizenship ceremonies	Number of search room post and email applications	Number of search room personal applicants	Total Primary Customers attending the Register Office
2012	4,977	13,981	17,093	84,565
2013	5,534	15,718	15,718	84,861
2014	3,332	15,984	16,088	73,816
2015	2,076	14,882	11,551	66,516
2016	3,327	16,150	9,938	69,055
2017	2,228	16,535	7,578	64,109

The table below details the service provision for the year and links it to outcome measures.

Service Provision	Outcome	Measure	Target	Actual
To be available to Register births and deaths within statutory time limits	To provide an efficient and timely Registration service for our customers	Customer Satisfaction with the overall quality of our services	92.5%	98%
		Waiting times	95% of customers seen within 10 minutes with appointment	93%
To be available to Register births and deaths within statutory time limits	To provide an efficient and timely Registration service for our customers	Ability to make an appointment % of appointments for registration of births within 42 working days of birth	98%	88%
		% of appointments for registration of deaths within 2 working days of request	95%	90%
To respond to all written applications for certificates within five working days	To provide an efficient and responsive Registration service for our customers	Customer Satisfaction with the overall quality of our services	92.5%	100%

4.11 **Customer Research and Feedback**

As Birmingham is one of the Designated Register Offices and registers births and deaths for non-Birmingham residents not all service users are council taxpaying citizens of Birmingham. A significant number of births and deaths registered are for residents living in other authorities.

Applicants for certificates are from all over the world. There is also a growing number of customers who live around the world and who contact us to marry in Birmingham or ask about marrying in the UK in general.

In order to gauge how the customer views our service to them we have traditionally provided three separate customer satisfaction questionnaires which relate to the service received in the three main service areas of Ceremonies, Certificates and Registration.

Very high levels of satisfaction are achieved and we react to customer feedback where possible when comments or suggestions are made which will

improve future service provision. Customer satisfaction levels for the service area are 98%.

4.12 Needs of Stakeholders

The Service is continually seeking ways to improve the service and accordingly officers attend meetings with various stakeholder groups. The regular meetings with the Senior Coroner for Birmingham and Solihull, twice yearly Funeral Directors meetings and Faith Advocacy Group meetings have proved invaluable in helping to move the service forward to better meet customer needs.

4.13 Likely Future Developments

- It is expected that approval of the revised budget, alongside the approval of the new fee structure will allow the Register Office to operate without causing a financial pressure to Regulatory Services or Birmingham City Council in the immediate future.
- Plans to introduce additional chargeable services and income generation schemes should help the service to return income to the city.
- Marriage law is under revision and it will become compulsory for the majority of marriages to be registered at a Register Office; this will assist with verification of marriages and has the potential to be an income generating stream.

4.14 Potential for Services to be provided by outside organisations

The Registration Service is a statutory function governed by the Registrar General and is not open to provision by outside organisations or competition from outside the council. The law requires the service to be provided by local authorities even though it is a national requirement.

4.15 Service Delivery

The service will continue to provide excellent services including the following:

- Registration services for the Citizens of Birmingham and beyond, as required in legislation.
- The reporting of sham marriages and fraudulent applications for certificates.
- The forwarding of any submitted foreign divorces accepted at the time of giving notice of marriage or civil partnership, to the Registrar General, within two working days of receipt.
- All requests for corrections requiring the authority of the Registrar General, will be forwarded to the General Register Office, within two working days of receipt from the customer.
- All correspondence will be answered, where possible, within 48 hours.
- The treatment of customers will be carried out in accordance with the guidelines set out in the Birmingham Promise and the Service Area's Customer Care guidelines.

4.16 The service clearly and directly supports the Council Vision and Priorities 2017-2020:

- i) In respect of the priority of helping to create a safe and secure city for our children to learn and grow in, the service helps to prevent family breakdown with the provision of weddings and civil partnership services and by reducing waiting times for registrations supports safeguarding of new borns by providing them with an identity as soon as possible.
- ii) In respect of the priority of Birmingham being a great City to succeed in, the Service supports DWP work placements and work experience placements.

4.17 Financial and Resource Planning Management

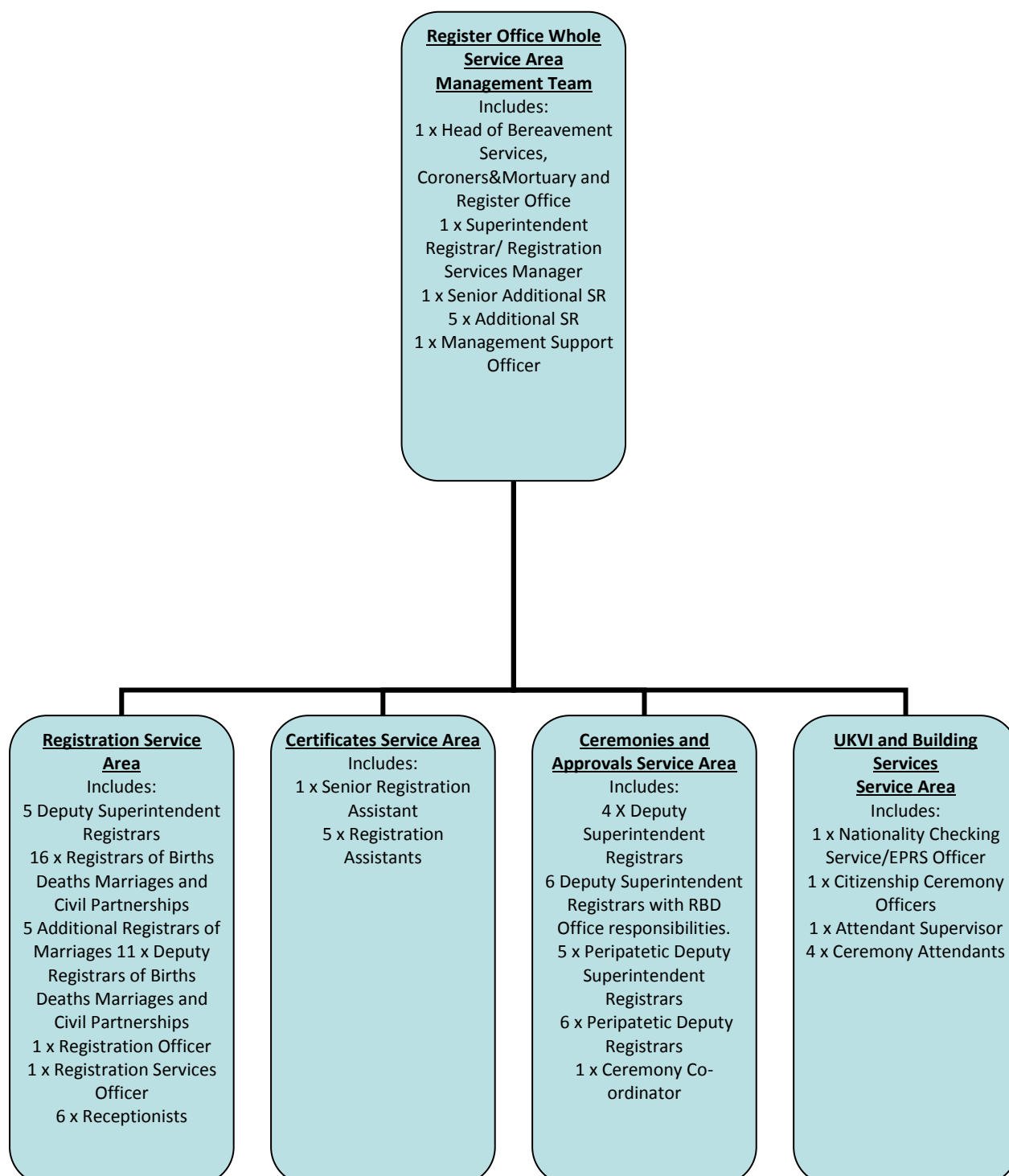
The service has a staffing compliment of 65 FTEs. There are 12 peripatetic staff and 10 weekend only staff, the peripatetic staff attend ceremonies at Approved Premises and Citizenship Ceremonies. The weekend only staff provide ceremonies and registrations at the Register Office and registered religious buildings at weekends as well as the out of hours Emergency Bereavement Service.

Whilst the majority of fees are set nationally by the Registrar General some non-statutory fees are set by the City Council through the Licensing and Public Protection Committee. It has been suggested that many central government agencies use the local registration service as a source of information and data as well as a free service. For example, the DWP use the local registration service to provide the Tell Us Once system and the Office for National Statistics uses the statistics from birth and death registrations freely. It has been further suggested that central government should financially support such a vital, valuable and necessary service. Service managers continue to lobby the GRO.

4.18 The current staffing structure is attached as Appendix 4A.

4.19 The statutory fees charged by the service appears in Appendix 4B.

REGISTER OFFICE ORGANISATION STRUCTURE



STATUTORY REGISTER OFFICE FEES

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

Additional Services for which a fee was payable from 1st Nov 2017	£	Statutory/National
First short birth certificate issued at time of registration	£4.00	Statutory/National
Consideration by a Superintendent Registrar of a divorce/Civil Partnership dissolution	£50.00	Statutory/National
Consideration by Registrar/ Superintendent Registrar of a correction application	£75.00	Statutory/National
Consideration by the Registrar General of a correction application	90*	Statutory/National
Consideration by the Registrar General of a divorce/civil partnership dissolution obtained outside the British Isles	75*	Statutory/National
Consideration of a reduction in the 28 day notice to marry/civil partnership	60*	Statutory/National
Amendment - to a record	£40.00	Statutory/National

*The Local Registration Service provides an administrative service on behalf of the General

Register Office in relation to these fees for which a set fee element is retained

£32 of the £90 fee is retained by the local registration service

£28 of the £75 fee is retained by the local registration service

£ 20 of the £60 fee is retained by the local registration service

BIRMINGHAM CITY COUNCIL
REGULATION AND ENFORCEMENT

TRADING STANDARDS SERVICE PLAN
2018/2019

5. **Introduction to Trading Standards Services and the Service Plan**

The provision of a Trading Standards service is a duty placed on the Local Authority by statute. This includes the requirement to enforce specific Acts of Parliament and secondary legislation. The purpose of the Trading Standards service is to ensure that trade within the city is fair; that businesses comply with consumer protection legislation and that consumers are protected from unfair trading practices.

The work of the service affects people at all levels. Historically, individuals have been assisted in resolving civil consumer protection issues and are protected from unscrupulous traders through targeted enforcement action through intelligence led work. At a local level we, for example, remove unsafe products and counterfeit goods from the market place and tackle rogue traders etc. Regionally and nationally, we work with other local authorities and partners organisations such as the Police, HMRC, NHS and the Border Agency to pursue criminals and take enforcement action to protect consumers and legitimate businesses. Our activities even impact on an international level, where the enforcement action we take in Birmingham prevents people being exploited through, for example, unscrupulous package tour operators or organised serious crime such as financial scams and fraud.

