

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 09 MARCH 2022 AT 10:30 HOURS
IN BMI MAIN HALL, 9 MARGARET STREET, BIRMINGHAM, B3 3BS

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 DECLARATIONS OF INTERESTS

Members are reminded 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 - 6

4 MINUTES

To confirm and sign the Minutes of the meeting held on 19 January, 2022.

7 - 16

5 DUGDALE CRESCENT VILLAGE GREEN APPLICATION REPORT

The report of the Interim City Solicitor

17 - 32

6 LPPC FINANCIAL MONITORING 2021/22 – QUARTER 3

The report of the Interim Assistant Director of Regulation & Enforcement

<u>33 - 40</u>	7	<u>LPPC FINANCIAL BUDGET 2022/23</u>	The report of the Interim Assistant Director of Regulation & Enforcement
<u>41 - 68</u>	8	<u>REGULATION & ENFORCEMENT FEES AND CHARGES REPORT</u>	The report of the Interim Assistant Director of Regulation & Enforcement
<u>69 - 82</u>	9	<u>MANDATORY HMOS FEES AND CHARGES 2022-23 REPORT</u>	The report of the Interim Assistant Director of Regulation & Enforcement
<u>83 - 114</u>	10	<u>PROSECUTIONS AND CAUTIONS REPORT – DECEMBER 2021 AND JANUARY 2022</u>	The report of the Interim Assistant Director of Regulation & Enforcement
<u>115 - 134</u>	11	<u>REGULATING THE COMMONWEALTH GAMES - FEBRUARY 2022</u>	The report of the Interim Assistant Director of Regulation and Enforcement
<u>135 - 142</u>	12	<u>UPDATE ON FOOD PROGRAMME</u>	The report of the Interim Assistant Director of Regulation & Enforcement
	13	<u>DATE AND TIME OF NEXT MEETING</u>	To note the date and time of the next meeting.
	14	<u>OTHER URGENT BUSINESS</u>	To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.
	15	<u>AUTHORITY TO CHAIR AND OFFICERS</u>	Chair to move:- 'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
19 JANUARY, 2022**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 19 JANUARY, 2022 AT 1030
HOURS AT BMI, MAIN HALL, MARGARET
STREET, BIRMINGHAM**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Alex Aitken, Bob Beauchamp, Nicky Brennan,
Adam Higgs, Diane Donaldson, Nagina Kauser, Mike Leddy,
Mary Locke, Simon Morrall, Mike Ward and Martin Straker
Weld

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NOTICE OF RECORDING/WEBCAST

- 1428 The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTEREST

- 1429 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

APOLOGIES

- 1430 An apology was received from Councillor Mike Sharpe for non-attendance.

MINUTES

- 1431 Councillor Mike Ward asked that it be ensured that he was included on the CMIS invitation for the meetings.

The Chair advised that he was trying to arrange for the Cabinet Member to attend a meeting for the issue of street begging however the meantime he had submitted a view on street begging at junctions to the consultation on PSPO's.

1432 **RESOLVED:-**

That the minutes of the meeting held on 10 November, 2021, having been previously circulated, be confirmed and signed by the Chair.

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

PETITIONS

Councillor Mike Leddy submitted a petition to the Chief Constable West Midlands, Lord Mayor and relevant Directorate regarding traffic speeds on Broad Lane, Kings Heath, Birmingham.

1433 **RESOLVED:-**

That the petition be received and noted and referred to the relevant parties.

HACKNEY CARRIAGE & PRIVATE HIRE DELEGATIONS UPDATE REPORT

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

(See document no. 1)

Shawn Woodcock, Licensing Operations Manager gave a brief summary of the report during which he sought the Committee's view on the recommendations.

Following a brief discussion it was proposed by Councillor Diane Donaldson, seconded by Councillor Mary Locke and

1434 **RESOLVED:-**

- i) That the Committee confirms the delegation as standard, subject to annual reporting with all other delegations; and
 - ii) That the Committee agree the cessation of the measures detailed in Paragraph 6 to the report regarding renewal of hackney carriage and private hire licences.
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STATEMENT OF GAMBLING PRINCIPLES POST-CONSULTATION REPORT

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

(See document no. 2)

Shawn Woodcock, Licensing Operations Manager made introductory comments relating to the report giving a summary of the information set out in the report. It was noted that there were 2 responses from the consultation included with the report. In response to questions from Members there was no current restraint on advertising of gambling. All premises had a social responsibility to look after, protect and signpost vulnerable people and those at risk. When premises were checked by officers they ensured that they were taking some care by putting signs up etc. There was a Bet Watch Scheme similar to the Pub Watch Scheme. Enforcement action could be taken against premises including a review of their premises licence.

1435 **RESOLVED:-**

That the Committee endorses the Post Consultation Draft Statement of Gambling Principles and recommends the draft document at Appendix 2 to full City Council.

REGULATION AND ENFORCEMENT ACTIVITY REPORT – OCTOBER/NOVEMBER/DECEMBER 2021

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

(See document no. 3)

Following a brief introductory of the report it was:-

1436 **RESOLVED:-**

That the report be noted.

PROSECUTIONS AND CAUTIONS – SEPTEMBER/OCTOBER/NOVEMBER 2021

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

(See document no. 4)

Paul Lankester made introductory comments relating to the report. It was noted that the backlog to court cases owing to the Covid Pandemic was 18 months.

1437 **RESOLVED:-**

That the report be noted.

CHAIRS AUTHORITY REPORT – OCTOBER 2021

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

(See document no. 5)

1438 **RESOLVED:-**

That the report be noted.

DATE AND TIME OF NEXT MEETING

1439 The date of the next formal meeting to be held on 9 March, 2022 at 1030 hours was noted.

OTHER URGENT BUSINESS

1440 There was no other urgent business.

AUTHORITY TO CHAIR AND OFFICERS

1441 **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 1125 hours.

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CHAIRMAN

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	INTERIM CITY SOLICITOR	
Date of Committee:	09 MARCH 2022	
SUBJECT:	APPLICATION FOR THE REGISTRATION OF A TOWN/VILLAGE GREEN AT 'THE FIELD' DUGDALE CRESCENT, SUTTON COLDFIELD, B75 5EU (SUTTON NEW HALL WARD) ("THE APPLICATION")	

1. Purpose of Report:
1.1 This report seeks the determination of the above Application by Licensing and Public Protection Committee.

2. Decision(s) Recommended:
The Licensing and Public Protection Committee is requested to:
2.1 Approve the application for the registration of a town/village green at 'The Field', Dugdale Crescent, Sutton Coldfield.

Lead Contact Officer(s):	Tarndip Singh Sidhu, Senior Solicitor – Legal Services
Telephone No:	0121 303 3188
E-mail address:	tarndip.sidhu@birmingham.gov.uk

3. Consultation
<p data-bbox="121 197 323 230">3.1 <u>Internal</u></p> <p data-bbox="225 271 1484 371">The application site is owned by Birmingham City Council and therefore the statutory notice to the landowner referred to in 3.2 was served on the landholding department in the Council.</p> <p data-bbox="121 450 336 483">3.2 <u>External</u></p> <p data-bbox="213 524 1481 669">Notice of the Application was posted at the application site and published in the local press, and was also served upon the landowner in line with legislative requirements. There have been no objections to the Application received from the landowner or any third parties.</p>
4. Compliance Issues:
<p data-bbox="121 842 1366 909">4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p data-bbox="225 949 1481 1016">The determination of the Application is consistent with the Council's corporate strategic outcomes and priorities, in particular a 'Healthy Birmingham' and 'Green Birmingham'.</p> <p data-bbox="121 1095 1347 1162">4.2 <u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p data-bbox="225 1202 1481 1303">There is no financial implication for the Licensing Service for Village Green applications. Licensing and Public Protection Committee hold the decision making role only in this process.</p> <p data-bbox="121 1382 478 1415">4.3 <u>Legal Implications</u></p> <p data-bbox="213 1456 1484 1780">Birmingham City Council is the registration authority ("the Registration Authority") for the purposes of the Commons Act 2006, ("the Act") under which it is required to determine town/village green applications. This function is delegated to the Licensing and Public Protection Committee ("LPPC"). The determination of town/village green applications is based on a statutory test that is set out in the Act, as further detailed below in the report. The failure to properly discharge this statutory function could result in the Council's determination of the Application being judicially challenged. As the Application is unopposed and is recommended for approval, the risk of this occurring is considered to be low.</p> <p data-bbox="121 1859 608 1892">4.4 <u>Public Sector Equality Duty</u></p> <p data-bbox="213 1933 1481 2000">No specific Equality issues have been identified. The Application must be determined in accordance with the statutory test set out in the applicable legislation.</p>

5. Relevant Background/Chronology of Key Events:

The Application

- 5.1 The Application was received from a local resident in the Sutton New Hall ward (“the Applicant”) on behalf of a group referring to itself as ‘Friends of the Green’. The Application is made under section 15(2) of the Commons Act 2006 to register the land at Dugdale Crescent, Sutton Coldfield, B75 5EU (“the Application Site”) as a town/village green. The extent of Application Site applied for is shown on the plan attached hereto as Appendix 1. The freehold title to the Application Site is owned by Birmingham City Council (“the Landowner”).
- 52 Notice of the Application was posted at the Application Site and published in the local press. Notice of the Application was also served upon the Landowner. There have been no objections to the Application received from the Landowner or any third parties.

The Statutory Test

- 53 Under the Act, the statutory test which needs to be satisfied in order for the Application to success is whether at the time the Application was made, the Application Site was *“land on which, for not less than 20 years a significant number of the inhabitants of the locality, or of any neighbourhood within a locality, had indulged in lawful sports and pastimes as of right, and continued to do so at the time of the application”*. The onus is upon the Applicant to produce evidence to demonstrate, on the balance of probabilities, that the Application Site qualifies as a town/village green in accordance with the statutory test. The consequence of registering the Application Site as a town/village green is that once land is registered as a village green, it can only be used for that purpose.
- 54 Given the multi-faceted and legalistic nature of the statutory test, the Applicant also submitted a detailed supporting statement from its legal advisor setting out how the Application and supporting evidence satisfy each limb of the statutory test. The various components of the statutory test can be broken down and considered in the following way:

- ***“a significant number of inhabitants”***

The requires that the use should be by “a significant number of inhabitants” of a locality or a neighbourhood within a locality. To satisfy this requirement, the Applicant has submitted 111 evidence questionnaires completed by people who live / have lived in the neighbourhood during the relevant 20-year period, together with a further 29 questionnaires were submitted from people living a short distance outside the neighbourhood. In addition, 21 witness statements from present and former residents of the neighbourhood have been submitted. As the estimated number of dwellings in the neighbourhood is 450, it is considered that the evidence submitted by the Applicant constitutes a significant number and therefore satisfies this criterion.

- ***“locality or a neighbourhood within a locality”***

This requires that the inhabitants in support of the Application should live in an identifiable locality or a neighbourhood within a locality. Given the extent of the claimed neighbourhood relative to the geography of the local area (as shown on the plan at Appendix 2), the neighbourhood identified by the Applicant is considered to constitute an identifiable “neighbourhood” for the purposes of the statutory test.

- ***“as of right”***

This criterion contains three separate aspects which all have to be met. A long line of case law establishes that the Applicant must show that the use throughout the 20-year period occurred without force, without stealth and without the permission of the landowner. The Application Site is unfenced and there is no record of notices ever having been put up by the Landowner to indicate that permission to use it is either given or withheld. The many evidence questionnaires and witness statements submitted by the Applicant describe how the inhabitants of the neighbourhood entered and used the Application Site without force or secrecy. In the absence of any express or implied permission to use the Application Site, this criterion has been satisfied.

- ***“lawful sports and pastimes”***

This criterion requires that that inhabitants of the neighbourhood must have used the Application Land for “lawful sports and pastimes”. The evidence questionnaires that have been submitted by the Applicant provide a full list of the sports and pastimes indulged in by inhabitants of the neighbourhood with the most common being dog walking, playing (as a child or with a child), walking, football and local neighbourhood events. Given the significant number of questionnaires submitted and the consistency of the claimed sports and pastimes across the many questionnaires, it is considered that this evidences that there has been continual use of the Application Land for the claimed sports and pastimes.