Trading Standards work is intelligence led, either through complaints from the public, regional/national trading standards intelligence or information from partner agencies such as the police. This approach is consistent with all enforcement bodies in that resources are targeted at high risk service areas and are outcome focussed. Often major investigations can involve a whole team and this involvement is over weeks as opposed to one day. Some investigations can last more than a year from discovery to submission of prosecution proceedings. Although an investigation may be focussed at a particular location e.g. an importer's warehouse in Tyseley, the impact of unsafe products distributed from this location could be anywhere in Birmingham if not nationally or even internationally.

As an enforcing authority it is necessary for us to produce and publish our enforcement policy. This ensures that we apply consistent standards to our decision making process when we consider taking enforcement action. It also ensures consistency on a geographical basis across the city.

We have a commitment to deliver excellent, high quality integrated services that are focussed on outcomes. We seek to ensure that no sectors of the community are disproportionately disadvantaged by unacceptable activities of traders. With this in mind we use intelligence with our colleagues in Birmingham City Council and our partners to implement work programmes to tackle corporate and local priorities.

Factors that will influence the nature and scale of service delivery in 2018/2019 are:

- Since 2010 the frontline team has reduced by over two thirds from 57.72 Full Time Equivalent staff (FTE) to 18.34FTE in 2018/2019.
- The maximisation of our use of intelligence to identify priority areas and tackle the high risk issues thereby maximising efficiency and value for money.
- Utilisation of Proceeds of Crime monies to fund 12 month contracted posts for an Intelligence Analyst and a Financial Abuse Officer (working in direct partnership with Adult Safeguarding).
- Our continued alignment with Central England Trading Standards Authorities (CEnTSA) and National Trading Standards (NTS) with a view to maximising any potential opportunities in receiving funding to deliver new regional or national work.

5.1 The work of the Section originates in one of five ways:

- Statutory, regulatory work to enforce a range of consumer protection legislation. This is primarily achieved through intelligence-led inspection of business premises and the investigation of requests for assistance e.g. enforcement of age restricted products, weights and measures, product safety and fair trading legislation.
- Supporting businesses by ensuring compliance with relevant legislation and tackling unfair competition. This will include Primary Authority Partnership work.
- Analysis of notifications and referrals from the Citizens Advice Consumer service to identify businesses that may be causing consumer detriment and trends.
- The use of intelligence to prioritise and inform proactive investigations by implementation of a tasking process.
- Acting as a responsible authority under the Licensing Act 2003 and as such making appropriate representations in response to licensing applications. In addition we instigate licence reviews where breaches of the licensing objectives have been identified.

5.2 The core elements of the service are:

- To support all consumers through the investigation of criminal Requests for Assistance (RFAs).
- To support vulnerable consumers in civil advice requests for assistance (RFAs). Typical complaints are sale of unsatisfactory or misdescribed goods/services, lack of cancellation rights, non-delivery of goods/ services and rogue trader incidents.
- To carry out intelligence led inspections to ensure compliance with consumer protection legislation.
- Enforcing anti-counterfeiting legislation; with priority given to infringing, unsafe goods.

- Adult safeguarding; preventing financial abuse through investigation of scams and doorstep crime.
- To support legitimate businesses through tackling illegal business practices.
- To reduce the supply of age restricted products to young people.
- To ensure goods placed on the market are safe.
- To work in partnership under a Primary Authority Partnership with No Rogue Traders Here. (trader approval scheme).
- To support the City Council's strategic priorities.
 - **Children** – so Birmingham's a great city to grow up in.
 - **Housing** – so Birmingham's a great city to live in.
 - **Jobs and skills** – so Birmingham's a great city to succeed in.
 - **Health** – so Birmingham's a great city to grow old in.

Trading Standards statutory responsibilities:

There are 250 different pieces of legislation that places a statutory duty on the Council. Trading Standards Officers are authorised to enforce that legislation which primarily covers:

- **Unsafe goods** - TS ensure that consumer products are safe and comply with the requirements of the Consumer Protection Act 1987, and the General Product Safety Regulations 2005.
- **Fair trading** - the aim is to ensure truthfulness in trade to prevent consumers being misled during contractual negotiations for goods and services. This is done by ensuring compliance with the Consumer Rights Act 2015 and the Consumer Protection from Unfair Trading Regulations 2008. Investigations can lead to the discovery of serious fraud issues.
- **Counterfeit goods** - Counterfeit consumer goods are by definition goods infringing the rights of a trade mark holder by displaying a trade mark which is either identical to a protected trade mark or by using an identification mark. This criminal activity is often on a national scale and considered as a serious organized crime. By enforcing relevant legislation Trading Standards are ensuring that legitimate businesses that provide employment and economic benefits are being protected. Consumers are protected from poor quality, fake and potentially dangerous goods.
- **Underage sales** - trading standards enforce legislation related to the sale of age restricted products such as alcohol, tobacco products, knives, fireworks and DVDs to underage consumers.
- **Pricing of goods and services** - trading standards law requires that the price of goods should be made known to consumers in a clear and legible manner. We investigate both proactively and reactively any false and misleading price indications.
- **Weights and measures** - trading standards services are required to ensure that all relevant goods are correctly weighed and measured in accordance with

the Weights and Measures Act 1985. This is done by checking the accuracy of weighing/measuring equipment; checking goods in stock are of the correct weight; and investigating complaints of short measure.

- **Alcohol control** - duties as a responsible authority under the Licensing Act 2003. In addition we work to control the supply of illicit alcohol.

Further to the above, there is a duty placed on the Authority for a number of harmonised EU directives:

Directive 2005/29/EC on unfair commercial practices places a direct duty on enforcing authorities to protect certain population groups due to their vulnerability or credulity.

The Care Act 2014 places significant duties upon local authorities including in relation to preventing abuse and the role of the trading standards service in preventing financial abuse must be considered in the context of supporting the vulnerable citizens of Birmingham.

5.3 **Localisation**

We support the provision of services that deliver neighbourhood, city, and city region/national priorities. We will continue to work with communities to identify their priorities so that we can bring about consumer protection improvements to their local areas by proactive joint working with businesses, communities and other agencies. Officers support Councillors and engage through various local forums including neighbourhood/community groups, and Business Improvement meetings to ensure effective engagement with residents, local traders and Members.

We continue to participate in the Central England Trading Standards Authorities group to access additional project funding from the NTS, intelligence advice and work in partnership to tackle regional and national issues.

We use intelligence to identify specific traders within Birmingham whose criminality may be having a detrimental effect on consumers not only locally but on a regional and national scale.

5.4 **Budget Pressures and Significant Changes in Service Delivery**

Since 2010 Trading Standards gross budget has reduced from £3,845,000 to £1,261,000 (2018/2019).

To mitigate against this reduction in budget Trading Standards seeks to maximise employee numbers by: increasing income by providing the access to knowledge course to support private hire applicants to achieve a pass in their compulsory knowledge test; using proceeds of crime monies to employ 2 contracted staff as referred to in section 5.5 below.

Despite the reduction to its budget, Trading Standards will continue to use intelligence to tackle the highest risk areas and hence maximise efficiency and value for money. We have implemented a scoring matrix to review incoming requests for assistance. Priority will be given to vulnerable consumers and safety matters. We will also continue to align ourselves with the Central England Trading Standards Authorities and National Trading Standards (NTS) to maximise any potential opportunities in receiving funding to deliver new regional or national work.

5.5 **Planned Changes to Service Delivery**

During 2018/2019 the following changes to service delivery will be implemented to ensure maximum efficiency and effectiveness within budget constraints.

- We will explore new opportunities to enter into Primary Authority Partnerships.
- We will continue to deliver the “Access to Knowledge” course for private hire drivers.
- We will continue support the use of the corporate intelligence database to explore benefits in safeguarding adults through bespoke interventions with partners.
- Utilisation of Proceeds of Crime monies to fund 2 contracted 12 month posts. One being an Intelligence Analyst and the other being a Financial Abuse Officer (working in direct partnership with Adult Safeguarding).

5.6 **Key Performance Indicators -**

These include the:

Place Directorate Performance Indicators:

Percentage of confident consumers in the City	Target 80%
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Local Indicators:

Percentage of RFAs responded to within 5 day target	Target 100%
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Customer and business satisfaction with the overall quality of our services	Target 80%
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5.7 **National Returns**

Trading Standards is required to make a number of statutory/ national returns and plans including:

- Chartered Institute of Public Finance Association - annual trading standards return.

- National Measurement Office – annual return under section 70 of The Weights and Measures Act 1985 of verification work completed and charged for in the last financial year.
- Animal Feed Registration and Inspection – returns to the Food Standards Agency.

5.8 **Organisational Assessment**

This section details the service's current performance.

The table below details the service's key performance indicators with results against these indicators over previous years and some indicators of the quantity of work undertaken.

5.9 **Key Performance Indicators**

Type of Indicator	Indicator	Performance	
Place Directorate Plan Indicators	Percentage of confident consumers in the City. The measure was recalibrated in 2011/2012 and again in 2014/2015 as budget reductions impacted the breath of services delivered. The target is now 80% and will be used as the baseline for future years.	2017-2018*	??
		2016-2017	83.0 %
		2015-2016	84.3%
		2014-2015	83.8%
		2013-2014	90.3%
		2012-2013	90.0%
Regulation and Enforcement' Local Indicators – response times to customer requests	We will respond to Requests for Assistance within 5 working days	2017-2018*	97.3%
		2016-2017	99.7%
		2015-2016	90%
		2014-2015	86%
		2013-2014	96%
		2012-2013	97%
Regulation and Enforcement Local Indicators – customer satisfaction	Customer satisfaction with reactive services	2017-2018*	
		2016-2017	81%
		2015-2016	64%
		2014-2015	72.4%
		2013-2014	93%
		2012-2013	97%
	We will receive more compliments than justified complaints (ratio of compliments to complaints)	2017-2018*	50%
		2016-2017	18:0
		2015-2016	14:0
		2014-2015	22:1
		2013-2014	30:1
		2012-2013	35:0

Trading Standards Local Indicators – speed of dealing with customer requests	We will deal with 75% Criminal Requests for Assistance within 60 days	2017-2018*	98.9%
		2016-2017	99.1%
		2015-2016	91.0%
		2014- 2015	93.5%
		2013-2014	88.3%
		2012-2013	82.9 %

* 1/4/17- 14/3/18

5.10 **Quantity of work**

Year	Number of Requests for Assistance	Number of Prosecutions submitted	Number of Cautions submitted	Number of inspections undertaken
2017-2018*	3,910	25	8	78
2016- 2017	4,315	15	7	188
2015 -2016	4,792	16	5	517
2014-2015	5,079	25	13	1,017
2013-2014	5670	36	24	1,398
2012-2013	4486	42	28	1,770

* 1/4/17 – 14/03/18

5.11 **Customer Research**

Trading Standards undertake a variety of customer consultations in order to gather information on the needs and expectations of our customers and potential customers. Our customers are members of the public who live or shop in Birmingham and businesses that trade in Birmingham. Regular customer satisfaction questionnaires encourage customers to make suggestions for service improvements. The corporate Your Views procedure provides further information on customer needs and expectations. National Consumer Week provides opportunities to engage with the public and to seek their views. Other opportunities are taken as they arise to establish non-customers' knowledge of consumer issues. We utilise this consultation to ensure we comply with the local authority's requirements of the Duty to Inform, Consult and Involve. Our retention of the Customer Service Excellence Standard demonstrates that we are identifying our customers together with their needs from our services.

Recent examples of consultation and customer feedback have included:

- **Consumer Confidence**

We have conducted surveys amongst the public throughout the year to measure levels of consumer confidence as a way of measuring our own success in achieving the government's ideal of citizens being 'informed, confident consumers'. To the end of February 2018 83% of people surveyed said that they felt confident buying goods and services in Birmingham.

5.12 **Needs Of Stakeholders**

Central to the development of this Service Plan is the acceptance that Trading Standards serves not only its direct customers and businesses but also a wide range of other stakeholders – these include the City Council’s elected members, partner organisations and government. The City Council’s plans, policies, priorities and strategic outcomes provide us with the information from research that is essential to planning our services. The City’s strategic priorities have formed the basis of this service plan and as such it supports the outcomes of Birmingham’s Community Strategy ‘Birmingham 2026’.

In relation to Government, both national and European, we play an active part in responding to consultations that might affect consumers or businesses in Birmingham. We also lobby Government over issues that are of concern to our stakeholders.

Birmingham Trading Standards has continued with the close working relationship with the Association of British Hujjaj and the Council of British Hajjis which represent the interests of Muslim pilgrims who undertake the Hajj to Saudi Arabia. Over many years we have developed a close working relationship with Birmingham Assay Office enabling us to work collaboratively in the enforcement of hallmarking legislation.

5.13 **Likely Future Developments**

Trading Standards is involved locally and nationally with professional bodies and governmental groups looking at potential future developments. We have systems to ensure that we are aware of likely future developments that may impact on our services. Key developments that could impact on Trading Standards in the coming year are:

Legislation to control the supply of acids and other dangerous chemicals:

There is increasing concern about the use of acid as a weapon. The sale of certain types of acid (and other dangerous chemicals) is governed by the Poisons Act 1972. In October 2017 the Home Office launched a consultation on offensive and dangerous weapons, which included the following proposals on acid:

- Plans for a new offence of possessing a corrosive substance in public;
- Plans for a new offence preventing the sale of “the most harmful corrosive substances” to under 18s; and
- Plans to use the existing powers in the Poisons Act 1972 to reclassify sulphuric acid as a regulated substance.

The second proposal on acid is to legislate for a new offence preventing the sale of “the most harmful corrosive substances” to under 18s. Again, the

Government anticipates this being modelled on existing knife legislation. The new offence would apply to online sales as well as sales in person, and there would be defences available for retailers in respect of taking reasonable precautions and exercising due diligence. The Government proposes that the penalties for the new offence would be similar to those for the offence of selling knives to under 18s: that is, a term of imprisonment not exceeding six months, or an unlimited fine, or both.

The consultation closed on 9 December 2017 and the Home Office is currently analysing feedback.

ACTSO (Association of Chief Trading Standards Officers) was not made aware of this consultation period until two weeks before it ended, however, a short response has been made to the Home Office. It is hoped that legislation may be introduced in 2018/2019. This could place a considerable burden on our Service; particular in the area of trader education let alone the complexities of a possible licensing system and enforcement on some everyday household products.

Trading Standards services have traditionally been given the responsibility for enforcing legislation that has an age restriction; it is unclear yet whether the police will take full responsibility for this legislation. As often is the case, however, the police ask for our assistance in tackling retail sales we, therefore, need to be cognisant of any additional duties this may impose on our limited resources.

Government developments and product safety:

The Office for Product Safety and Standards was set up in January 2018 in the Department for Business, Energy and Industrial Strategy, to enhance protections for consumers and the environment and to drive increased productivity, growth and business confidence.

There have been a number of high profile incidents involving unsafe products including the Grenfell Tower fire. This has affected consumer confidence in the safety of products including electrical goods and construction products.

It will build national capacity within the UK's product safety system and develop tools that support small business growth and implement the Industrial Strategy vision of simplifying regulation. This includes taking forward the work of the Regulatory Delivery directorate on Primary Authority, the Regulators' Code and technical regulation.

They have teamed up with BSI, the UK's National Standards Body, to launch the first government-backed Code of Practice for product safety recall in the UK.

The Code of Practice includes details on how a business can monitor the safety of products and plan for a recall, and how Market Surveillance

Authorities such as local authority Trading Standards can support businesses in their monitoring of incidents and their implementation of corrective action.

This again could have a significant impact on our service that may require additional resource.

5.14 Potential For Services To Be Provided By Outside Organisations

The Local Government Association trading standards review summary report published in January 2016 stated that over the course of 2010-2015 funding from central government was cut by 40% and cuts to trading standards services around the country reflect this to a greater or lesser degree. It predicts further significant reductions to grant funding between 2015-2020. One of the key messages from the review said that there was still a strong commitment to trading standards remaining fully integrated within local government and it argued against recent proposals from the Chartered Trading Standards Institute that trading standards should be delivered by strategic authorities. Without exception, trading standards was seen as a valuable service able to support local priorities, communities and businesses.

A key response to the review from the LGA was to promote the sustainability of trading standards work through councils exploring the options for sharing their services to create larger units. These larger services could be formed that fit within the new combined authority areas.

In 2017/2018 the Head of Trading Standards worked with the West Midlands Combined Authority (WMCA) Public Service Reform group to probe whether there was interest and support from the other six West Midlands Constituent Metropolitan District Council's to establish a regional trading standards service. The proposal was not considered a key work area for the WMCA and as such could not effectively be pursued.

The National Audit Office Protecting Consumers from Scams Report published in December 2016 acknowledges that the loss of resource and downsizing of Local Trading Standards services have led to gaps in coverage at the local level. Effective consumer protection relies on sufficient coverage across the local level, in particular to prevent enforcement gaps. Local Trading Standards has lost 56% of full-time equivalent staff since 2009. Twenty services in England have reduced funding by over 60% since 2011 and some now have only one qualified officer. The funding of smaller services is no longer sufficient for them to undertake significant enforcement cases, and a number of our case study sites were concerned about the viability of their service. There is no consensus on the minimum service level needed to protect consumers adequately

Local Authority Trading Standards are the only bodies able to enforce legal requirements of criminal consumer protection legislation, apart from some areas relating to the testing and the verification of accuracy of weighing and measuring equipment which can, in certain circumstances, be undertaken by

non-Trading Standards organisations. Much of this work relating to weights and measures is now being delivered by other organisations and indications imply that this move to other providers will continue in the future.

A small number of companies employ former Trading Standards staff to act as consultants to private industry and offer analytical laboratory services to test foodstuffs and consumer goods. Although these companies have no statutory basis, they possess the technical knowledge to compete with enforcers if the Government was minded to take enforcement out of local authority control. However, such consultants normally work on a task and finish basis and hence the services provided will not benefit from a holistic approach working in partnership with other internal services or third party agencies to promote sustainable improvements.

There are examples of Local Authority services being out-sourced; examples included London Borough of Barnet and North Tyneside Council Regulatory Service, both of which are run under contract agreements with Capita-Symonds.

An alternative to outsourcing could be the development of a Public Sector Mutual. These are organisations that have left the public sector, but continue to deliver public services. Employee control usually plays a significant role in their operation.

5.15 **Service Delivery**

Trading Standards contributes to each of the City Council's Strategic Priorities. It is our declared strategy to ensure that all of the work that we undertake and all the services that we provide clearly support these. The services to be delivered as detailed in this Service Plan have been decided upon based on the evaluation of the issues raised in sections 4 to 6. The services that will be delivered are contained in Appendix 5A to this Service Plan. The Appendix details the services that we will deliver and for each indicates the strategic outcomes that it supports.

5.16 **Financial And Resource Planning And Management**

Financial – Revenue and Capital

Revenue budget for 2018/2019 is shown below (in 000's), with figures for previous years included for comparison.

	Gross Expenditure	Gross Income	Other deductions
	£'000s	£'000s	£'000s
2018/2019	1,537	(276)	1,261
2017/2018	1,675	(221) incl.£27 asset depreciation	1,454
2016/2017	1,748	(182)	1,566

2015/2016	1,765	(172)	1,593
2014/2015	2,104	(173)	1,931
2013/2014	2,176	(172)	2,004
2012/2013	2,829	(152)	2,677
2011/2012	3,004	(63)	2,941
2010/2011	3,515	(189)	3,326
2009/2010	3,932	(172)	3,760
2008/2009	3,845	(77)	3,768

Budgets will be aligned to the identified priorities based on the staff and teams delivering the priorities. Where necessary staff and budgets may be redirected to ensure delivery of priorities.

People Resources

Since 2010 the frontline team has reduced by over two thirds from 57.72 Full Time Equivalent staff (FTE) to 18.34FTE in 2018/2019.

The Trading Standards service has Head of Service (also covering Community Safety and Markets), two Operations Managers, five Trading Standards Officers, two Accredited Financial Investigators and ten Enforcement Officers. The structure of the service is illustrated in the Structure Chart at Appendix 5B. There are additional staff in the Government funded: Illegal Money lending team, which delivers a national service for England; and the Regional Investigation team (previously known as Scambusters).

The sectional training plan and consideration of competencies through the My Appraisal process will be used to ensure that people are trained and able to deliver the services that they are allocated. The resources required to deliver this Service Plan have been taken into account in its creation. Continued accreditation to the 'Investors in People' standard will ensure confidence in our ability to deliver the plan and address matters of competency amongst our workforce. All enforcement staff have been trained in Advanced Investigatory Practices and have access to the Trading Standards Institute e-learning on-line training system to ensure core competencies are maintained.

I.T. Resources

All Requests for Advice and Assistance (RFA's) are recorded on an SAP system called M3. It provides us with intelligence to identify individual problem traders or trends in consumer complaints. Certain officers have been nominated as super users and additionally an officer attends a regulation and enforcement user group who are identifying any developments to the system that are needed to deliver service improvements.

Electronic communications are provided through the Outlook email system. There are various bespoke IT systems for particular service areas, including

processing of court cases and the authorisation of and tracking of applications under the Regulation of Investigatory Powers Act.