- ***“not less than 20 years”***

This criterion requires that the claimed sports and pastimes must have taken place continuously for not less than 20 years, and continued at the time of the application. The many evidence questionnaires submitted by the Applicant describe how the Application Site has been used by the local inhabitants without interruption throughout the requisite 20-year period and that the use continues. This criterion is therefore satisfied.

6. Determination of the Application

- 6.1 There is no specific procedure prescribed in the legislation for the determination of town/village green applications. The procedure to be adopted to determine the Application is at the discretion of the Registration Authority, acting through LPPC. Counsel’s advice in respect of previous town/village green applications stated that where an application raises a “serious dispute” the Registration Authority may be required to commission an independent expert non-statutory inquiry to establish the requisite facts and to give LPPC advice/recommendations on the determination of that application. However, given that this Application is unopposed and there is no ‘dispute’ in relation to the evidence submitted by the Applicant, there is no requirement for a public inquiry for the determination for this village green application.
- 6.2 As explained in section 5 of this report, Legal officers have carefully evaluated the Application and supporting evidence submitted by the Applicant and consider that the Application Site qualifies as a town/village green in accordance with the statutory test set out above. On that basis, LPPC is recommended to approve the Application for the registration of a town/village green at the Application Site.

7. Evaluation of Alternative Option(s):	
7.1	The Council could commission an independent expert non-statutory inquiry (conducted by a barrister who is an expert in the relevant law) to establish the requisite facts and to give LPPC advice/recommendations on the determination of the Application. This procedure has been used for complex contested applications in the past, but would have significant cost and time implications and is not considered to be necessary on this occasion as the Application is unopposed and a careful analysis by officers of the Application and supporting evidence has concluded that the statutory test has been satisfied.
7.2	The determination of the Application could be delegated to a Licensing Sub-committee to further investigate and review the Application and supporting evidence before determining it. However, as the Application is unopposed and a careful analysis by officers of the Application and supporting evidence has concluded that the statutory test has been satisfied, it is considered that in the current circumstances with the ongoing pandemic it is preferable for the Application to be determined immediately by LPPC.

8. Reasons for Report	
8.1	The Application is unopposed and based on a careful evaluation of the Application and supporting evidence, officers consider that the statutory test has been satisfied.

Signatures

Satinder Sahota
Interim City Solicitor

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Date

List of Background Documents used to Compile this Report:

1. Application and supporting documents submitted by the Applicant

List of Appendices accompanying this Report (if any):

1. Appendix 1 - Site plan showing the Application Site
2. Appendix 2 – plan showing the claimed neighbourhood within a locality

Report Version	1.0	Dated	18 January 2022
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MAP B (Exhibit 2)

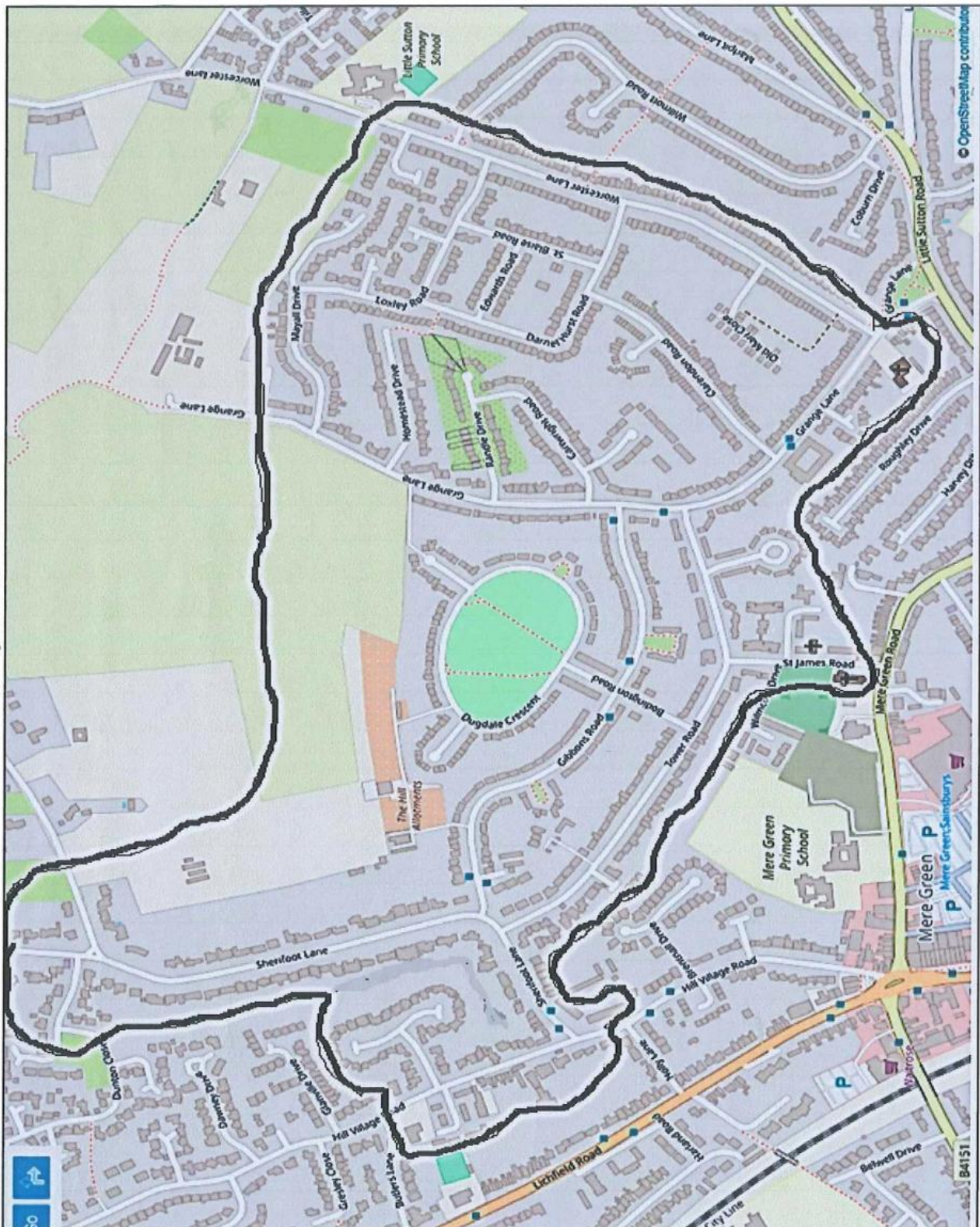
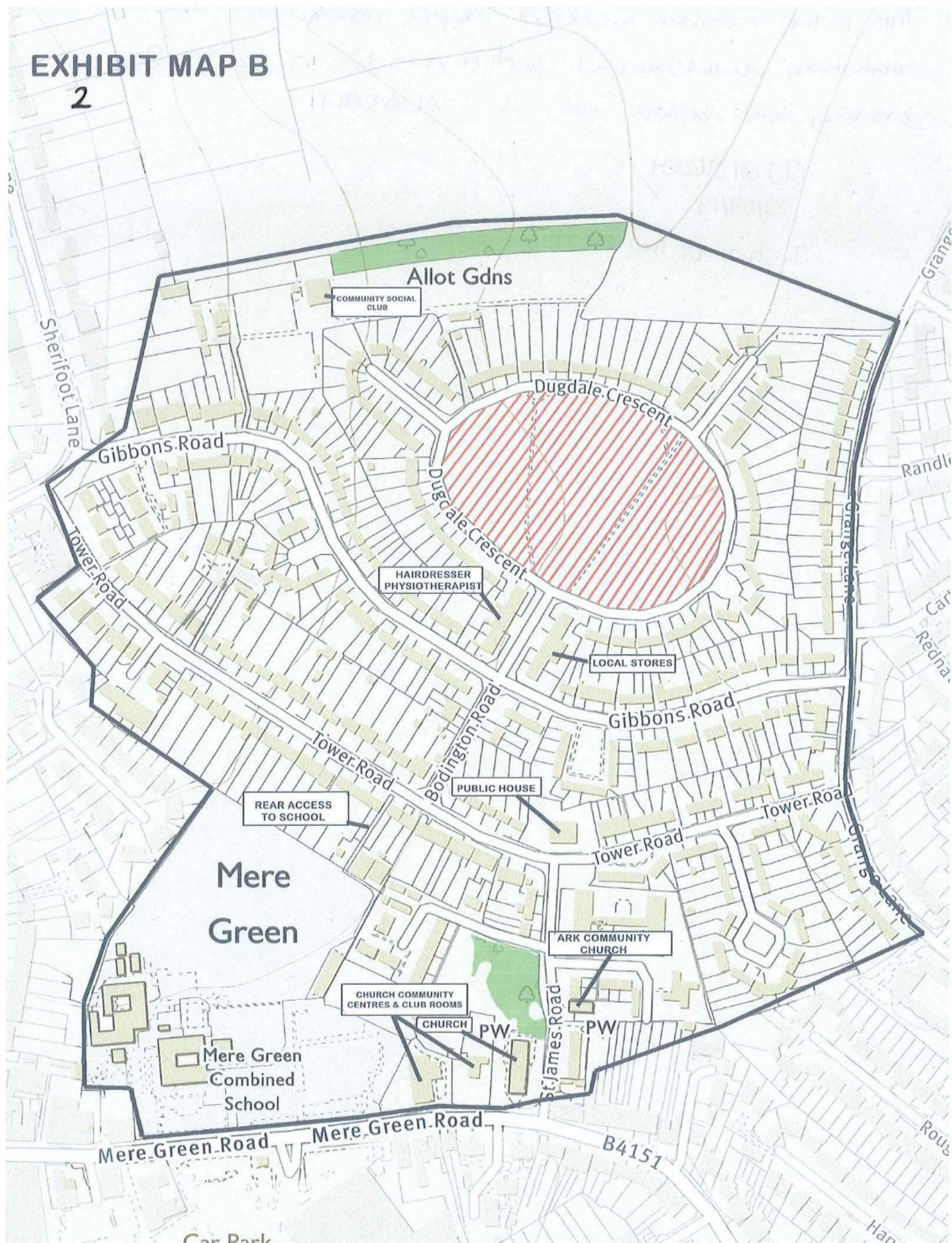


EXHIBIT MAP B

2



Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	INTERIM ASSISTANT DIRECTOR REGULATION AND ENFORCEMENT AND DIRECTOR OF COUNCIL MANAGEMENT	
Date of Decision:	09 MARCH 2022	
SUBJECT:	LICENSING AND PUBLIC PROTECTION FINANCIAL MONITORING 2021/22 - QUARTER 3	

1. Purpose of Report:
<p>1.1 This report sets out the position on the Licensing and Public Protection Committee's Revenue Budgets at the end of December 2021 (Quarter 3) and the forecast position for the year end. It highlights any issues that have arisen and informs the Licensing and Public Protection Committee (LPPC) of any action being taken to contain spending within the approved cash limits.</p> <p>1.2 The report also details the latest performance within the Licensing and Public Protection Committee including progress against the approved Savings Programme for 2021/22.</p> <p>1.3 The report is in line with the current City Council established financial monitoring framework to ensure that expenditure is managed within cash limits.</p>

2. Decision(s) Recommended:
<p>The Licensing and Public Protection Committee is requested to:</p> <p>2.1 Note the latest Revenue budget position at the end of December 2021 (Quarter 3) including Forecast Outturn pressure of £0.140m including both Covid response and non-Covid implications as detailed in Appendix 1.</p> <p>2.2 Note the forecast Covid-19 financial pressure for services as set out in Appendix 2</p> <p>2.3 Note the analysis of ring-fenced Licensing expenditure and income set out in Appendix 3</p> <p>2.4 Note the analysis of ring-fenced grant funded services as set out in Appendix 4</p> <p>2.5 Note the position on reserves and balances, as detailed in Appendix 5</p>

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

3.	Consultation
3.1	<p><u>Internal</u></p> <p>The financial position on the revenue and capital budget is reported on a monthly basis to the Management Team and the Interim Assistant Director of Regulation and Enforcement is briefed on the major financial issues, as required in line with the Council's framework.</p>
3.2	<p><u>External</u></p> <p>There are no additional issues beyond consultations carried out as part of the budget setting process for 2021/22.</p>

4.	Compliance Issues:
4.1	<p><u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The budget is integrated within the Council's Financial Plan 2021+, and resource allocation is directed towards policy priorities.</p>
4.2	<p><u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p>The Licensing and Public Protection Financial Monitoring 2021/22 - Quarter 3 report provides details of monitoring of service delivery within available resources.</p>
4.3	<p><u>Legal Implications</u></p> <p>Section 151 of the 1972 Local Government Act requires the Director of Council Management (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Management Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.</p>
4.4	<p><u>Public Sector Equality Duty</u></p> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p>

5. Relevant Background/Chronology of Key Events:

Revenue Budget 2021/22

- 5.1 The City Council approved the overall budget for 2021/22 on 23 February 2021.
- 5.2 The Licensing and Public Protection Committee noted the net revenue budget of **£6.445m** on 10 March 2021.
- 5.3 Adjustments in Quarter 2 were presented to Licensing and Public Protection Committee at their sitting on 10 November 2021.
- 5.4 There was one adjustment in the third quarter – this related to the previously centralised budgets for Information Communication Technology (ICT) that have been “de-centralised” for ring-fenced and traded services only - as set out below

Budget Movements from April – December 2021	
Description	£'m
Budget at start of year – (LPPC 10 March 2021)	6.445
Licensing Street Trading – remaining funding transfer	0.063
Additional funding for increments (part of corporate allocation)	0.251
Approved transfer from Register Office to support the increasing Computed Tomography Post Mortem (CTPM) programme	(0.080)
Budget at Quarter 1 – (LPPC 08 September 2021)	6.679
Centralisation of postage budgets (Environmental / Coroners)	(0.006)
Budget at Quarter 2 – (LPPC 10 November 2021)	6.673
De-centralisation of ICT budgets relating to ring fenced services	0.125
Budget at Quarter 3	6.798

- 5.5 The current approved budget for this Committee is now £6.798m.
- 5.6 The City Council has well-established arrangements for monitoring spending against the cash limited budgets allocated to Directorates and Committees.
- 5.7 Reports are presented to Cabinet on a quarterly basis on the overall city-wide financial position. The Licensing and Public Protection Committee will normally receive quarterly financial performance reports during the financial year.

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

- 5.8 An overall year end net pressure of £0.140m is being forecast formally.
- 5.9 Of this forecast net pressure £0.550m pressure is directly attributable to the Covid-19 responses of these service areas (a list of Covid-19 pressures is shown in Appendix 2).
- 5.10 Mitigating action has been implemented in most service areas – including additional contract work that has been delivered by Pest Control. All Covid-19 pressures reported here are also included in the corporate reporting of the overall Council responses.
- 5.11 Budgets continue to be managed rigorously. Any changes will be reported in future reports.
- 5.12 The table on page 4 - is a high-level summary of the projected year end by service (details in Appendix 1) and how this is comprised of Base budget and Covid related pressures.

Forecast Year End Variations – Quarter 3				
	Savings Programme	COVID-19 Pressures	Base Budget Pressures	Total Pressure
Budget Head	£'m	£'m	£'m	£'m
Environmental Health	0.000	0.010	(0.210)	(0.200)
Pest Control	0.000	0.000	(0.011)	(0.011)
Register Office	0.000	0.192	(0.192)	0.000
Coroners Courts	0.000	0.140	0.103	0.243
Trading Standards	0.000	0.208	(0.100)	0.108
TOTAL	0.000	0.550	(0.410)	0.140

The key components of the projection include:

- **Registration Service (forecast net balanced position)**

The Registration Service continues to play a key role in Covid-19 responses with death registrations continuing throughout the pandemic. Additional hours have been contracted from staff. Equipment and infrastructure have been installed to enable public access to the building.

The mainstream service is delivering a number of mitigations and in addition is seeing positive growth in income continuing to improve with wedding ceremonies increasing after a prolonged period of lockdown and including preference for civil ceremonies where other venues have been slow to reopen at full capacity.

- **Coroners Court Service (forecast £0.243m pressure)**

As part of the Covid-19 response, the Coroners have an increased workload and have contracted additional staff and additional hours to ensure that there is continuous cover.

Additional venues have had to be hired to ensure that inquests can be facilitated with the correct social distancing requirements.

Non-Covid-19 pressure includes additional venue hire for two major inquests where the City Centre court venues were not suitable and timing issues on third party Service Level Agreements.

- **Trading Standards (£0.108m net pressure)**

Trading Standards have had reduced income through the courts due to the slowdown caused by Covid and resultant changes in justice system.

The service incur expenditure in defending court cases and in normal circumstances would have had the right to the income legally awarded to us in court. As such, these cannot be recovered at any later date.

This issue is partly mitigated through the reduced use of legal services such as barrister fees that would normally be incurred for these cases.

In addition, the team are also spearheading several investigations into Covid-19 related financial fraud.

Savings Programme

- 5.13 There are no items on the Corporate Savings Programme for 2021/22 for this committee.

Mitigations and Management Actions 2021/22

- Managers of services reporting to this committee are involved in a number of actions this financial year to mitigate budget pressures for current and future financial years.

Licensing and Street Trading

- 5.14 Within Licensing: each category is a separately ring-fenced service where income is only intended to be used to cover the reasonable and proportionate costs of providing the service.
- 5.15 This is being implemented in actual expenditure and income and set out in Appendix 3.
- 5.16 The budget set corporately – however has been returned to a near balanced position following an agreement to return previously centralised ICT budgets to the ring-fenced services.
- 5.17 This does not affect either the operation of the ring-fence nor postings to and from reserves which are based on the actuals.

Covid-19 Compliance and Enforcement

- 5.18 Environmental Health are coordinating a council-wide compliance and enforcement programme. For 2021/22 this is entirely funded through the Director of Public Health's Track and Trace programme.

6. Grant Funded Programmes (Appendix 4)

- 6.1 Within Regulatory Services, there are two grant funded programmes:
Illegal Money Lending
- 6.2 The Illegal Money Lending Team (IMLT) England investigate and take legal action against Illegal Money Lending or "Loan Shark" perpetrators across the whole of England.
- 6.3 Please note that the budget has been returned to a net-balanced position following an agreement to return previously centralised ICT budgets to the ring-fenced services.
- 6.4 The project is funded through specific grant from HM Treasury, with resources of up to £4.254m in 2021/22.
- 6.5 The expenditure at the end of December 2021 was £2.912m (68%) this is a reasonable level for three-quarters way through the year - and it is anticipated that the programme will fully spend the grant allocated and has a good track record of achieving this.
- 6.6 The income for the full year has now been received – Quarter 4 being posted at the end of December. This is earlier than anticipated and so is *temporarily* causing a year-to-date favourable variation.

Regional Intelligence Team

- 6.7 The Regional Intelligence Team (RIT) investigate and take legal action against fraudsters operating across council boundaries in the central region.
- 6.8 As with IMLT the budget has been returned to a net-balanced position following an agreement to return previously centralised ICT budgets to the ring-fenced services.
- 6.9 Funding has been confirmed at £0.327m for 2021/22.
- 6.10 Expenditure at the end of December 2021 was £0.301m, ahead of where we would expect. However, additional grant is in the process of being confirmed. This programme is expected to balance at the year end and not pose a financial pressure on General Fund budgets.

7. Proceeds of Crime Act

- 7.1 Regulatory Services secures funding through the Proceeds of Crime Act 2002 (PoCA) in response to financial investigations undertaken following sentencing by the courts.
- 7.2 PoCA monies are held by the Local Authority and ring-fenced for expenditure on community and crime prevention projects. Expenditure specifically recorded as planned PoCA items will be funded routinely through a combination of appropriations from PoCA reserves and income received during the year.
- 7.3 For Birmingham Trading Standards the balances brought forward were £0.493m.
- 7.4 For England Illegal Money Lending the balances brought forward were £0.581m.

8. Balances and Reserves (Appendix 5):

- 8.1 The reserves are shown in Appendix 5. These currently total £0.476m and forecast to reduce to £0.451m by the end of this financial year.
- 8.2 All planned income and expenditure on reserves will be reported to this Committee.
- 8.3 The current balance for Hackney Carriage and Private Hire is deficit £0.863m and it is unlikely that this will be reduced this financial year. It is generally recommended that at least 1/3rd of the balance is incorporated into future fee calculations. However, due to the ongoing Covid-19 situation when looking ahead at the start of 2021/22 there had been a reluctance to pass this burden to local businesses in the short term
- 8.4 The current balance for Entertainment and General Licensing is a deficit £0.169m and as with the above, it is anticipated that at least 1/3rd of this value (£0.060m) will be utilised at the end of this financial year.

9. Evaluation of Alternative Option(s):

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

10. Reasons for Report:	
10.1	The Report informs the Licensing and Public Protection Committee of the Revenue Budget for 2021/22, and the forecast outturn, including Covid-19 response financial implications for Quarter 3 (April to December 2021)
10.2	The latest position in respect of the Licensing and Public Protection Committee's use of reserves, Savings Programme and risks are also identified.

Signatures	
Paul Lankester Interim Assistant Director Regulation and Enforcement
Rebecca Hellard Director of Council Management
Date	

List of Background Documents used to Compile this Report:
Licensing & Public Protection Revenue and Capital Budget 2021/22 – 10 March 2021 Licensing & Public Protection Financial Monitoring 2021/22 - Quarter 1 – 08 September 2021 Licensing & Public Protection Financial Monitoring 2021/22 - Quarter 2 – 10 November 2021

List of Appendices accompanying this Report (if any):			
Appendix 1 - Financial Performance, Forecast Outturn Quarter 3 Appendix 2 – Analysis of Forecast Covid-19 financial pressures. Appendix 3 - Ring Fenced Licensing Services Appendix 4 - Ring Fenced Grant Funded Services Appendix 5 - Ring-Fenced Balances and Reserves			
Report Version	2.1	Dated	11 February 2022

Licensing and Public Protection Committee - Quarter 3 2021/22

Analysis A - Total per Service Area

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Quarter 3					
	Current Budget 2021/22	Budget Profile at Quarter 3 2021/22	Actual Quarter 3 2021/22	Variation at Quarter 3 2021/22	Forecast Full Year Covid 2021/22	Forecast Non-Covid Variance 2021/22
	£'000	£'000	£'000	£'000	£'000	£'000
Neighbourhoods Directorate / City Operations						
Environmental Health	3,193	2,370	1,961	(409)	10	(210)
Pest Control	287	224	443	219	0	(11)
Registration Service	730	587	336	(251)	192	(192)
Coroners Courts	1,611	1,539	1,630	91	140	103
Trading Standards	1,047	771	836	65	208	(100)
-						
Licensing (see Appendix 2)	(15)	(560)	12	572	0	0
Grants and PoCA (Appendix 3)	(0)	3	(1,164)	(1,167)	0	0
Inclusive Growth Directorate						
Public Rights Of Way	49	37	33	(4)	0	0
Highway Licences	(47)	12	(243)	(255)	0	0
NRSWA Licences	(58)	(43)	(50)	(7)	0	0
Net Expenditure	6,798	4,939	3,793	(1,146)	550	(410)

Analysis B - Total per Type of Expenditure/Income

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Quarter 3					
	Current Budget 2021/22	Budget Profile at Quarter 3 2021/22	Actual Quarter 3 2021/22	Variation at Quarter 3 2021/22	Forecast Full Year Covid 2021/22	Forecast Non-Covid Variance 2021/22
	£'000	£'000	£'000	£'000	£'000	£'000
Employees	15,241	11,439	10,814	(624)	228	(25)
Premises	914	733	501	(232)	0	0
Transportation	243	182	303	121	0	0
Supplies and Service	3,075	2,352	1,868	(484)	114	(110)
Capital Financing	212	159	176	17	0	0
Recharge Expenditure	744	75	277	202	0	0
Total Expenditure	20,429	14,940	13,939	(1,001)	342	(135)
Rev Income	(13,420)	(9,842)	(10,017)	(175)	208	(275)
Capital Funding, levies, interest	(212)	(159)	(129)	30	0	0
Appropriations to/from Reserves	0	0	0	0	0	0

Net Expenditure	6,798	4,939	3,793	(1,146)	550	(410)
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PoCA - Proceed of Crime Act 2002

NRSWA - New Roads and Street Works Act 1991

Appendix 2

Licensing and Public Protection Committee - Quarter 3 2021/22

Covid Commitments

			Forecast Full Year Covid 2021/22
		£'000	£'000

Neighbourhoods Directorate / City Operations

Environmental Health

HW073	Bulk purchase of Hi-Viz safety clothing / PPE	10	10
	<i>Safety of staff and public - plus additional intensive cleaning for public access and offices</i>		

Register Office

EC032	Register Office cost of additional contracted hours for officers	162	192
EC047	Register Office - cost of PPE/infrastructure for new working arrangements	7	
HW069	Register Office - cost of additional security for public access	23	
Additional contracted hours until March 2022 to meet statutory workload, PPE for public access areas, additional security for protection of public and to assist compliance.			