The Trading Standards Service also utilises a national intelligence database called IDB. All officers are trained as base users with others trained as super users who can sanitise intelligence logs. This enables the service to input intelligence relating to criminality and also interrogate the system for intelligence provided by colleagues nationwide. In addition to this there are dedicated standalone computers to enable efficient e-crime investigations; this includes the test purchase of goods being sold on-line.

Trading Standards staff has been provided with equipment to support agile working and thus maximise efficiency.

Partners

The Trading Standards service acknowledges that maintaining and developing its services can be achieved more efficiently through selected partnership working. We work closely with neighbouring Local Authority Trading Standards services who are members of the regional group called CenTSA (Central England Trading Standards Authorities). Trading Standards enters into partnerships when we have assessed, using a decision matrix, the desirability of the working in terms of increased efficiency, synergy and commonality of priorities. This table details the partnership working that we currently undertake.

Activity	Description	Partners
Consumer Advice	1 st tier advice provided by the National Citizens Advice Consumer helpline	Citizens Advice Bureau Citizens Advice Consumer Service
Underage Sales of Alcohol	Control under-age purchasing of alcohol	West Midlands Police Licensing Authority Local businesses Community safety partnership Community Alcohol Partnerships Public Health
Underage Sales of Fireworks	Control under-age purchasing of fireworks	West Midlands Police West Midlands Fire Service
Joint Licensing Taskforce	Targeted inspection of licensed premises to ensure compliance with licensing conditions especially underage alcohol sales	Licensing authority Environmental Health Planning Fire Service West Midlands Police

Door Step Crime	Protecting the elderly and vulnerable from distraction burglary, rogue property repairers and cold call hard sales	West Midlands Police Operation Liberal Operation Pursue Victim Support Age Concern Neighbourhood Watch Community Safety Partnership CEnTSA Intelligence Hub Adult Safeguarding West Midlands Fire Service National Scams Team
Building and property repairs	Identifying rogue builders and promoting good service	Building Consultancy BCC Private Tenancy Team Building trade associations Planning enforcement
'E-commerce'	Combating fraud on the Internet.	Co-ordinating Group for Central England Trading Standards Authorities (CEnTSA) E-Crime unit
Intellectual Property Including the Real Deal partnership with Markets	Combating Counterfeiting	West Midlands Police BCC markets Trade Mark Holders Regional Investigation Team (CEnTSA) CEnTSA Intelligence Unit HM Revenue & Customs National Markets Group Anti-counterfeiting group Intellectual Property Office
Tobacco Control	Control under-age purchasing of tobacco products and ensure display of statutory warning notices. Investigate allegations of illicit tobacco being supplied in the City. to ensure compliance with tobacco labelling and advertising regulations	Birmingham Tobacco Control Alliance HM Revenue & Customs CEnTSA Environmental Health Public Health Shisha working group West Midlands Police West Midlands Fire Service
Responsible authority under the Licensing Act 2003 Police Reform and Social responsibility Act 2011	Being able to exercise greater influence over the decision to grant licenses with a view in particular for the protection of children from harm	All other responsible authorities

Advice to Businesses	CTSI Business Companion Website Engage with The Office for Product Safety and Standards in developing PAP's	Chartered Trading Standards Institute Regulatory Delivery; The Office for Product Safety and Standards
Collaboration with a trader approval scheme	Ensuring consumers can be confident when choosing and appointing traders	No Rogue Traders Here
Package Travel (Hajj)	Ensuring consumers are not victim of rogue travel agents offering packages to Saudi Arabia	Assoc of British Hujjaj Council of British Hajjij Civil Aviation Authority City of London Police
Tackling food fraud	Working in partnership to ensure misdescribed meat i.e. Halal is not provided to consumer	Environmental Health Halal Monitoring Committee Halal Food Authority National Food Crime Unit
Hallmarking	Ensuring goods offered for sale are correctly hallmarked	Birmingham Assay Office
Mass Marketing Fraud	Working in partnership with the National Scams Team to identify vulnerable and socially isolated residents that may have been a victim of a postal lottery or similar scam	National Scams Team Birmingham Adults Safeguarding Board Partnership

Information management

Our ISO accredited management system ensures the validity of our management information. It provides controls for the gathering and review of customer and other stakeholder feedback and ensures this feedback is acted upon.

SERVICE DELIVERY

Service Objective 1 - Supporting businesses Council Plan Priorities <ul style="list-style-type: none"> Jobs and skills – so Birmingham's a great city to succeed in Health – so Birmingham's a great city to grow old in 			Mission Statement – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors Lead Team/Officer – All TS Officers	
Task	Outcome	Measure	Target	Method
Metrological inspection of business premises subject	Increased compliance with relevant legislation Informed and successful business's	Level of compliance for high risk premises inspected.	90% compliance on inspection 100% of High Risk premises to be inspected.	Annual inspection of business that pack to the average weight system.
Supporting businesses through the Primary Authority Principle.	Increased Compliance with relevant legislation. Informed and successful Business's	Levels of business satisfaction within a PAP	At least 3 meetings/contact per annum with companies that have formal agreements 80% satisfaction of businesses with service provided	Allocation of specific PAP officers.
Develop Better Business for All with Regulatory Partners	Increased compliance with relevant legislation Informed and successful Business's	Number of business engaged in process	Establish BBfA for Birmingham and Solihull	Engage with Regulatory Delivery Office and Regulatory Partners Attend Black Country BBfA to develop best practice

Provide an up to date and informative website	<p>Informed consumers and businesses</p> <p>Quick access to information</p>	Website hits	Establish satisfaction levels	<p>Review and update website with information on current issues relevant to consumers and businesses.</p> <p>Provide relevant links for all users.</p> <p>Promote CTSI Business Companion and Centsa Trading standards Business News</p>
Maintain collaboration with a local trader approval scheme	Improved levels of consumer confidence	<p>Consumer confidence levels</p> <p>Number of new Registered Members</p>	85% level of consumer confidence	Work in collaboration with No Rogue Traders Here

Service Objective 2- Anti Counterfeiting Enforcement Council Plan Priorities <ul style="list-style-type: none"> Jobs and skills – so Birmingham's a great city to succeed in Health – so Birmingham's a great city to grow old in 			Mission Statement – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors Lead Team/Officer – All TS Officers	
Task	Outcome	Measure	Target	Method
Intelligence led inspection visits to wholesale and retail premises. This could include on-line traders Prioritising goods where safety could be an issue	Reduction in the quantity of counterfeit goods from the marketplace Improve local economic prosperity	Number of inspections resulting in the identification of counterfeit goods. Number and value of non-compliant goods removed	To remove 100% of non compliant goods found 100% compliance or enforcement actions against those found with infringing goods.	Intelligence led enforcement activity. Partnership working with trade mark holders and other agencies.(FACT, FAST, IPO, UKIE, Police & HMRC, ACG, GAIN) Engage with the national E-Crime unit

Service Objective 3 - Reduce Doorstep Crime and protect vulnerable/socially isolated residents			Mission Statement – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors	
Council Plan Priorities <ul style="list-style-type: none"> Jobs and skills – so Birmingham's a great city to succeed in Health – so Birmingham's a great city to grow old in 			Lead Team/Officer – All TS officers	
Task	Outcome	Measure	Target	Method
Consideration of the implementation of No cold calling zones	Improve community safety	Number of zones created. Reduced fear of crime	Create new zones where need identified	Review of crime data annually linked to distraction burglary incidents, consultation with Community Safety Partnership and local residents. Residents survey
Maintenance of current 'no cold calling zones'	Improve Community Safety Contribute toward reduction in anti-social behaviour	Annual Perception questionnaire of people who feel safer as a result of the zones	Maintain the proportion of people who feel safer as a result of the zones	Monitoring of activity within zones. Publicity, street signage Rapid Responses and response to RFA's
Provide rapid response service to deal with rogue traders/active threats to vulnerable residents	Protection of vulnerable consumers Contribute toward reduction in anti-social behaviour	Number of rapid responses Perception questionnaire of people who feel safer as a result of the TS intervention.	Respond to 100% of requests for rapid response within Birmingham	Response by officers to consumers home in accordance with Rapid Response Procedure

Identify and tackle rogue builders	Protection of vulnerable consumers Contribute toward reduction in anti-social behaviour	Number of targeted individuals/businesses	Carry out investigations where targets identified	Intelligence led enforcement activity and partnership with Community Safety Partnership, building consultancy, WMP and CENTSA
Provide information and training to Adults Social Care and those engaged in looking after adults to identify at victims or potential victims Joint Collaboration with Partners who also interact with vulnerable adults e.g. West Midlands Fire Service	Protection of vulnerable consumers Awareness raising to reduce incidents	Number of interventions/meetings attended	Attendance at least 2 partnership events.	Attend meetings of the Birmingham Adults Safeguarding Board and cascade information Make use of Internal Data (data warehouse) through collaboration with Birmingham Audit

Service Objective – 4 Community Safety Council Plan Priorities <ul style="list-style-type: none"> • Children – so Birmingham’s a great city to grow up in • Jobs and skills – so Birmingham’s a great city to succeed in • Health – so Birmingham’s a great city to grow old in 			Mission Statement – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors Lead Team/Officer – All TS officers	
Task	Outcome	Measure	Target	Method
Respond to RFA’s alleging sales of age restricted products: alcohol, fireworks, knives, spray paints/solvents, sunbeds, tobacco and nicotine inhaling products	Improved business compliance Reduce access to age restricted products by children. Contribute towards health and wellbeing of young people Contribute toward reduction in anti-social behaviour	% of subsequent test purchases that result in a sale after advice given	100% compliance and/or enforcement action of businesses where test purchases carried out.	intelligence led inspections Liaise with licensing officers/ WMP/ WMFS/ PCT Visit premises and give advice pack. Follow up with test purchases
Undertake intelligence led test purchasing exercises at premises that stock age restricted products	Improve business compliance Reduce access to age restricted products by children Contribute toward reduction in anti-social behaviour	% of test purchases that result in a sale after advice given	100% compliance and/or enforcement action of businesses where test purchases carried out.	Carry out exercises in accordance with best practice guidance. Joint exercises with police and other agencies where appropriate Take enforcement action in accordance with enforcement policy