Coroner

HW080	Coroner - additional admin support - from May 2020. Plus additional arrangement for jury inquests	46	140
HW087	Coroner - cost of additional contracted hours for Coroner Investigators	20	
HW100	Coroner - cost of additional coroner over and above holiday cover plus additional assistant coroners above BAU plans to deal with COVID workload.	74	
Additional Admin Support, additional investigation staff, additional coroners cover (Above BAU holiday cover)			

Trading Standards

Trading Standards			
EC055	Trading Standards investigation into Covid Business Grant Fraud	58	208
EC053	Reduction in reimbursement of court costs due to closures over Covid period and prioritisation of serious criminal hearings only.	150	
<i>Officer time and additional temporary staff directed to Covid related fraud interventions. Also additional professional services (e.g. phone forensics). Recovery/repayment of court costs not expected to resume following changes to how legal cases are being heard during pandemic.</i>			

	Forecast Covid Pressure 2021/22	550	550
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Licensing and Public Protection Committee - Quarter 3 2021/22

Expenditure on Licensing Ring Fenced Activities

VAN04F1200 Licensing Hackney Carriage Private Hire

CBP620 - Corporate Monitoring Report - Revenue	Actual Quarter 3
	£'000
Employees	394
Premises	6
Transportation	78
Supplies and Service	78
Recharge Expenditure	421
Total Expenditure	977
Income from Licensing	(802)
Net Expenditure	175

VAN04F1300 Licensing Entertainment & General

CBP620 - Corporate Monitoring Report - Revenue	Actual Quarter 3
	£'000
Employees	230
Premises	0
Transportation	0
Supplies and Service	21
Recharge Expenditure	281
Total Expenditure	532
Income from Licensing	(683)
Net Expenditure	(151)

VAN04F1400 Street Trading

CBP620 - Corporate Monitoring Report - Revenue	
	Actual Quarter 3
£'000	£'000
Employees	82
Premises	5
Transportation	1
Supplies and Service	
Recharge Expenditure	0
Total Expenditure	88
Income from Licensing	(100)
Net Expenditure	(12)

Licensing Net Expenditure	12
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Licensing and Public Protection Committee - Quarter 3 2021/22

Expenditure on Grant Funded Activities
England Illegal Money Lenders Team (IMLT)

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Quarter 3			
	Current Budget	Budget Profile at Quarter 3	Actual Quarter 3	Variance
	£'000	£'000	£'000	£'000
Employees	3,549	2,662	2,470	(192)
Premises	74	56	14	(42)
Transportation	77	57	47	(10)
Supplies and Service	464	359	261	(98)
Capital Financing	58	44	44	0
Recharge Expenditure	90	59	76	17
Total Expenditure	4,312	3,237	2,912	(325)
Grant Income	(4,254)	(3,190)	(4,254)	(1,064)
Capital Funding, levies, interest	(58)	(44)	(36)	8
Appropriations to/from Reserves	0	0	0	0
Net Expenditure	0	3	(1,378)	(1,381)

Regional Intelligence Team (RIT)

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Quarter 3			
	Current Budget	Budget Profile at Quarter 3	Actual Quarter 3	Variance
	£'000	£'000	£'000	£'000
Employees	230	173	179	6
Premises	2	1	1	0
Transportation	2	1	1	0
Supplies and Service	72	54	114	60
Capital Financing			0	0
Recharge Expenditure	21	16	6	(10)
Total Expenditure	327	245	301	56
Grant Income	(327)	(245)	(189)	56
Capital Funding, levies, interest	0	0	0	0
Appropriations to/from Reserves	0	0	0	0
Net Expenditure	0	0	112	112

Proceeds of Crime Act 2002 (PoCA)

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Quarter 3			
	Current Budget	Budget Profile at Quarter 3	Actual Quarter 3	Variance
	£'000	£'000	£'000	£'000
Expenditure	4	3	291	288
Income	(4)	(3)	(189)	(186)
Appropriations to/from Reserves	0	0	0	0
Net Expenditure	0	0	102	102
Grants Net Expenditure	0	3	(1,164)	(1,167)

Licensing and Public Protection Committee - Quarter 3 2021/22

	Balance at 01Apr2021	Forecast Use of Reserves in 2021/22	Forecast Contribution to Reserves in 2021/22	Forecast Balance at 31Mar2022
	£'000	£'000	£'000	£'000
<u>Ring-Fenced Licensing Reserves</u>				
Hackney Carriage and Private Hire *	863	0	0	863
Entertainment and General *	169	0	(60)	109
<u>Ring-Fenced Grant Reserves</u>				
England Illegal Money Lending Team	(348)	0	0	(348)
Regional Intelligence Team	(43)	43	0	0
Covid Enforcement / Compliance Support	(42)	42	0	0
<u>Ring-Fenced Proceeds of Crime Act</u>				
Trading Standards (Birmingham)	(493)	0	0	(493)
Regional Intelligence Team (Midlands)	(1)	0	0	(1)
Illegal Money Lending (England)	(581)	0	0	(581)
Total	(476)	85	(60)	(451)
Forecast Net appropriations in 2021/22			25	

* Hackney Carriage / Private Hire - 1/3 debit balance to be included in the licence fee calculations

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	INTERIM ASSISTANT DIRECTOR REGULATION AND ENFORCEMENT AND DIRECTOR OF COUNCIL MANAGEMENT	
Date of Decision:	09 MARCH 2022	
SUBJECT:	LICENSING AND PUBLIC PROTECTION REVENUE BUDGET 2022/23	

1. Purpose of Report:
<p>1.1 This report sets out the Licensing and Public Protection Committee's (LPPC) Revenue Budget for the 2022/23 financial year.</p> <p>1.2 The report also details the approved savings programme for 2022/23.</p> <p>1.3 The report is in line with the current City Council established financial budgetary framework.</p>

2. Decision(s) Recommended:
<p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Note the 2022/23 Revenue Budget Changes as detailed in Appendix 1.</p> <p>2.2 Note the 2022/23 Service and Subjective Budget in Appendix 2.</p> <p>2.3 Note the Budget 2022/23 to 2025/26 in Appendix 3.</p> <p>2.4 Note the latest 2022/23 Reserves position as detailed in Appendix 4.</p>

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

3. Consultation
<p>3.1 <u>Internal</u></p> <p>The 2022/23 Revenue Budget has been reported to the City Operations Directorate Senior Management Team and the Interim Assistant Director of Regulation and Enforcement. Legal and Finance have also been consulted as required in line with the Council's framework.</p> <p>3.2 <u>External</u></p> <p>There are no additional issues beyond consultations carried out as part of the Public Budget Consultation that was completed for 2022/23.</p>
4. Compliance Issues:
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The budget is integrated with the Council Plan and Budget 2022+ and resource allocation is directed towards policy priorities.</p> <p>4.2 <u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p>This report sets out the revenue budget available, to deliver services which are the responsibility of Licensing and Public Protection Committee, during the 2022/23 financial year.</p> <p>Budget monitoring reports, detailing financial performance against cash limits and any required actions, will be brought to Licensing and Public Protection Committee at regular intervals in 2022/23.</p> <p>4.3 <u>Legal Implications</u></p> <p>Section 151 of the 1972 Local Government Act requires the Director of Council Management (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Leadership Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.</p> <p>4.4 <u>Public Sector Equality Duty</u></p> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p>

5. Relevant Background/Chronology of Key Events:

Revenue Budget 2022/23

- 5.1 The City Council approved the overall budget on 22 February 2022. The Licensing and Public Protection Committee should note the original net revenue budget allocation of **£7.640m** (as detailed in Appendices 1, 2 and 3) and summarised below.
- 5.2 The City Council's Budget Strategy for 2022/23 is based on the following principles:
- Provision for Employers National Insurance uplift 1.25%.
 - Provision for pay award (including from 2021/22) for 2022/23 of 2.5%
 - General inflation is 2% from April 2022.
 - Inflation on Fees and Charges budgets of 1% - this relate to the budget and neither enforces nor restricts individual fees and charges themselves where an inflationary increase of at least 3% is being encouraged where the market allows.
 - The revenue and financial implications from capital expenditure programmes and equal pay are reflected in the long-term budget.
- 5.3 Changes from 2021/22 Quarter 3 (also reported to Committee 09 March 2022) to Original 2022/23 are summarised in the table below:

	£'m
Revenue Budget 2021/22 (as at Quarter 3)	6.798
<u>Changes to Existing Savings, Pressures and Use of Resources</u>	
<u>New Pressures</u>	
Additional allocation to Coroners serviced to reflect the nationally accepted charges for post-mortems.	0.160
<u>Budget Plan 2022+</u>	
Employers National Insurance uplift 1.25%	0.129
Pay Award (including previously unbudgeted 2021/22)	0.637
General Price Inflation	0.081
Specific Energy and Contract Impacts	0.015
Inflation of Fees and Charges	(0.338)
<u>Technical Adjustments</u>	
Coroners Income pressures	0.074
Trading Standards Income pressures	0.084
Approved Budget 2022/23	7.640

- 5.4 Service implications and subjective budget details are analysed in Appendices 1 and 2.
- 5.5 The budget from 2022/23 to 2025/26 is analysed in Appendix 3.

Grants

- 5.6 Within Regulatory Services, there are two grant funded programmes: Illegal Money Lending and Regional Intelligence Team (RIT).

5.7 The funding for Illegal Money Lending Team is expected to be £4.445m in 2022/23 and for RIT it is expected at £0.335m. In both cases this is subject to confirmation (expected early in the financial year) and where adjustment is needed it will be made net-neutral within each grant budget.

Reserves

5.8 The reserves are all ring-fenced and are expected to commence 2022/23 with a total £0.451m, as summarised in Appendix 4.

5.9 This is currently estimated for a net total of £0.035m of this balance to be utilised during 2022/23.

6. Evaluation of Alternative Option(s):

6.1 During the course of 2022/23 the financial position will be closely monitored and reported, options identified to resolve budgetary pressures as necessary, and alternative savings proposals developed to meet new and emerging pressures.

7. Reasons for Decision(s):

7.1 This report informs the Licensing and Public Protection Committee of the Revenue and Budget for 2022/23.

7.2 The position in respect of the Licensing and Public Protection Committee's Savings Programme and the present risks identified in its delivery.

Signatures

Paul Lankester

Interim Assistant Director Regulation and Enforcement

Rebecca Hellard

Director of Council Management

Date

List of Background Documents used to Compile this Report:

Licensing & Public Protection Revenue Budget 2021/22 – 10 March 2021

Licensing & Public Protection Financial Monitoring 2021/22 - Quarter 1 – 08 September 2021

Licensing & Public Protection Financial Monitoring 2021/22 - Quarter 2 – 10 November 2021

Licensing & Public Protection Financial Monitoring 2021/22 - Quarter 3 – 09 March 2022

List of Appendices accompanying this Report (if any):

Appendix 1 – Analysis Revenue Budget Changes 2021/22 (Quarter 3) to 2022/23

Appendix 2 – Service and Subjective Analysis of 2022/23 Budgets

Appendix 3 – Budget 2022/23 to 2025/26

Appendix 4 – Reserves

Report Version

2.0

Dated

09 February 2022

	Current Budget 2021/22 (Quarter 3)	2022/23 Corporate Pressures	2022/23 Employers NI Uplift	2022/23 Energy Uplift	Pay Awards and Price Inflation	Income / Fees Inflation	Divisional Adjustments	
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Health	3,193	0	32	0	160	(7)	0	
	287	0	6	0	40	(6)	0	
	730	0	21	5	118	(9)	0	
e	1,611	160	12	1	76	(6)	74	
Is	1,047	0	9	9	50	(3)	84	
nding	0	0	31	0	161	(192)	0	
ence Team	0	0	2	0	11	(13)	0	
enforcement	(15)	0	16	0	99	(100)	0	
Services	6,853	160	129	15	715	(336)	158	
s	(46)	0	0	0	3	(2)	0	
s (Highways)	(58)	0	0	0	0	0	0	
Way	49	0	0	0	0	0	0	
	(55)	0	0	0	3	(2)	0	
2022/23 Structure	6,798	160	129	15	718	(338)	158	#
Roads and Street Works Act								

- 09Feb2022

Licensing and Public Protection Committee

Revenue Budget 2022/23

Service and Subjective Analysis 2022/23

Service	Environ mental Health	Pest Control	Register Office	Coroners	Trading Stan dards		Licensing & Enfrmnt	Regul atory Budget	High
	£'000s	£'000s	£'000s	£'000s	£'000s		£'000s	£'000s	£
Employees	3,778	905	2,780	1,433	1,120		2,028	16,016	
Premises	95	0	299	89	177		205	942	
Transport	10	114	1	5	14		21	245	
Supplies and Services	378	89	113	949	229		724	2,991	
Capital Financing	21		104	28	27		0	237	
Recharge Expenditure							648	790	
Total Expenditure	4,282	1,108	3,297	2,504	1,567		3,626	21,221	
Grants							0	(4,780)	
Fees and Charges	(727)	(781)	(2,328)	(548)	(322)		(3,626)	(8,332)	
Miscellaneous Income							0	0	
Recharge Income	(156)				(22)		0	(178)	
Total Budgeted Income	(883)	(781)	(2,328)	(548)	(344)		(3,626)	(13,290)	
Asset Revenue Management	(21)		(104)	(28)	(27)			(237)	
Planned Use of Reserves								0	
TOTAL LPPC 2022/23	3,378	327	865	1,928	1,196		0	7,694	

NRSWA - New Roads and Street Works Act 1991

Licensing and Public Protection Committee
Revenue Budget 2022/23

Budget 2022/23 to 2025/26

Ref	Description	Budget 2022/23	Budget 2023/24	Budget 2024/25	Budget 2025/26
		£'000	£'000	£'000	£'000
	LPPC Current Budget 2021/22 Quarter 3	6,798	6,798	6,798	6,798
	Pressures				
NEP028	Coroner tapering pressure from WMPolice TUPE Funding	0	90	90	90
CO 05- 23	LTFP267 Coroners service - postmortem examinations	160	160	160	160
	Sub-Total Pressures	160	250	250	250
	Existing Savings (full year effect of savings agreed in previous years)				
WOC1	Allocation of workforce savings	0	0	0	0
PL126	Review of Managerial Arrangements Across the Directorate	0	0	0	0
	Sub total Savings	0	0	0	0
LTFP 273	Employers National Insurance uplift 1.25%	129	129	129	129
	Employees Pay Award	637	637	637	637
	General Price Inflation	81	81	81	81
LTFP 281	Specific Energy and Contract Impacts	15	15	15	15
	Coroners Income Pressures	74	74	74	74
	Trading Standards Income Pressures	84	84	84	84
LTFP 273	Inflation of Fees and Charges Income	(338)	(338)	(338)	(338)
	Total	682	682	682	682
	LPPC Budget 2022/23 - 2025/26	7,640	7,730	7,730	7,730

**Licensing and Public Protection Committee
Revenue Budget 2022/23**

Estimated Reserves 2022/23

Balances & Reserves	Licensing		External Grant Funded Services		Proceeds of Crime Act 2002			Total Ringfenced Reserves
	Entertain - ment & General	Hackney Carriage & Private Hire	Illegal Money Lending	Regional Intelligence Team	Trading Standards	Regional Intelligence Team	Illegal Money Lending	
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Reserves and Balances Estimated to be Brought Forward at 01 April 2022	109	863	(348)	-	(493)	(1)	(581)	(451)
Estimated Contribution to or Use of Reserves during 2022/23	(36)	(288)	-	-	164	1	194	35
Estimated Reserves at 31 March 2023	73	575	(348)	-	(329)	-	(387)	(416)

Notes

Reserves are strictly ringfenced to the service areas to which they relate.

Proceeds of Crime Act 2002 (PoCA) reserves can only be used at a local level to support crime fighting services and community projects.

BIRMINGHAM CITY COUNCIL

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

09 MARCH 2022
ALL WARDS

**REVIEW OF LICENSING AND PUBLIC PROTECTION
FEES AND CHARGES 2022/23**

1. Summary

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

2. Recommendations

- 2.1 That the changes to the fees and charges for Trading Standards Services, as detailed in **Appendix 1**, are approved to take effect from 1 April 2022.
- 2.2 That the changes to the fees and charges for Environmental Health Services, as detailed in **Appendix 2(a)**, are approved to take effect from 1 April 2022.
- 2.3 That the changes to the fees and charges for Animal Welfare Services, as detailed in **Appendix 2(b)**, are approved to take effect from 1 April 2022.
- 2.4 That the changes to the fees and charges for Environmental Health Fixed Penalty Notices, as detailed in **Appendix 2(c)**, are approved to take effect from 1 April 2022.
- 2.5 That the changes to the fees and charges for Pest Control Services, as detailed in **Appendix 2(d)**, are approved to take effect from 1 April 2022.
- 2.6 That the changes to the non-statutory fees and charges for the Registration Service, as detailed in **Appendix 3**, are approved to take effect from 1 April 2022.

- 2.7 That the statutorily set charges for the Registration Service, as detailed in **Appendix 3(a)** be noted.
- 2.8 That the changes to the fees and charges for Coroner's Services as detailed in **Appendix 4**, are approved to take effect from 1 April 2022.
- 2.9 That the changes to the fees and charges for Birmingham Account Team (Acivico-Building Consultancy) as detailed in **Appendix 5**, are approved to take effect from 1 April 2022.
- 2.10 That authority be delegated to the Interim Assistant Director of Regulation and Enforcement and Heads of Service to authorise the negotiation of variations to the fees and charges identified in this report, in the interests of commercial flexibility.

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

2. Background

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

3. Proposals

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

OFFICER SALARY GRADE	CURRENT CHARGEABLE HOURLY RATE (2021/22)	PROPOSED CHARGEABLE HOURLY RATE 2022/23
Grade 2	£37	£38
Grade 3	£50	£51
Grade 4	£65	£65
Grade 5	£82	£83
Grade 6	£105	£107
Grade 7	£141	£143

- 3.4 The hourly rate for officers has increased by around £1 or £2 per hour. This is due to the increased cost of employees offset by further improved efficiencies leading to the central support costs being reduced.
- 3.5 In carrying out this annual review of charges reference has been made to the requirements of the Corporate Charging Policy. Particular attention has been paid to the need to ensure that income is maximised insofar as possible.
- 3.6 With regard to matters which relate to trading in the open market consideration has been given to competitors pricing and what the market can sustain. Where a fee has been proposed that does not achieve full cost recovery (for instance due to the need to compete with alternative providers), it has been indicated in the relevant appendix.
- 3.7 During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary and alternative savings proposals developed to meet new and emerging pressures.
4. Consultation
- 4.1 This report will be appended to a wider reaching City-wide Fees and Charges report to full Cabinet at the end of February 2022.
5. Implications for Resources
- 5.1 The proposals represent an increase to budgeted income for 2022/23. The proposed increases are in line with the budget strategy for 2022/23 onwards.
6. Implications for Policy Priorities
- 6.1 The recommendations are in accordance with Financial Regulations, budget requirements and the Corporate Charging Policy.
7. Public Sector Equality Duty
- 7.1 There are no specific implications identified.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Birmingham City Council – Corporate Charging Policy

REVIEW OF TRADING STANDARDS CHARGES 2022/23

- 1.1 Due to the ongoing pandemic and the pressure this has put on small Birmingham based businesses it is proposed that the fees for 2022/23 do not include any increases from those applied in 2021/22. This should help support the sector through this difficult and uncertain time.

Measuring Instruments for Measuring Liquid Fuel or Lubricants or Mixtures Thereof

Weights and Measures	2022/23
Un-subdivided container types	£102.00
1 meter tested	£127.00
2 meters tested	£207.00
3 meters tested	£290.00
4 meters tested	£365.00
5 meters tested	£437.00
6 meters tested	£533.00
7 meters tested	£608.00
8 meters tested	£671.00
All other Weights and Measures on site - charge per hour	£83.00
Measuring Instruments off-site within BCC boundary hourly rate + mileage	£83.00
Measuring Instruments on-site outside BCC boundary hourly rate + mileage + 10 % for other overheads	£83.00
Duplicate certificates or duplicate statements of accuracy (each)	£24.00
Work outside of normal Office Hours, hourly rate will be subject to a 50% increase	
Metrology minimum charge for cancelled appointment	£83.00

1.3 Bespoke seminars/training

A charge for businesses or trade sectors expressing an interest in a bespoke seminar or training on Trading Standards legislation relevant to that business or trade sector; this would include certification of Weighbridge Operators. It is proposed that the charge is £92 + VAT per attendee for a day course and £58 +VAT for half day course (minimum of 10 attendees) remains unchanged.

1.4 Primary Authority Partnership

This is part of a national programme to enable local authorities and businesses to work together to help improve consistency in regulation. The programme is overseen by the Better Regulation Delivery Office and enables local authorities

to recharge for the time spent on servicing the partnership. Primary Authority Partnerships are agreed on a cost recovery basis.

The current charging arrangements which have already been agreed with our current partners are based on an officer's hourly rate. The proposed charge, therefore, reflects the 2022/2023 Grade 5 Officer as per the table in 3.3 of the main report plus expenses.

1.5 **Business Support**

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

Head Office	2022/23
Primary Authority Partnerships (cost recovery only)	£83.00
Primary Authority Partnership (PAP) - hourly rate	£83.00
Business Advice outside/without PAP Agreement	£83.00
Accredited Financial investigations for partner local authorities or other internal services.	£200 initial assessment. £83 per hour or ½ of any subsequent POCA ARIS incentivisation

1.6 **Private Hire Access to Knowledge Course**

This course is available to potential drivers in relation to preparation for the Licensing Private Hire Knowledge Test. It is proposed that the charge is £39 per attendee in 2021/22 remains the same.

Private Hire Knowledge	2021/22	2022/23
Private Hire Access to Knowledge Course Fee per attendee	£39.00	£39.00

1.7 **Financial Investigations**

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

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

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

Confiscation order receipts

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

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

Cash Forfeitures

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

Providing Service to other Local Authorities

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

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

Regional Investigations Team

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

Negotiation

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

1.7 Trading Standards Fixed Penalty Notice and Penalty Charge Tariffs

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

Fixed Penalty Notices	2022/23
Nuisance Parking (s6(1) Clean Neighbourhoods and Environment Act)	£100
Energy Performance Certificates - Duty to Provide to Prospective Buyers (Energy Performance of Buildings (England & Wales) Regulations 2012)	£200
Energy Performance Certificates - Duty to Display (Energy Performance of Buildings (England & Wales) Regulations 2012) - 14(3)(a)	£1,000
Energy Performance Certificates - Duty to Display (Energy Performance of Buildings (England & Wales) Regulations 2012) - 14(3)(b)	£500
Energy Performance Certificates - Duty of Controllers of Air conditioning Systems (Energy Performance of Buildings (England & Wales) Regulations 2012) - 18(1), 20, 21	£300
Redress Schemes (requirement of Estate Agents to belong to scheme)	£1,000
Minimum Efficiency Standards for buildings (from April 2018)	£5,000 to £10,000 or 10%-to-20% of rateable value

**REVIEW OF CHARGES – ENVIRONMENTAL HEALTH
AND PEST CONTROL 2022/2023**

- 2.0 In reviewing these fees and charges, officers from the Directorate have considered:
- the budget strategy for 2022/23, which is for a 3% increase in income where it is sustainable.
 - the need to ensure that relevant expenditure and income targets are met, and full cost recovery achieved.
 - fees and charges levied by neighbouring districts and similar providers.

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

2.0.2 For 2022/2023 Environmental Health have again used the rationale of maximising income, based on market forces, to assist in meeting the corporately set income targets and fees inflation for the sections.

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

It is proposed that the fee for issuing condemnation/surrender notes for freezer breakdowns and for similar insurance purposes be increased to £122 per hour (from £118). This is based on the hourly rate for a GR5 officer plus administration support cost. (Non-Business activity VAT exempt (Tax Code A8 applies))

2.2 Provision of Food Export Certificates

It is proposed that where an inspection of the premises is required, this will be subject to a minimum of £165 (current charge £160) plus an administrative charge of 10%. Inspections that are longer than one hour will be charged at an hourly rate for a GR5 Officer per hour or part of an hour thereafter. (Non-Business activity VAT exempt (Tax Code A8 applies)).