Tobacco Control work (including novel tobacco products such as Shisha and chewing tobacco and nicotine inhaling products)	<p>Reduce the prevalence of supply of tobacco products to young people</p> <p>Informed and compliant businesses</p> <p>Reduction of supply of non-compliant tobacco</p> <p>Contribute towards health and wellbeing of young people</p>	Number of inspections and enforcement outcomes	<p>Inspection of all identified Shisha premises.</p> <p>100% compliance and/or enforcement action of businesses where test purchases carried out.</p>	<p>In partnership with EH and the tobacco control alliance, HMRC, CEnTSA, DofH, WMFS and WMP</p> <p>Joint inspections with other agencies as appropriate</p> <p>Testing of product where necessary</p>
Illicit/counterfeit tobacco work	<p>Reduce availability of illicit/counterfeit tobacco</p> <p>To instigate premises licence reviews where a breach of the licensing objectives discovered.</p> <p>Compliant businesses</p> <p>Improved health outcomes by removal of cheap and illegal tobacco</p>	Quantity/value of counterfeit products seized	<p>Non-compliant traders to be identified.</p> <p>To remove 100% of non-compliant products</p> <p>100% compliance or enforcement action against those found with infringing goods.</p>	Intelligence led enforcement activity and partnership working with HMRC, Tobacco Control Alliance, CEnTSA, and HAs

Illicit/counterfeit alcohol	<p>Reduce availability of such alcohol.</p> <p>Protect public health and prevent anti-social behaviour from the effects of such alcohol</p> <p>To instigate premises licence reviews where a breach of the licensing objectives discovered.</p> <p>Compliant businesses</p>	Quantity/value of counterfeit /illicit products seized	<p>Non-compliant traders to be identified.</p> <p>To remove 100% of non-compliant products</p> <p>100% compliance or enforcement action against those found with infringing goods.</p>	Intelligence led enforcement activity and partnership working with Environmental Health/Licensing, HMRC, CEnTSA, Community Safety Partnership, Public Health and Police.
National Scams Team (NST) Partnership	Identify potential victims of scams, protecting our more vulnerable and socially excluded citizens.	Number of residents advised on scams	Receive 10 referrals per month from the NST and visit 100% of those reported	<p>Receive intelligence relating to the victims of Mass Marketing Fraud and undertake home visits.</p> <p>Share best practice with partners and to provide materials to assist in protecting vulnerable citizens</p> <p>Make appropriate safe-guarding referrals to Social Services</p> <p>Use of media to raise awareness</p>

Service Objective - 5 Promote consumer awareness Council Plan Priorities <ul style="list-style-type: none"> • Children – so Birmingham's a great city to grow up in • Jobs and skills – so Birmingham's a great city to succeed in • Health – so Birmingham's a great city to grow old in 			Mission Statement – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors	
			Lead Team/Officer – All TS Officers	
Task	Outcome	Measure	Target	Method
Provide up to date and informative website	Informed consumers and businesses Quick access to information	Website hits	Increase on hits from previous year	Review and update website with information on current issues relevant to consumers and businesses. Provide relevant links for all users. Establish the number of hits of the website.
National Consumer Week	Informed consumers	Extent of media coverage	Over 80% confident consumers attending any event	Participation in NCW, dependent on theme when agreed nationally Liaison with press officer and use of all media platforms
National Scams Awareness Month	Informed consumers	Extent of media coverage	Over 80% confident consumers attending any event	Participation in SAM, dependent on theme when agreed nationally Liaison with press officer and use of all media platforms

Safety/Scams Awareness Events	Informed Consumers	Extent of media coverage Number of residents advised on scams	Over 80% confident consumers attending any event	Host Events in localities where date indicates potential vulnerable residents. Engaging with other partners e.g. Victim Support and West Midlands Fire Service and Safeguarding
Media engagement	Publication of outcomes to raise consumer awareness	Extent of media coverage	6 press releases Monthly tweets	Press releases in collaboration with press officer Tweets

Service Objective -6 Investigation of Consumer fraud/misleading descriptions; e.g. Hajj, Faith healers, Car Clocking rings; association to Organised Crime Groups			Mission Statement – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors	
Council Plan Priorities <ul style="list-style-type: none"> • Children – so Birmingham's a great city to grow up in • Jobs and skills – so Birmingham's a great city to succeed in • Health – so Birmingham's a great city to grow old in 			Lead Team/Officer – All TS officers	
Task	Outcome	Measure	Target	Method
Investigation of criminal RFAs	Improved local economic prosperity	Customer satisfaction results	80% satisfaction	Intelligence/RFA led enforcement actions Investigation of RFAs
Use of intelligence to direct interventions	Support legitimate business by ensuring a fair trading environment		75 % of criminal RFAs completed within 60 days	Quarterly tasking meetings using intelligence model to identify those causing most consumer detriment
	Improved consumer confidence		Increase in logs on IDB	Effective partnerships with Police
	Identify those engaged in Organised Crime Groups			
Pursue offenders for proceeds of crime.	Ensure that profits gained through criminal activities are returned to the state	Cash benefit achieved	Maximisation of realisable cash benefit.	Intelligence led investigations to seize proceeds of crime. Appointed accredited financial investigators.

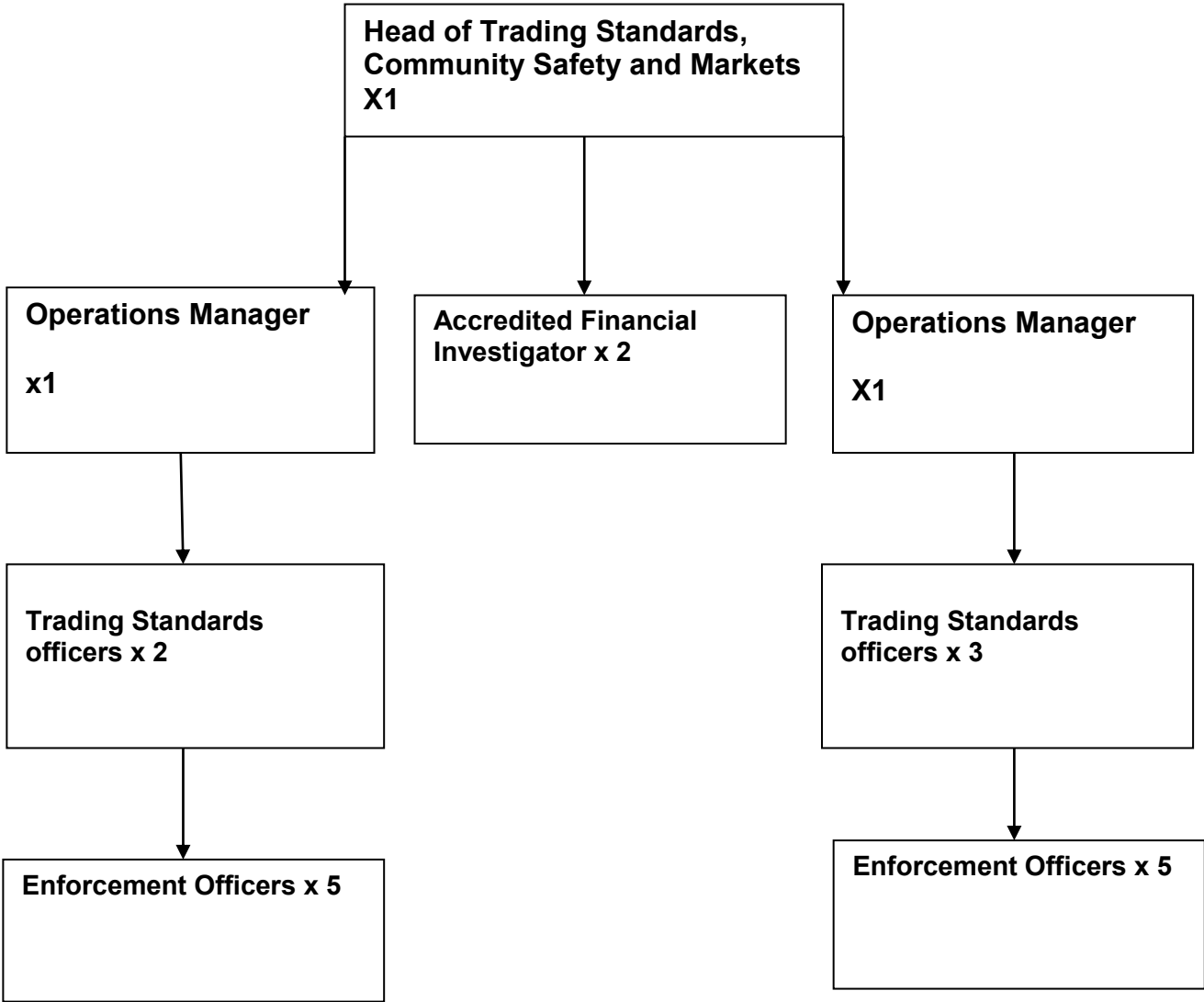
Inspect agents offering Hajj and Umrah Package Travel	Improved business compliance	% of businesses which are identified as non-compliant	100% of non-compliant businesses checked to be made compliant and/or enforcement action taken	<p>Intelligence led inspection of Birmingham based agents offering Hajj and Umrah packages</p> <p>Liaise with the Association of British Hajj</p> <p>Advice to businesses</p> <p>Media awareness</p>
Identification and investigation of acquisitive crime targeted at vulnerable consumers; including faith healers and Scams	Protection of vulnerable consumers thereby protecting their health and wellbeing and financial status.	Positive feedback from victims identified,	100% Positive feedback from victims identified.	Quarterly tasking meetings using intelligence model to identify those causing most consumer detriment

Service Objective - 7 Product Safety - Ensure goods placed on the market are safe			Mission Statement – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors	
Council Plan Priorities <ul style="list-style-type: none"> • Children – so Birmingham's a great city to grow up in • Jobs and skills – so Birmingham's a great city to succeed in • Health – so Birmingham's a great city to grow old in 			Lead Team/Officer – All TS officers	
Task	Outcome	Measure	Target	Method
To remove non-compliant and unsafe products from the marketplace (e.g. cosmetics, blinds, toys, furniture, electrical products,)	Increased business compliance Improved levels of consumer safety Raised levels of consumer awareness of the risks of using the products Primary Authority agreements established where appropriate	Number of non compliant businesses Number of compliant businesses Target non compliant businesses to be identified	100% of non compliant businesses checked to be made compliant and/or enforcement action taken 100% of non compliant products removed from sale	Intelligence led inspections at retail, wholesale and importers level. Providing advice to businesses. Test purchasing. Use of media to inform consumers Removal of non-compliant products Participate in market surveillance projects through Centsa

Service Objective - 8 Investigation of consumer criminal RFA's; Car sales			Mission Statement – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors	
Council Plan Priorities <ul style="list-style-type: none"> • Children – so Birmingham's a great city to grow up in • Jobs and skills – so Birmingham's a great city to succeed in • Health – so Birmingham's a great city to grow old in 			Lead Team/Officer – All TS Officers	
Task	Outcome	Measure	Target	Method
Investigate allegations of misdescribed and unroadworthy vehicles.	Increased compliance with relevant legislation Support legitimate businesses	Number of businesses/individuals identified selling misdescribed or unroadworthy vehicles	100% compliance and/or enforcement action of non-compliant targeted businesses.	Use of intelligence to identify businesses/individuals who may potentially be selling misdescribed or unroadworthy vehicles. Includes consultation under the Enterprise Act
Investigate allegations of "clocked" vehicles.	Increased compliance with relevant legislation Support legitimate businesses	Number of businesses/individuals identified selling "clocked" vehicles	100% compliance and/or enforcement action of non-compliant targeted businesses.	Use of intelligence to identify businesses/individuals who may potentially be selling "clocked" vehicles.
Use of intelligence to direct interventions	Increased compliance with relevant legislation Support legitimate businesses	Number of businesses brought into compliance Enforcement interventions	100% compliance and/or enforcement action of non-compliant targeted businesses	Quarterly tasking meetings using intelligence model to identify those causing most consumer detriment Membership of the Regional Intelligence Group to assist in tasking

Service Objective – 9 Animal Feed Registration and Inspection			Mission Statement – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors	
Council Plan Priorities <ul style="list-style-type: none"> • Children – so Birmingham's a great city to grow up in • Jobs and skills – so Birmingham's a great city to succeed in • Health – so Birmingham's a great city to grow old in 			Lead Team/Officer – All Trading Standards Officers with appropriate qualification	
Task	Outcome	Measure	Target	Method
Identification, registration and inspection of businesses requiring feed enforcement	Protect the public health by ensuring only permissible food enters the animal feed food chain.	Number of businesses identified and registered.	Registered businesses to be inspected in 2015/16 and a rolling programme thereafter.	Use of information on M3 database to identify premises to be registered. Liaise with Environmental Health colleagues to identify potential new premises Registration of businesses Inspection of registered businesses

TRADING STANDARDS STRUCTURE CHART



BIRMINGHAM CITY COUNCIL

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

18 APRIL 2018
ALL WARDS

LICENSING AND PUBLIC PROTECTION MEMBER TRAINING PROPOSALS

1. Summary
 - 1.1 The purpose of this report is to inform Members of the revised training plan arrangements and to seek an amendment to the Code of Conduct to reflect this plan.
 - 1.2 The current Code of Conduct for Licensing and Public Protection Committee Members only requires attendance at one training session.
2. Recommendation
 - 2.1 That the amendment to the Code of Conduct for Licensing and Public Protection Committee Members identified in Paragraph 4.1 be agreed and Officers be requested to make the appropriate arrangements for this to be effected.

Contact Officer: Emma Rohomon, Acting Head of Licensing
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3. Background

- 3.1 The Licensing and Public Protection Committee is responsible for a diverse range of services and functions. It is essential that Members are given suitable training in order to ensure they are properly equipped to carry out their role.
- 3.2 The LGA have produced a handbook for Elected Members on Taxi and Private Hire Licensing and are soon to publish a similar handbook concerning the Licensing Act 2003. Both of these documents refer to the importance of training, with the Taxi handbook stating:
“No councillor should be permitted to sit on a committee or sub-committee without having been formally trained.” (Appendix 1)
- 3.3 The need for appropriate Member training was also highlighted as part of the House of Lords Select Committee review into the Licensing Act 2003 and further ratified in the Government’s response to the Committee Findings.
- 3.4 The current Code of Conduct for Members of the Licensing and Public Protection Committee states:
Members dealing with Licensing issues will be required to attend a training session each year to receive guidance in relation to Licensing regulations and procedures and on declaration of personal or prejudicial interests. Training will be conducted in accordance with the training for Councillors standard. Members who fail to attend such training will be excluded from meetings of Licensing Committee. This training should include a balance of the following:
- *Short (half day) sessions on special topics of interest or where appeals have indicated problems with Licensing policy;*
 - *Special topic groups to consider thorny issues in depth;*
 - *Formal training by internal and external speakers;*
 - *Quick presentations by officers on hot topics, e.g. new legislation, white papers and their impacts, followed by a brief question and answer session.*
- 3.5 This Code only refers to one training session. Owing to the nature and complexity of matters considered by the Licensing and Public Protection Committee, a single session will not be sufficient to address all of the matters required in an appropriate depth.
- 3.6 A training plan has been developed which aims to give all Licensing and Public Protection Committee Members a suitable level of training. This is an ongoing development plan with various training sessions throughout the year.
- 3.7 As a companion to the face to face training, Members will also be provided with a Licensing Manual, containing the latest versions of policy documents, as well as other useful information, such as Guidance documents and links to other useful websites and publications. Training materials from subsequent training sessions will be able to be added in to this Manual.

- 3.8 Throughout the year, it may be necessary to schedule additional training sessions to address matters which may arise during the course of the year, such as case law or legislative change.
- 3.9 Members will be expected to attend all training sessions identified as Mandatory.
- 3.10 Should members feel they require additional training or guidance on a particular issue, this should be raised with the Director of Regulation and Enforcement.

4. Proposed Amendment to Code of Conduct

- 4.1 It is proposed to amend the wording of the Code of Conduct as follows:
Members dealing with Licensing issues will attend such training sessions as required each year to receive guidance in relation to Licensing matters and processes and on procedural matters such as declaration of pecuniary or non-pecuniary interests. Training will be conducted in accordance with the training for Councillors standard. Members who fail to attend such training will be excluded from meetings of Licensing Committee.
- 4.2 As far as is reasonably possible, training will be arranged suitably far in advance to ensure Members have sufficient notice to be able to attend.

5. Implications for Resources

- 5.1 The proposals contained within this report will be met by your Committee's existing resources. There is no corporate member development budget.

6. Implications for Policy Priorities

- 6.1 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'.

7. Public Sector Equality Duty

- 7.1 An Equalities Impact Assessment is not required.

8. Consultation

- 8.1 The information contained within this report will be communicated to the Leader and Deputy Leader and all Party leads.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers:

Report to Licensing & Public Protection Committee - 14 SEPTEMBER 2016

Code of Conduct for Members and Officers

Extract from:

Taxi and PHV licensing – Councillors’ handbook (England and Wales)

Local Government Association (Revised August 2017)

Training of councillors

No councillor should be permitted to sit on a committee or sub-committee without having been formally trained. As a minimum, training should cover licensing procedures, natural justice, understanding the risks of child sexual exploitation, and disability equality, as well as any additional issues deemed locally appropriate.

It is important that training does NOT simply relate to procedures, but also covers the making of difficult and potentially controversial decisions, and the use of case study material can be helpful to illustrate this.

All training should be formally recorded by the council and require a signature from the councillor.

In addition to in-house training, there are a number of independent training providers, including the professional bodies – the National Association of Enforcement and Licensing Officers (NALEO) and the Institute of Licensing (IoL). The LGA has also made available a free online module on regulatory services for all councillors to use: <https://lms.learningnexus.co.uk/LGA/>

BIRMINGHAM CITY COUNCIL

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

18 APRIL 2018
ALL WARDS

PROSECUTIONS AND CAUTIONS – FEBRUARY 2018

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of February 2018.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Chris Neville, Acting Director Regulation and Enforcement
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3. Results

3.1 During the month of February 2018 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- Three Licensing cases were finalised resulting in fines of £1,160 and prosecution costs of £1,868. Six penalty points were issued and a six month driving disqualification was imposed. 10 simple cautions were administered as set out in Appendix 1.
- 118 Environmental Health cases resulted in fines of £35,429. Prosecution costs of £17,924 were awarded. One simple caution was administered as set out in Appendix 2.
- There were no Trading Standards cases finalised in February 2018 and no simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in February 2018 and cases finalised by district April - February 2018.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2017 to January 2018.

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 2017 to February 2018 the following costs have been requested and awarded:

Licensing

£17,046 has been requested with £11,024 being awarded (65%).

Environmental Health

£329,417 has been requested with £267,538 being awarded (81%).

Trading Standards

£78,492 has been requested with £69,472 being awarded (89%).

- 5.3 For the month of February 2018 the following costs have been requested and awarded:

Licensing

£2,135 has been requested with £1,868 being awarded (87%).

Environmental Health

£26,728 has been requested with £17,924 being awarded (67%).

Trading Standards

No costs have been requested or awarded.

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

LICENSING CASES**APPENDIX 1**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	1/2/18	Shazaad Ahmed 18 Hillside Road Erdington Birmingham B23 7PP	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Bristol Road, Birmingham and one of consequently having invalid insurance.	£560 – No Insurance + 6 penalty points Disqualified from driving for 6 months No separate penalty for plying £300 costs (£450 requested)	Stockland Green	Selly Oak
2	9/2/18	Mazar Iqbal 48 Amberley Grove Witton Birmingham B6 7AN	Local Government (Miscellaneous Provisions) Act 1976 Pleaded guilty to one offence of knowingly making a false statement, in that he failed to disclose a current address on a licence application form.	£250 £250 costs (£367 requested)	Perry Barr	Ladywood
3	26/2/18	Mohammed Nawaz 35 Grove Avenue Moseley Birmingham B13 9RX	Equalities Act 2010 Pleaded <u>not guilty</u> to one offence of being the driver of a Hackney Carriage and failing to carry out a booking as the disabled customer was accompanied by an assistance dog. Found guilty following trial.	£350 £1,318 costs (£1,318 requested)	Moseley & Kings Heath	Ladywood

LICENSING SIMPLE CAUTIONS

During the period of February 2018 10 simple cautions have been administered

Local Government (Miscellaneous Provisions) Act 1976

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

Section 54(2) Two caution was issued for failing to wear the drivers badge in a position and manner as to be plainly and distinctly visible

Section 57 One caution was issued for omitting a material particular on a licence application

ENVIRONMENTAL HEALTH CASES**APPENDIX 2****WASTE OFFENCES**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	1.2.18	<p>Ion Stefan 121 Ash Road Birmingham B8 1DP</p> <p>Diaconu Stefan 121 Ash Road Birmingham B8 1DP</p> <p>Albert Stefan 121 Ash Road Birmingham B8 1DP</p>	<p>Environmental Protection Act 1990 Scrap Metal Dealers Act 2013</p> <p>Both Ion and Diaconu pleaded guilty to four offences; one of depositing controlled waste, namely 24 tyres on Baker Street, Nechells, Birmingham, one of being a transferor of waste and failing to keep written information relating to the itinerant scrap metal and waste collection business, one of operating a business as a scrap metal dealer within Birmingham without a licence and one of failing to keep any records of any scrap metal received</p> <p>Albert pleaded guilty to one offence of operating a business as a scrap metal dealer within Birmingham without a licence.</p>	<p>Total fine £960</p> <p>Ion & Diaconu Each fined £320 – offence 1</p> <p>No separate penalty for remaining offences</p> <p>Each ordered to pay £700 costs</p> <p>Forfeiture of the vehicle granted.</p> <p>Albert fined £320</p> <p>£450 costs</p> <p>Total costs awarded £1,850 (Total costs requested £2,686)</p>	Washwood Heath	Nechells
2	9/2/18	<p>Solihull Skip Hire 89 Ulverley Green Road OltonSolihull, B92 8AJ</p>	<p>Environmental Protection Act 1990</p> <p>Pleaded guilty to one offence of depositing controlled waste, namely waste from an overloaded skip, on land on Lilac Avenue, Birmingham.</p>	<p>£1,500</p> <p>£971 costs (£971 requested)</p>	Out of area	Oscott