Where no visit is required it is proposed that the fee increase will be £108 (current charge £105) for the certificate. (Non-Business activity VAT exempt (Tax Code A8 applies)).

Where Export Certificates have been produced and are no longer required, there will be a charge of £35 cancellation fee (current charge £30) for each certificate produced.

2.3 Provision of a Veterinary Export Health Certificate

In response to Brexit, to support local business we have employed an Official Veterinary Surgeon/ Food Safety Officer to issue export health certificates for meat products exported from the UK. This is a new service and we need to determine market forces. It is proposed that where an inspection of the premises is required, this will be subject to a minimum of £250 plus vat total of £300 (Private businesses also undertake this work therefore Standard VAT rate applies).

2.4 Food Hygiene Rating Scheme revisits

It is proposed to increase the charge for all FHRS revisits that are requested by businesses to obtain a new food hygiene score to £206 (currently £200). These requests are received following a programmed inspection that gave a lower score than a business would like to trade under and is additional work over and above our statutory duty for food interventions. As this only applies to businesses that are not compliant with relatively simple requirements for hygiene and operation it is not proposed to hold the fees the same as last year.

Summary

Food Condemnation / Export / Hygiene matters	2021/22	2022/23
Food Condemnation / Surrender Notes	£118	£122
Provision of Food Export Certificates	£160	£165
Provision of Food Export Certificates where no visit required	£105	£108
Food Export Certificates where produced but no longer required	£30	£35
Provision of a Veterinary Export Health Certificate	New Service	£250+VAT
FHRS Revisit to obtain new Food Hygiene Score	£200	£206

2.5 Health and Safety

On occasions solicitors request copies of health and safety accident reports. The Health and Safety at Work etc. Act 1974, Section 28, sub-section 9, allows a disclosure by an authorised officer of a “written statement of relevant facts observed by him” (Employment Protection Act 1975). It is proposed to make a minimum charge of £171 plus the hourly rate per hour or part hour thereafter for the officer compiling the report. (Current charge is £166). VAT will be applied at its appropriate rate, in addition to this cost.

2.6 Your officers can deliver a range of bespoke training courses specifically for other local authority officers for example on practical incident investigation. This service assists other local authorities who have less experience and smaller health and safety teams. It is proposed that the charge is increased to £95 per delegate for one day's training [including any refreshments] with a minimum number of ten delegates per course (currently £92). (VAT exempt if only L/A officers attend. VAT would be payable for external delegates and must be added to their charge).

Summary

Health and Safety	2021/22	2022/23
Section 28 HSWA for legal Accident Reports	£166	£171+VAT
Health and Safety Training - per delegate, per day	£92	£95

2.7 Food and Health and Safety Primary Authority Partnerships.

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

The current charging arrangements which have already been agreed with our current partners are based on an officer's hourly rate. The proposed charge, therefore, reflects the 2022/2023 Grade 5 Officer hourly rate detailed in the table at 3.3 of the main report plus expenses. (VAT applies but is currently zero rated for this work).

2.8 Environmental Conveyancing Searches

A number of requests are made (usually by solicitor firms) for environmental information held by the Service to assist in conveyancing. The information has to be supplied (where held) under the Environmental Information Regulations. Although no charge can be made for providing the raw information, a charge can be made for the cost of processing the information into a usable report. It is proposed that the fees increase to £85 for a Basic Search and £120 for an Advanced Search (current charges £80 and £115 respectively).

2.9 Statutory Default Work

Where work is carried out in default, reasonable costs of the work are recovered i.e. the officers' time (at their respective hourly rates) plus the costs associated with the work necessarily required from third party agents such as locksmiths or vehicle recovery contractors. It would also include any statutory fees and daily charges that are applicable. It is proposed to charge £110 (previously £105) for administration costs for invoices. This work is undertaken by a GR4 officer and the costs reflect both the raising of the invoice and chasing up and close down of invoices that are paid. The total time of this is estimated to be 1½ hours on average per invoice. Officer time relating to seizure of sound equipment is charged at a fixed rate of £125 (currently £120). This is designed to minimise the likelihood of seized equipment not being reclaimed by owners, which would potentially result in excessive/on-going storage and disposal costs for the council that may not be rechargeable.

2.10 Attendance at Exhumations

It is proposed to increase the fixed fee from £350 to £360 (plus VAT) to be received in advance of an exhumation. This is inclusive of early starts and completion of documentation before and after such work. If human remains are to be added to an existing grave requiring an exhumation approval then the charges for this work will be based on an hourly rate of a GR5 officer.

2.11 Licences for the Distribution of Free Literature

The three areas of the city which are designated as consent areas for the distribution of free literature are: the City Centre, Digbeth and Hurst Street. The current charge for consents is £290 and it is proposed to not increase this to support business re-starting. The income supports the implementation and enforcement of this consent regime and this avoids putting any further burdens on businesses advertising in the City by way of free literature. Under the legislation local authorities may only make reasonable charges for setting up and enforcement activities within the consent zones and the consent zones are designed to prevent the defacement that can be caused by discarded material. All of the receipts from the scheme are reinvested in its implementation, operation and enforcement and no charge can be levied for clear-up costs. It is proposed to charge £50 for replacement identity badges.

Summary

Conveyancing and Default work / Free Literature Consents	2020/21	2021/22
Primary Authority Partnership's (Statutorily set at cost recovery)	Cost recovery	Cost recovery
Processing Environmental Information for conveyancing – Basic	£80	£85
Processing Environmental Information for conveyancing – Advanced	£115	£120
Statutory Default Work - Admin costs for Invoices / Processing	£105	£110
Statutory Default Work - Seizure of Sound Equipment	£120	£125
Attendance at Exhumations (inc. completion of documentation)	£350	£360
Distribution of free literature consents	£290	£290
Replacement Identity badges	New	£50

2.12 Animal Welfare – Stray Dog Charges

2.12.1 The statutory charge prescribed under the Environmental Protection Act, where dogs are claimed from the Birmingham Dogs Home or where dogs are returned directly to their owners is £25 and cannot be altered. The Act also permits local authorities to charge dog owners for all the costs incurred by the seizure and detention of their dog if seized as a stray. We propose to make an additional £10 charge per dog to cover these costs and continue to charge dog owners any other associated costs, which may include out of hours kennelling charges or veterinary fees, as well as additional officer time, where applicable.

2.12.2 We will charge £97.85 for dog handling services, in respect of restraining or removing dogs for example at an eviction or forced entry. Where the attendance on site extends beyond an hour additional time spent will be charged at GR3 per hour or part thereof. Any additional Dog Wardens that need to attend for multiple or large / difficult dogs, will be charged at an additional GR3 per officer per hour.

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

2.12.4 Where officers carry out work on behalf of social services involving the removal of animals where their owners have been admitted into hospital or found to be deceased, there will be a charge of £97.85, to attend and remove animals. Officers hourly rate (GR3) or part thereof will be charged for any subsequent visits required. Office activities (GR4) will be charged at the officer's hourly rate or part thereof.

2.12.4 Officers provide a stray dog collection service for Solihull Metropolitan Borough Council. It is proposed to charge £78.80 to collect and impound a stray dog or return it to its owner, this is based on a GR 3 officers time at 1.5 hours per attendance. Should there be any additional requirements in terms of time or officers needed, this will be charged in addition at the officer's standard hourly rate.

2.13 Animal Welfare - Licensing

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, allow for licences to run for 1, 2 or 3 years. Licence fees must reflect this and the need for a separate application and annual fee. The length of a licence is determined by a star rating of premises, which must be applied by the inspecting officers following inspection and in consideration of previous compliance history.

There are also provisions to allow licenced premises to apply for a variation to their licence and to request additional inspections. The tables below identify animal related licensed premises and associated reviewed fees. The proposed fees are in-line with charges made by other local authorities and have been based on the average times taken by GR4 and GR5 officers undertaking this work. It is proposed to make a small increase in all the licence fees as follows;

2.14 Proposed Animal Welfare licence fees - 2022/2023.

New Licences

Licensable Activity	Proposed Total Licence Fee 1 year licence	Current Fee	Vets Fees	L A Inspection upon Request	Application to Vary Licence
Selling Animals as Pets	£475.60	£461.75	At Cost	£76.22	£120.50
Commercial Animal Boarding	£402.98	£391.25	At Cost	£76.22	£120.50
Dog Breeding	£402.98	£391.25	At Cost	£76.22	£120.50
Dangerous Wild Animals	£402.98	£391.25	At Cost	£76.22	£120.50
Home Dog Boarding	£279.38	£271.25	At Cost	£76.22	£48.90
Arranging Animal Boarding (where no animal boarding licence in place)	£215.27 (plus £85.50 per inspection as required)	£209 (plus £83 per inspection as required)	At Cost	£76.22	£48.90 (plus £85.50 per inspection as required)
Hiring of Horses	£531.22	£515.75	At Cost	£76.22	£120.50
Keeping/Training Animals for Exhibition	£488.47 (3 year mandatory licence)	£474.25 (3 year mandatory licence)	At Cost	£76.22	£120.50

Type of Licence	Current Fee	Proposed Fee
Zoos		
- 4 year licence (new)	£2,670	£2,750
- 6 year licence (renewal)	£2,670	£2,750

Renewal Licences

Licensable Activity	Application Fee	Licence Fee (1 year)	Licence Fee (2 year)	Licence Fee (3 year)	Vets Fees	LA Inspection on request	Appl to Vary Licence
Selling animals as pets	£175.35	£85.50	£171	£256.50	At Cost	£76.22	£120.50
Commercial Animal Boarding	£189.26	£85.50	£171	£256.50	At Cost	£76.22	£120.50
Dog Breeding	£189.26	£85.50	£171	£256.50	At Cost	£76.22	£120.50
Dangerous Wild Animals	£189.26	£85.50	£171	£256.50	At Cost	£76.22	£120.50
Home Dog Boarding	£87.03	£85.50	£171	£256.50	At Cost	£76.22	£48.90
Arranging Animal Boarding (as stand-alone licence)	£129.78 (plus £85.50 per inspection as required)	£85.50	£171	£256.50	At Cost	£76.22	£48.90 (plus £85.50 per inspection as required)
Hiring out Horses	£232	£85.50	£171	£256.50	At Cost	£76.22	£120.50
Keeping or Training Animals for Exhibition	£189.26	N/A	N/A	£256.50	At Cost	£76.22	£120.50

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

Note 2- Any animal licencing work required outside of the above will be charged at the officer's hourly rate of the relevant officer.

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

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

2.15 Fixed Penalty Notice Tariffs

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

- 2.16 All other FPNs are set at their legal maximum except:
- Domestic Duty of Care FPN
(Tariffs amended by The Environmental Offences (Fixed Penalties) (England) Regulations 2017)
- 2.17 Committee can consider varying the tariff for the FPNs in 2.15 and if so minded, reduce the tariff of any FPN which is not set by statute.
- 2.18 Early repayment discounts were discontinued as few people took note of the timelines and most paid the lower payment significantly after the expiry of the discounted period. This led to inequalities and administration difficulties. It is your officer's recommendation that committee do not reinstate early payment rates.