3	22/2/18	Shahzad Kiyani 48 Albert Road Stechford Birmingham B33 9BD	Environmental Protection Act 1990 Pleaded guilty to two offences: 1 of failing to take all reasonable measures to prevent black bags of waste relating to the business at 148 Station Road, Stechford, Birmingham, from being deposited outside 148-150 Station Road and 1 offence of failing to keep written information as to the transfer of controlled waste from the business.	£250 - offence 1 No separate penalty for remaining offence £500 costs (£1,124 requested)	Stechford & Yardley North	South Yardley
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WASTE OFFENCES – SINGLE JUSTICE PROCEDURE

4	23/2/18	Liam Johns Flat above 1138 Coventry Road South Yardley Birmingham B25 8DU	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing waste, namely three cardboard boxes and two black bags, outside 1138 Coventry Road, South Yardley, Birmingham.	£220 £85 costs (£175 requested)	South Yardley	South Yardley
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ANIMAL WELFARE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	1/2/18	Glen Pardoe 24 Wellcroft Road Shard End Birmingham B34 6PA	The Dogs on Leads Order 2014 & The Fouling of Land by Dogs Order 2014 by made under the Clean Neighbourhoods and Environment Act 2005 Pleaded guilty to three offences of being in charge of a dog; one of failing to ensure that it was kept on a lead in Wellcroft Road, Birmingham and two offences of failing to remove dog faeces on Wellcroft Road.	£150 – offence 1 No separate penalty for remaining offences. £100 costs (£429 requested)	Shard End	Shard End

ANIMAL WELFARE OFFENCES – SINGLE JUSTICE PROCEDURE

2	23/2/18	Neil Bakewell 59 Donegal Road Sutton Coldfield B74 2AB	The Microchipping of Dogs (England) Regulations 2015 Found guilty in his absence of one offence of being the keeper of two Bearded Collie dogs and failing to comply with notices requiring that the microchip details recorded on the database were updated with the keeper's full name, address and contact number.	£220 £85 costs (£300 requested)	Sutton Vesey	Sutton Vesey
3	23/2/18	Paul Draper 62 Condoover Road West Heath Birmingham B31 3QY	The Microchipping of Dogs (England) Regulations 2015 Found guilty in his absence of one offence of being the keeper of a Staffordshire Bull Terrier dog and failing to comply with a notice requiring that the microchip details recorded on the database were updated with the keeper's full name, address and contact number.	£220 £85 costs (£300 requested)	Northfield	Northfield
4	23/2/18	Mariana Bila 64 Tenby Road Springfield Birmingham B13 9LX	The Microchipping of Dogs (England) Regulations 2015 Found guilty in her absence of one offence of being the keeper of a Chihuahua dog and failing to comply with a notice requiring that the microchip details recorded on the database were updated with the keeper's full name, address and contact number.	£220 £85 costs (£300 requested)	Springfield	Springfield

FOOD HYGIENE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	9/2/18	H Happy Palace Limited 70 Hurst Street Birmingham B5 4TD	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions found at Café Soya, unit B105 The Arcadian, 70 Hurst Street, Birmingham. There was evidence of mouse activity throughout the premises and there was no evidence that pest control checks were being carried out. There was an accumulation of dirt and grease on the wall and floor behind the cooking station. Mouse droppings were found on a food preparation surface, inside a plate warmer, on a surface where cooked rice and beansprouts were being prepared and where chopping boards and cutlery were stored. There were no procedures based on HACCP.	£10,000 – Offence 1 No separate penalty for remaining offences. £1,368 costs (£1,368 requested)	Nechells	Nechells

LITTERING OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	1/2/18	Simon Orr 7 New Street Tamworth B78 3RD	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£40 £100 costs (£175 requested)	Out of area	Ladywood

LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
9/2/18	49	£9,990	£7,680	£8,575
23/2/18	59	£11,659	£5,015	£10,325

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

One simple caution was administered during February 2018

Food Safety and Hygiene (England) Regulations 2013

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

There were no finalised prosecution for Trading Standards in February 2018.

TRADING STANDARDS SIMPLE CAUTIONS

No simple cautions were administered during February 2018

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – FEBRUARY 2018

<u>WARDS & CONSTITUENCIES FINALIZED BY OFFENCE</u>				
	<u>Licensing</u>	<u>Environmental Health - Non FPNs</u>	<u>Environmental Health - FPNs</u>	<u>Trading Standards</u>
EDGBASTON				
Bartley Green				
Edgbaston				
Harborne				
Quinton				
ERDINGTON				
Erdington				
Kingstanding				
Stockland Green				
Tyburn				
HALL GREEN				
Hall Green				
Moseley & Kings Heath				
Sparkbrook				
Springfield		1		
HODGE HILL				
Hodge Hill				
Washwood Heath				
Bordseley Green				
Shard End		1		
LADYWOOD				
Aston				
Ladywood	2		108	
Nechells		2	1	
Soho				

NORTHFIELD				
Kings Norton				
Longbridge				
Northfield		1		
Weoley				
PERRY BARR				
Lozells & East Handsworth				
Handsworth Wood				
Oscott		1		
Perry Barr				
SELLY OAK				
Billesley				
Bournville				
Brandwood				
Selly Oak	1			
SUTTON COLDFIELD				
Sutton Four Oaks				
Sutton New Hall				
Sutton Trinity				
Sutton Vesey		1		
YARDLEY				
Acocks Green				
Sheldon				
South Yardley		2		
Stechford & North Yardley				
TOTAL	3	9	109	0

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – FEBRUARY 2018

<u>WARDS & CONSTITUENCIES - FINALIZED BY DEFENDANT'S ADDRESS</u>				
	<u>Licensing</u>	<u>Environmental Health - Non FPNs</u>	<u>Environmental Health - FPNs</u>	<u>Trading Standards</u>
EDGBASTON				
Bartley Green				
Edgbaston			3	
Harborne			1	
Quinton			2	
ERDINGTON				
Erdington			1	
Kingstanding			1	
Stockland Green	1		1	
Tyburn			1	
HALL GREEN				
Hall Green				
Moseley & Kings Heath	1		1	
Sparkbrook			1	
Springfield		1	3	
HODGE HILL				
Hodge Hill			1	
Washwood Heath		1	2	
Bordseley Green			9	
Shard End		1	1	
LADYWOOD				
Aston			1	
Ladywood			5	
Nechells		1	1	
Soho			2	

NORTHFIELD				
Kings Norton				
Longbridge				
Northfield		1	3	
Weoley			2	
PERRY BARR				
Lozells & East Handsworth				
Handsworth Wood			2	
Oscott			1	
Perry Barr	1		1	
SELLY OAK				
Billesley				
Bournville			1	
Brandwood			2	
Selly Oak			1	
SUTTON COLDFIELD				
Sutton Four Oaks			1	
Sutton New Hall				
Sutton Trinity				
Sutton Vesey		1		
YARDLEY				
Acocks Green			2	
Sheldon			2	
South Yardley		1	2	
Stechford & North Yardley		1	2	
OUT OF AREA		1	50	
TOTAL	3	9	109	0

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – FEBRUARY 2018

	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	1	0	0	0	3
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	109	0	0	0	0	0	0	109
Environmental Health (non FPNs)	0	0	1	1	2	1	1	0	1	2	0	9
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – FEBRUARY 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	1	1	0	0	0	1	0	0	0	0	3
Environmental Health (FPNs) Not paid and prosecuted	6	4	5	13	9	5	4	4	1	8	50	109
Environmental Health (non FPNs)	0	0	1	2	1	1	0	0	1	2	1	9
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL - FEBRUARY 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	2	0	3	0	16	2	0	2	1	2	0	28
Environmental Health (FPNs) Not paid and prosecuted	3	1	2	0	544	1	0	5	0	0	0	556
Environmental Health (non FPNs)	3	9	15	10	53	12	16	3	2	18	0	141
Trading Standards	1	0	4	1	6	0	0	0	0	2	0	14

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL – FEBRUARY 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	1	7	7	3	1	3	0	0	0	5	28
Environmental Health (FPNs) Not paid and prosecuted	24	21	30	41	60	19	35	29	7	21	269	556
Environmental Health (non FPNs)	6	9	14	17	28	8	13	6	4	16	20	141
Trading Standards	1	0	4	0	6	0	0	0	0	1	2	14

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2017 – MARCH 2018

	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Total 2017/2018
Waste Investigation Outcomes											
Investigations into commercial waste disposal suspected offences and offences	23	35	83	101	88	43	90	111	63	120	757
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	20	32	75	85	75	37	56	76	46	94	596
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	11	13	25	29	89	28	37	35	23	58	348
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	5	0	5	0	3	0	2	3	0	1	19
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400)	4	9	7	1	6	2	4	5	4	5	47
Prosecutions											
Number of prosecution files submitted to legal services (number produced quarterly)			15			19			53		87

BIRMINGHAM CITY COUNCIL

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

18 APRIL 2018
ALL WARDS

FIXED PENALTY NOTICES ISSUED FEBRUARY 2018

1. Summary
 - 1.1 The report sets out a breakdown, on a Constituency/Ward basis, of fixed penalty notices issued in the City during the period of February 2018.
2. Recommendation
 - 2.1 That the report be noted.

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

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

3.2 The yearly total numbers of fixed penalty notices issued are indicated below.

<u>Month</u>	<u>Fixed Penalty Notices Issued</u>
April 2004 – March 2005	382
April 2005 – March 2006	209
April 2006 – March 2007	650
April 2007 – March 2008	682
April 2008 – March 2009	1,147
April 2009 – March 2010	1,043
April 2010 – March 2011	827
April 2011 – March 2012	2,053
April 2012 – March 2013	1,763
April 2013 – March 2014	1,984
April 2014 – March 2015	4,985
April 2015 – March 2016	5,855
April 2016 – March 2017	6,306

4. Enforcement Considerations and Rationale

4.1 The attached appendix shows the wards where FPNs were issued during the month of February 2018.

4.2 By identifying both the area where the FPN is issued and the ward/area that the litterer lives this demonstrates that the anti-litter message is being spread right across the city. By and large litter patrols are targeted to the primary and secondary retail areas of the city because there is a high level of footfall and they engage with a full cross section of the population. Targeted areas include locations where there are excessive levels of littering, smoking areas with high levels of cigarette waste that cause blight in the city and areas where there are known problems associated with groups gathering to eat outdoors.