FIXED PENALTY NOTICE TARIFFS

OFFENCE	LEGISLATION	EXISTING TARIFF 2021/2022 Existing FPN & Early Discount	PENALTY CAN BE SET	FPN TARIFF FOR 2022/2023
Community Protection Notice. (For fixed penalty notices repealed under Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005, including former Street Litter Control notices and Litter Clearing Notices)	s.52(7) Anti-social Behaviour Crime and Policing Act 2014	£100 No discount for early payment	Maximum £100 Indeterminate discount can be offered for early payment (the range is not specified)	£100 No Discount for early payment
Unauthorised distribution of literature in a consent area	Schedule 3A, para.7(2) Environmental Protection Act 1990	£150 No discount for early payment	Between £65 - £150 Minimum discount for early payment £50	£150 No Discount for early payment
Graffiti and Flyposting	s.43 Anti-social Behaviour Act 2003	£150 No discount for early payment	Between £65 - £150 Minimum discount for early payment £65	£150 No Discount for early payment
Litter	s.88(1) Environmental Protection Act 1990	£150 No discount for early payment	Between £65 - £150 Minimum discount for early payment £65	£150 No Discount for early payment
Domestic Duty of Care Fixed Penalty Notice	Section 34(2)(A) Environmental Protection Act 1990	£200 No Discount for early payment	Between £150 to £400 Discount can be set between £120 & £150	£200 No Discount for early payment
Failure to produce written particulars of waste [waste transfer notes]	s.34A (2) Environmental Protection Act 1990	£300 set by statute No discount for early payment	Set by statute Minimum discount for early payment £180	£300 No Discount for early payment
Failure to furnish documentation of waste carriers registration	s.5B(2) Control of Pollution (Amendment) Act 1989	£300 set by statute No discount for early payment	Set by statute Minimum discount for early payment £180	£300 No Discount for early payment

OFFENCE	LEGISLATION	EXISTING TARIFF 2020/2021 Existing FPN & Early Discount	PENALTY CAN BE SET	FPN TARIFF FOR 2021/2022
Failure to comply with notice for commercial or industrial waste receptacles and presentation	s.47ZA, 47ZB of the Environmental Protection Act 1990	£110 No discount for early payment	Between £75 - £110 Minimum discount for early payment £60	£110 No Discount for early payment
Failure to comply with notice for household waste receptacles and presentation	s.46, Environmental Protection Act 1990	£60	Set by statute No discount allowed	£60
Noise from domestic dwellings exceeding a permitted level	s.8 Noise Act 1996	£110 No discount for early payment	Between £75 - £110 Minimum discount for early payment £60	£110 No Discount for early payment
Noise from licensed premises	s.8 Noise Act 1996	£500	Set by statute No discount allowed	£500
Unauthorised deposit of waste (fly-tipping)	33A Environmental Protection Act 1990	£400 No discount for early payment	Between £150 and £400 Minimum discount for early payment £120	£400 No Discount for early payment
Abandoning a vehicle	s.2A (1) Refuse Disposal (Amenity) Act 1978	£200 set by statute No discount for early payment	Set by statute Minimum discount for early payment £120	£200 No Discount for early payment
Smoking in a smoke free place or vehicle	S.7 Health Act 2006	£50 £30 If paid in 15 days	Set by statute Discount set by statute £30 if paid within 15 days	£50 £30 If paid in 15 days
Failure to display no smoking signs	s.6 Health Act 2006	£200 £150 if paid in 15 days	Set by statute Discount set by statute £150 if paid within 15 days	£200 £150 if paid in 15 days

APPENDIX 2(d)

2.19 Pest Control

For 2022/23 Pest Control have used the rationale of maximising their income, having regard to market forces, to assist in meeting the income targets for the section.

DOMESTIC Pest Control

All Domestic fees have gone up in line with the 3% corporate increase except for wasp treatments. This is because wasp treatments are highly competitive, and it is likely to detrimentally impact on the number of requests for assistance if this were increased.

Domestic	2021/22 (inc VAT element)	2022/23	VAT @20%	Total
Rats - All domestic treatments	Free of charge	Free of charge	N/A	Free of charge
Cockroaches - all treatments - first visit	£78	£68.00	£13.60	£81.60
Bedbugs - all treatments - first visit	£78	£68.00	£13.60	£81.60
Mice - mouse poison offered at Neighbourhood Office	Free of charge	Free of charge	N/A	Free of charge
Mice - All domestic treatments	£78	£68.00	£13.60	£81.60
Wasps - Minimum call out charge for a treatment	£60.00	£50.00	£10.00	£60.00
Wasps - 2 or more nests, multiple treatments + revisits	£75.00	£62.50	£12.50	£75.00
Fleas - Treatment per property (per visit)	£78	£68.00	£13.60	£81.60
Other insect treatments - first hour	£78	£68.00	£13.60	£81.60

COMMERCIAL

Commercial	2021/22	2022/23	VAT @20%	Total
All treatments for commercial / non-domestic and landlords that are responsible for property wide infestations - first visit	£115	£100.00	£20.00	£120.00
Bedbugs / Pharaoh Ants - first visit	£115	£100.00	£20.00	£120.00
Clearance work (rodent/insect/bird/premises) - first hour	£115	£100.00	£20.00	£120.00
Clearance work (rodent/insect/bird/premises) - subsequent hours plus materials plus VAT	£115	£100.00	£20.00	£120.00
Additional Charges for jobs involving hazardous waste (clinical/needle/etc.)	£170	£150.00	£30.00	£180.00
Land clearance and associated weed control when treating for rodents (Land clearance materials charged plus 10% administration)	£115	£100.00	£20.00	£120.00

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

REVIEW OF CHARGES - REGISTER OFFICE 2022/2023

1.0 Relevant Background

- 1.1 In reviewing these fees and charges, officers from the Directorate have considered:
- The budget strategy for 2022/23 and 2023/24.
 - The ongoing pandemic and the pressure that this has put on the event industry.
 - Fees and charges levied by neighbouring local authorities.
- 1.2 Where applicable, prices for 2023/24 have also been included. This is principally to allow for advanced booking and payment for ceremonies.
- 1.3 Some fees relate to services that are traditionally booked well in advance for which the fee will already have been taken.
- 1.4 During 2020/21 to support the Approved Premises sector (ceremony venues) due to the uncertainties of the Covid 19 pandemic, the fee for any three-year Approved Premises Licence applied in 2020/21 was reduced by one third, and the length of a standard three-year licence period for any new or renewed licence was increased to a period of four years. It is proposed to cease these concessions to help support the Service in delivering this budget.
- 1.5 The non-statutory fees and charges have been set in accordance with the above considerations.
- 1.6 The Registration Service provides a number of non-statutory services; however these are in competition with neighbouring Local Authorities and so market sensitivities are taken into account when setting the fees.
- 1.7 The provision of Registration Services is currently under review nationally by the General Register Office (GRO). The current focus is on charges for marriages including licensing of approved premises. It is highly likely that there will be statutory fees for licensing of approved premises and also for attendance at approved premises which will be considerably lower than fees currently charged by Birmingham City Council. Any changes or recommendations to discretionary prices made could cause financial pressure in the near future for this budget.

- 1.8 The non-statutory fees increase is intended to at least maintain the service's achievement of budgeted inflation on fees of £9.3k. No inflation on statutory fees was made.

2.0 Approved Buildings

- 2.1 Birmingham City Council has responsibility for approving non-religious venues for Civil Marriage and Partnerships. Some fees relate to services that are traditionally booked well in advance. For these services the fees are set out for more than one financial year.

TABLE 1 Approved Building Licence Fees

1. Register Office - Approved Buildings	2021/22	2022/23	VAT
New Application for approval of premises to include ONE room 3 years	N/A	£3,507.00	NB
New Application for approval of premises to include ONE room 4 years	£3,402.00	N/A	NB
Renewal of existing approved premises to include ONE Room 3 years	N/A	£2,450.00	NB
Renewal of existing approved premises to include ONE Room 4 years	£2,376.00	N/A	NB
Additional rooms included in the application (per room) 3 years	N/A	£779.00	NB
Additional rooms included in the application (per room) 4 years	£756.00	N/A	NB
Additional rooms added after the application approved 3 years	N/A	£891.00	NB
Additional rooms added after the application approved 4 years	£864.00	N/A	NB
Application for approval of religious building for Civil Partnerships 3 years	£668.00	£689.00	NB
Renewal of existing approved premises to include ONE Room 6 years	£4,212.00	£4,343.00	NB
Additional rooms included in the application (per room) 6 years	£1,080.00	£1,113.00	NB
Additional rooms added after the application approved 6 years	£864.00	£891.00	NB
Application for approval of religious building for Civil Partnerships 6 years	£668.00	£689.00	NB

NB – Non-Business (not liable to tax hence no VAT is added); N/A – the service is not available in that year

3.0 Register Office Ceremony Suites

- 3.1 Holding the ceremony in Birmingham is not statutory and the Registration Service faces tough competition from neighbouring Local Authorities and other business premises.
- 3.2 Historically the Service charged varying fees dependent on which room in the ceremony suite was booked and the day of the week the ceremony is to take place. A simpler fee structure was adopted in 2019/20 which included additional fees for various music, reading choices or bespoke ceremony enhancements. Following a benchmarking exercise with other authorities, it is proposed that the Service will return to the historic approach which better reflects both the value of service provided and public demand.
- 3.3 The fees for a ceremony within the Superintendent Registrar's office are statutory by nature.

- 3.4 Statutory fees are set nationally by General Register Office and not by Licensing and Public Protection Committee. They are however provided for information.

TABLE 2 Marriage - Ceremony Suite

2. Register Office - Ceremony Suite	2021/22	2022/23	2023/24	VAT
Ceremony Suite - <u>Statutory</u> Room (excludes 1 x Certificate)	£46.00	£46.00	£46.00	NB
Ceremony Suite - Charge for Basic Room (excludes Certificate)	£203.00	N/A	N/A	NB
Ceremony Suite - Charge for Enhancements (Readings/Music)	£51.00	N/A	N/A	NB
Ceremony Suite - Additional - Own Reading (not on pre-approved list)	£32.00	N/A	N/A	NB
Ceremony Suite - Additional - Own Music (not on pre-approved list)	£32.00	N/A	N/A	NB
Ceremony Suite - Additional - Separate Interview before ceremony	£32.00	£35.00	£36.00	NB
Ceremony Suite - Fully Enhanced (excludes certificate)	£360.00	N/A	N/A	NB
Ceremony Suite - Room 1 (excludes certificate and postage) Mon - Fri	N/A	POA	POA	NB
Ceremony Suite - Room 1 (excludes certificate and postage) Sat and Public Holiday	N/A	POA	POA	NB
Ceremony Suite - Room 2 (excludes certificate and postage) Mon - Fri	N/A	£265.00	£275.00	NB
Ceremony Suite - Room 2 (excludes certificate and postage) Sat and Public Holiday	N/A	£350.00	£360.00	NB
Ceremony Suite - Room 3 (excludes certificate and postage) Mon - Fri	N/A	£325.00	£335.00	NB
Ceremony Suite - Room 3 (excludes certificate and postage) Sat and Public Holiday	N/A	£425.00	£455.00	NB
Web streaming	N/A	POA	POA	S
DVD or USB recording of ceremony	N/A	POA	POA	S
Tribute screen photo	N/A	POA	POA	S
Tribute screen slideshow	N/A	POA	POA	S
Tribute screen slideshow and music	N/A	POA	POA	S
Portable photo booth photograph	N/A	POA	POA	S

NB – Non-Business (not liable to tax hence no VAT is added), S – Standard (liable to tax charged at standard rate of VAT, currently 20%); POA – Price on application; N/A – the service is not available in that year

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

- 3.6 All ceremony suite fees are subject to room availability

4.0 Attendance at Approved Premises

- 4.1 Fees for registration staff to attend a ceremony taking place at one of the City's approved venues are also set out for more than one financial year for the same reason as above.
- 4.2 The fee for attendance on a Public Holiday has been brought in line with the fee for weekend attendance to encourage take up.