4.3 The number of incidences of Fixed Penalty Notices being issued reflects the fact that there is still a problem with littering on our streets. Since the Health Act came into force there has been a decline in street cleanliness associated with cigarette waste. This is reflected not only in these statistics but also in the environmental quality surveys undertaken by Fleet and Waste Management that record cigarette waste being the most prevalent waste upon our streets and identify it in 98% of all samples of street cleanliness.

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

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

5. Consultation

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

6. Implications for Resources

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

7. Implications for Policy Priorities

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

8. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: FPN records

APPENDIX 1
Wards where FPN's are issued

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	Bartley Green	0	0	0	0	1	0	0	0	0	0	0		1
	Edgbaston	0	0	0	0	3	0	0	0	1	0	0		4
	Harborne	0	0	0	0	3	1	0	0	0	0	0		4
	Quinton	0	0	0	0	0	0	0	1	0	0	0		1
Erdington	Erdington	0	1	0	1	0	0	1	0	1	0	5		9
	Kingstanding	0	1	0	0	2	0	1	0	0	1	1		6
	Stockland Green	0	0	2	0	1	0	0	0	0	0	0		3
	Tyburn	0	1	1	1	0	2	0	0	0	4	0		9
Hall Green	Hall Green	0	1	0	0	0	0	0	0	0	0	0		1
	Moseley And Kings Heath	2	0	0	0	0	0	0	0	0	0	0		2
	Sparkbrook	0	1	1	0	6	0	0	0	0	0	1		9
	Springfield	0	0	0	0	0	2	1	0	1	4	0		8
Hodge Hill	Bordesley Green	0	0	0	1	1	0	0	1	2	0	0		5
	Hodge Hill	0	1	0	0	1	0	0	0	0	0	0		2
	Shard End	1	4	0	0	0	0	1	0	0	0	0		6
	Washwood Heath	1	0	0	1	7	15	5	2	0	1	1		33
Ladywood	Aston	0	2	0	1	1	0	4	0	0	7	15		30
	Ladywood	459	436	264	358	399	386	580	707	290	627	452		4,958
	Nechells	5	3	0	0	6	1	1	6	1	4	0		27
	Soho	5	1	2	13	28	3	3	2	3	6	11		77
Northfield	Kings Norton	0	0	4	3	0	0	0	0	0	0	0		7
	Longbridge	0	1	0	0	0	0	0	3	0	5	0		9
	Northfield	2	0	1	0	0	0	0	0	3	0	0		6
	Weoley	2	0	0	0	0	0	0	0	0	0	0		2
Perry Barr	Handsworth Wood	0	0	1	0	0	0	0	0	0	1	1		3
	Lozells And East Handsworth	0	2	2	0	1	1	0	4	0	0	3		13
	Oscott	0	1	1	2	0	0	0	0	0	0	2		6
	Perry Barr	1	0	1	0	0	0	0	0	1	4	0		7
Selly Oak	Billesley	1	1	0	0	0	0	0	0	1	0	0		3
	Bournville	0	0	2	0	0	0	1	0	0	0	0		3
	Brandwood	0	0	0	0	0	0	0	0	0	0	0		0
	Selly Oak	0	0	1	2	2	0	0	0	0	0	0		5
Sutton Coldfield	Sutton Four Oaks	0	0	0	0	0	0	2	6	0	0	0		8
	Sutton New Hall	0	0	0	0	0	0	0	0	0	0	1		1
	Sutton Trinity	0	0	0	0	0	0	1	1	0	1	0		3
	Sutton Vesey	0	0	0	0	3	0	1	0	1	0	0		5
Yardley	Acocks Green	6	6	1	0	2	0	0	0	0	1	1		17
	Sheldon	0	1	0	0	1	0	0	0	2	2	0		6
	South Yardley	1	1	3	0	2	0	2	9	7	2	0		27
	Stechford And Yardley North	1	0	1	0	0	0	0	0	0	0	1		3
Total		487	465	288	383	470	411	604	742	314	670	495	0	5,329

BIRMINGHAM CITY COUNCIL

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

18 APRIL 2018
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
TAKEN DURING FEBRUARY AND MARCH 2018**

1. Summary
 - 1.1 This report advises the Committee of the outcomes of appeals against the Sub Committee's decision which was made to the Magistrates' Court, and any subsequent appeal made to the Crown Court, and finalised in the period mentioned above.
 - 1.2 Any further appeals finalised in March 2018 will be reported to your Committee in June 2018.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Emma Rohomon, Head of Licensing
Telephone: 0121 303 9780
E-mail: emma.rohomon@birmingham.gov.uk

3. Summary of Appeal Hearings for February-March 2018

	Magistrates'	Crown
Total	1	1
Allowed		
Dismissed	1	1
Appeal lodged at Crown		n/a
Upheld in part		
Withdrawn pre-Court		

4. Implications for Resources

- 4.1 The details of costs requested and ordered are set out in the appendix below.
- 4.2 In February-March 2018 costs have been requested to the sum of £1,053.20 with reimbursement of £878.20 (83.4%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2017 to March 2018, costs associated to appeal hearings have been requested to the sum of £28,306.25 with reimbursement of £21,762.50 (76.9%) ordered by the Courts.

5. Implications for Policy Priorities

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

6. Public Sector Equality Duty

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

7. Consultation

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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

MAGISTRATES' COURT – PRIVATE HIRE DRIVER LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Jahangir Hussain	09.02.2018	Dismissed	£300	£125	On 1 November 2017, as the result of conviction for offences of plying for hire and using a vehicle while uninsured and resultant disqualification from driving for a period of 28 days following an exceptional hardship argument, Committee considered and resolved to depart from the usual policy which recommends revocation of the licence, and instead suspended the licence for a period of six months.

CROWN COURT – PRIVATE HIRE DRIVER LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Abdul Ghafoor	02.03.2018	Dismissed	£753.20	£753.20	On 2 October 2017, as the result of a complaint that children with special needs had been exposed to offensive images on Mr Ghafoor's mobile phone showing people being set fire to and burnt alive, the licence was revoked with immediate effect in the interests of public safety. Mr Ghafoor's appeal to the Magistrates' Court was dismissed on 24 November 2017 with costs of £300 being awarded to BCC. Mr Ghafoor's appeal to the Crown Court was heard before HHJ Parker QC and 2 lay magistrates. The Bench dismissed the appeal taking the opinion that "the images were grossly offensive" and he was "taking advantage of his employment to abuse his passengers. He was, therefore, not a fit and proper person to hold a licence."

BIRMINGHAM CITY COUNCIL

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

18 APRIL 2018
ALL WARDS

**ACTIONS TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC
PROTECTION COMMITTEE DURING FEBRUARY AND MARCH 2018**

1. Summary
 - 1.1 This report advises the Committee of actions taken by the Chair under authority from the Licensing and Public Protection Committee, together with an explanation as to why this authority was used.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Emma Rohomon, Head of Licensing
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E-mail: emma.rohomon@birmingham.gov.uk

3. Background Information

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

4. Summary of Actions Taken for February and March 2018

- 4.1 On 5 February 2018 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 25498. On 5 February 2018 information was received from West Midlands Police: driver 25498 had been arrested and bailed following allegations of sexual abuse.
- 4.2 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 6 February 2018 notice was delivered to driver 25498's home address advising that his private hire driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. Driver 25498's badge and vehicle identification plates were retrieved.
- 4.3 On 8 February 2018 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 26609. On 8 February 2018 the DBS certificate produced by driver 26609 disclosed a conviction in Belgium in November 2015 for, amongst others, trafficking persons for the purpose of exploitation. This had not previously been reported by driver 26609 or disclosed upon renewal of the licence in 2016.
- 4.4 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 9 February 2018 notice was handed to driver 26609's representative, advising that his private hire driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. Driver 26609's badge and licence were returned by the representative.
- 4.5 On 9 February 2018 authority was sought to revoke with immediate effect the hackney carriage driver licence held by driver reference 6039. On 9 February 2018 information was received from West Midlands Police: driver 6039 had been charged for offences of assault by beating.
- 4.6 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 12 February 2018 notice was delivered to driver 6039's bail address advising that his hackney carriage driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. Driver 6039 has returned his badge and vehicle identification plate.

- 4.7 On 1 March 2018 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 6802. On 1 March 2018 the Licensing Enforcement Section received a complaint that a vulnerable member of the public who had been subjected to sexual assault by him.
- 4.8 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 1 March 2018 notice was handed to driver 6802, advising that his private hire driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. Driver 6802's badge and vehicle identification plates were returned by him.
5. Implications for Resources
- 5.1 No specific implications have been identified, however, drivers retain the right to appeal through a Magistrates' Court, which may result in the imposition of costs either to or against the City Council.
6. Implications for Policy Priorities
- 6.1 The contents of the report contribute to the City Council's published policy priority of improving the standards of licensed vehicles, people and premises in the City.
7. Implications for Equality and Diversity
- 7.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Regulation and Enforcement Division, which ensures that equality issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

18 APRIL 2018

SCHEDULE OF OUTSTANDING MINUTES

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
916 (iii) 23/10/2017	<u>Emissions Policy beyond 31 December 2019</u> The Acting Service Director of Regulation and Enforcement be requested to prepare a report for this committee to consider a medium to long-term emissions policy in respect of hackney carriage and private hire vehicles beyond 31st December 2019.	Report due in June 2018
916 (iv) 23/10/2017	<u>Absolute Age Policy in respect of Hackney Carriage and Private Hire Vehicles.</u> The Acting Service Director of Regulation and Enforcement be requested to prepare a report for this Committee at the earliest opportunity to consider an absolute age policy in respect of hackney carriage and private hire vehicles.	Report due in June 2018
920 23/10/2017	<u>Card Payments in Hackney Carriage Vehicles</u> The Acting Service Director of Regulation and Enforcement be requested to instruct officers to consult with the wider trade to establish the level of support for all Birmingham Licensed hackney carriages to be equipped to take credit card payments; amongst other drivers and trade organisations and report back to this Committee	Report due in June 2018
934 (ii) 15/11/2017	<u>Update Report on Proposed Strategy for Venues Operating as Shisha premises in Birmingham</u> The Acting Service Director of Regulation and Enforcement be requested to instruct officers to undertake a wider consultation with key stakeholders on the adoption of the proposed strategy. Officers to present the outcome of the consultation at a future meeting of Committee, with their recommendations on a finalised Strategy for the Committee's approval.	Report due in June 2018
942 (ii) 15/11/2017	<u>Revision of Birmingham City Council Act 1990 Establishments for Massage and/or Special Treatments</u> The Acting Service Director of Regulation and Enforcement be requested to provide a report for Committee reviewing the need for the Birmingham City Council Act 1990 and options including delegation of	Report due in July 2018

	hearings to Licensing Sub-Committees.	
976 14/02/2018	<u>Update Report On Unauthorised Encampments</u> – The Acting Service 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.	Report due in June 2018