TABLE 3 Marriage - Attendance at Approved Premises

3. Register Office – Attendance	2021/22	2022/23	2023/24	VAT
Monday to Friday	£551.00	£568.00	£586.00	NB
Weekend	£704.00	£726.00	£749.00	NB
Public Holiday	£800.00	£726.00	£749.00	NB

NB – Non-Business (not liable to tax hence no VAT is added)

5.0 Other Fees

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

TABLE 4 Other Fees

4. Register Office - Other Fees	2021/22	2022/23	2023/24	VAT
Private Citizenship Ceremony - Monday – Friday	£206.00	£220.00	£227.00	NB
Private Citizenship Ceremony – Saturday	£235.00	£245.00	£253.00	NB
Advanced Booking – Statutory Register Office Ceremony	£56.00	£58.00	£60.00	NB
Advanced Booking – Ceremony Suite	£66.00	£68.00	£70.00	NB
Advanced Booking – Approved Premise	£77.00	£79.00	£81.00	NB
Cancellation fee- Statutory Register Office Ceremony	£57.00	£58.00	£60.00	NB
Cancellation fee- Ceremony Suite	£66.00	£68.00	£70.00	NB
Cancellation fee- Approved Premise	£67.00	£79.00	£81.00	NB
Fee for change of ceremony appointment - Statutory Register Office Ceremony	£56.00	£58.00	£60.00	NB
Fee for change of ceremony appointment- Ceremony Suite	£66.00	£68.00	£70.00	NB
Fee for change of ceremony appointment- Approved Premise	£77.00	£79.00	£81.00	NB
Fee charged for research (per half hour)	£51.00	£53.00	£55.00	S
Fee for international postage via on-line application	£7.00	£7.50	£7.50	S
Additional appointment/ change of appointment	£44.00	£45.00	£46.00	NB
Celebratory Certificates (at time of birth registration)	£11.00	£11.00	£11.00	S
Change of Name deed (includes certificate)	£61.00	£63.00	£65.00	NB
Change of name certificate additional copies	£11.00	£11.00	£11.00	NB
Special Celebratory Certificates (birthday, grandparents, anniversary)	£21.00	£22.00	£23.00	S
Photographs and flowers package (from)	£135.00	£139.00	£143.00	S
Pitch at Wedding Fayre	£51.00	£53.00	£55.00	S
Hire of ceremony rooms 2 or 3 for function/event - half day or full day	POA	POA	POA	E
Hire conference room for function/event - half / full day	POA	POA	POA	E
Training for authorised person to register marriages / quarterly returns	£77.00	£79.00	£81.00	E
Appointment to check completeness / validity of notice for Marriage (non-refundable)	£44.00	£45.00	£46.00	NB
Save the day – approved premise- ceremony > 12 months in advance	£77.00	£79.00	£81.00	NB
Save the day – ceremony suites- ceremony > 12 months in advance	£66.00	£68.00	£70.00	NB

Save the day – ceremony suites- Register Office ceremony > 12 months in advance	£56.00	£58.00	£60.00	NB
Priority service at approved premises – to take place within 12 weeks (additional)	£77.00	£79.00	£81.00	NB
Provision of folder	£1.00	£1.00	£1.00	NB
Provision of envelope	£0.50	£1.00	£1.00	NB
Postage	£3.50	£4.00	£4.00	S
Postage International	£7.00	£7.50	£7.50	S
Priority Correction/ Re-registration Appointment	£44.00	£45.00	£46.00	NB
Production of further documents for notice of marriage/civil partnership	£25.00	£26.00	£27.00	NB
Keepsakes/additional products	POA	POA	POA	S
Administration of post-dated passport forms	£25.00	£26.00	£27.00	NB
Advice in advance of taking notice of marriage per applicant	£6.00	£6.00	£6.00	NB
Processing of a non-priority application for a standard certificate after registration	£7.00	£7.00	£7.00	NB

NB – Non-Business (not liable to tax hence no VAT is added); S – Standard (liable to tax charged at standard rate of VAT, currently 20%); E – Exempt (the supply is exempt from VAT hence no VAT added); POA – Price on application

6.0 Statutory Fees and Charges

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

5. Register Office – Statutory Fees	2021/22	2022/23	VAT
Superintendent Registrar/Registrar's Certificate	£11.00	£11.00	NB
Priority Superintendent Registrar/Registrar's Certificate after registration	£35.00	£35.00	NB
A general search in indexes not exceeding 6 hours	£18.00	£18.00	NB
Certificate of Worship	£29.00	£29.00	NB
Registration of a religious building for marriage	£123.00	£123.00	NB
Registration of a religious building for marriages for same sex couples (That is already registered)	£64.00	£64.00	NB
Notice of Marriage	£35.00	£35.00	NB
Notice of Marriage subject to immigration Act	£47.00	£47.00	NB
Notice of Civil Partnership subject to immigration Act	£47.00	£47.00	NB
Notice of Civil Partnership	£35.00	£35.00	NB
Fee to reduce the legal waiting period of a notice of marriage/civil partnership	£28.00	£28.00	NB
Fee for sharing information under the Digital Economy Act	£50.00	£50.00	NB
Fee payable to Registrar for marriage Ceremony at register Office	£46.00	£46.00	NB
Fee payable to Registrar for marriage Ceremony at registered building	£86.00	£86.00	NB
Attendance of Civil Partnership Registrar at Register Office	£46.00	£46.00	NB
Notice given at Housebound Person's abode SR attendance	£47.00	£47.00	NB
Notice given at Detained Person's abode SR Attendance	£68.00	£68.00	NB
Attendance of Registrar at Housebound Person's Marriage	£81.00	£81.00	NB
Attendance of Registrar at Detained Person's Marriage	£88.00	£88.00	NB
Attendance of Superintendent Registrar at Housebound Person's marriage	£84.00	£84.00	NB
Attendance of Superintendent Registrar at Detained Person's marriage	£94.00	£94.00	NB
Attendance of CP Registrar at Housebound Person's CP	£81.00	£81.00	NB
Attendance of CP Registrar at Detained Person's CP	£88.00	£88.00	NB
Registrar General's Licence for Marriage	£15.00	£15.00	NB
Fee of priority certificate –Next working day	£24.00	£24.00	NB

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

NB – Non-Business (not liable to tax hence no VAT is added)

REVIEW OF CHARGES – CORONER’S SERVICE 2022/2023

- 4.1 Fees that are chargeable are set out nationally in the Coroners Allowances, Fees and Expenses Regulations 2013.
- 4.2 There are nationally set at:
 - 4.2.1 After inquest, a document disclosed as a paper document is charged at £5 for a document of 10 pages or less, with an additional 50p payable for each subsequent page.
 - 4.2.2 A fee of £5 per document where it is disclosed in any form other than email or paper – i.e. CD copies of inquests.
 - 4.2.3 For a transcription of an inquest of 360 words or less the fee is £6.20, 361-1,439 words is £13.10 and 70p for every additional 72 words or part thereof.
- 4.3 The only locally set fee is the search fee for archive documents. It is proposed to increase the fee to £52 per hour (from £50).

REVIEW OF CHARGES – STATUTORY TEAM 2022/2023

(Acivico-Building Consultancy)

- 5.1 The, Statutory Team (formerly Birmingham Account Team), which is part of Acivico (Building Consultancy) Limited, carry out a range of professional surveying services for both internal and external client groups that are responsible for property portfolios. The scope of services includes the carrying out of technical functions in support of the discharge of the Council's Building Control allied legislative requirements as detailed in The Building Act 1984 and the administration of demolition contracts required to facilitate the Council's regeneration targets. The group also carry out a variety of enforcement duties where full cost recovery is undertaken when the legislation allows.
- 5.2 The work is normally charged on an hourly basis. The current (2021/2022) charge is £85.00 per hour, and it is proposed that this fee will increase to £95.00 per hour. An increase in the rate is required to cover rising costs and ensure the service is not carried out at a loss. The revised rate recognises that the work is carried out by a mix of grade 5, 6 and a small number of grade 7 surveyors and is therefore a composite rate. The rate is still in line with other professional services carried out within the council (see rates proposed on page 3 item 3.3) and is very competitive with regards to the private sector. The increase is necessary to address the increased cost of labour, increases in other on-costs and the necessity to maintain sufficient resources to handle the Council's requirements.
- 5.3 The charge levied in respect of Private Demolition Notices, which is a fixed fee per notification, is currently (2021/2022) set at £260.00. It is proposed to increase this fee in line with the increases proposed in paragraph 5.2. Therefore, the new fee will be £290.00.
- 5.4 The charge in respect of notices for temporary grandstands, which is required under the West Midlands County Council Act 1980 Section 39, is based on cost recovery in line with the hourly rate for the Statutory Team as above and it is proposed to revise this rate to £95.00 per hour as well.
- 5.5 Work carried out indicates that, within the limitations of operating within a competitive market and statutory framework, the fees proposed should maximise income to the City Council through Acivico as well as providing good value for money to Acivico customers

BIRMINGHAM CITY COUNCIL

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

9 MARCH 2022
ALL WARDS

REVIEW OF MANDATORY HMO FEES AND CHARGES 2022/2023

1. **Summary**

- 1.1 The Corporate Charging Policy and Financial Regulations require that fees and charges levied by the Licensing and Public Protection Committee be reviewed on an annual basis to ensure the continued full recovery of costs.
- 1.2 It should be noted that some of the fees relating to areas which come within your Committee's remit are set nationally through statute, and these cannot be varied by your Committee.

2. **Recommendations**

- 2.1 That the changes to the mandatory Houses in Multiple Occupation (HMOs) fees and charges as detailed in Appendix 1 be approved to take effect from 31st March 2022 for applications where a new licence would be issued in the financial year 2022/23 or where a late application was received on 31st March 2022 or later for a licence that expired at any time before.

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3. Background

- 3.1 The City Council's Corporate Charging Policy and Financial Regulations require that Chief Officers, at least annually, report to and seek approval from Committee on a review of all fees and charges levied for services provided. This report also takes account of the legal framework within which certain licence fees must be set.
- 3.2 The mandatory HMO licensing scheme is a ring-fenced account and therefore must meet any and all expenditure from within its own income. The level of income is entirely dependent upon the number of licences applied for, issued or renewed in a particular year.
- 3.3 In order to ensure the fees accurately reflect the true cost of administering and processing licences the fee calculations are based data relating to the current budget, the number of licences issued per year (new or renewals) in the last 4 years. It is also acknowledged that since 2019/20, 2020/21 and 2021/22 there has been a backlog of licence applications due to insufficient staffing caused by budget constraints related to the fee level. The proposed fees are further influenced by the introduction of a new process for determining licences from 2022/23 that will include a pre licence inspection.
- 3.4 Members will note a blanket percentage change has not been applied, but that each fee has been reviewed to take into account the use of carry forward balances (where applicable), changes in overhead costs and processing times.
- 3.5 The fees proposed in this report are calculated to recover the full cost of carrying out the service. This includes all administrative costs (including premises and service costs), any recharge of officers' time in appropriate cases when carrying out inspections of premises and other compliance duties (where applicable).
- 3.6 The fees proposed fulfil the main requirement of assuring that full costs are recovered from the income generated wherever possible.
- 3.7 The legal requirement for a Licensing Service to recover only "reasonable costs" takes precedence over the City Council's Corporate Charging Policy and the requirement to maximise income. License fees prescribed by statute also take precedence over the Corporate Charging Policy.
- 3.8 In setting the fees we have also taken account of the various precedents set by case law in the various areas of licensing. A summary of these cases is provided at Appendix 2

4. Mandatory HMOs

- 4.1 Not all HMOs require a licence. However, under the provisions of the national mandatory licensing scheme, a building, or part of a building, requires a mandatory HMO licence if it is a HMO with five or more people in occupation, who form two or more households, and the property fulfils the standard, self-contained flat or the converted building tests as detailed in Section 254 Housing Act 2004.
- 4.2 A separate licence is needed for each HMO property.
- 4.3 Failure to apply for a licence is a criminal offence and can result in a civil penalty or an unlimited fine.
- 4.4 To grant a licence, we must be satisfied that:
- the proposed licence holder is the most appropriate person to hold the licence
 - the proposed licence holder, and any manager of the property, is a “fit and proper person”
 - proper management standards are in place at the property
 - the HMO is reasonably suitable, or can be made suitable, for occupation by the number of persons allowed under the licence, and achieves the minimum prescribed standards of fire precautions, amenities and facilities, including the number, type and quality of shared bathrooms, toilets and cooking facilities.
 - Please see the following link for further information:
https://www.birmingham.gov.uk/downloads/file/1630/houses_in_multiple_occupation_hmo_property_and_management_standards

5. Who must hold the licence?

- 5.1 The landlord, or someone they nominate, such as a manager or agent, can hold the licence, provided that person is in agreement, as the licence must be held by the most appropriate ‘fit and proper’ person.
- 5.2 In determining whether a licence-holder is ‘fit and proper, we will consider:
- any previous convictions relating to violence, sexual offences, drugs and fraud
 - whether the proposed licence holder has broken any laws relating to housing or landlord and tenant issues
 - whether the person has been found guilty of unlawful discrimination
 - whether the person has previously managed HMOs that have broken any approved code of practice.

6. The Proposed Fees:

- 6.1 Appendix 1 shows the current licence fees (unchanged since 1 April 2018) and the proposed licence fees for any application where a new licence would be issued in the financial year 2022/23 or where a late application was received on 31st March 2022 or later for a licence that expired at any time before.
- 6.2 In order to ensure the fees reflect the cost of administering the licensing scheme and processing the licences, as well as compliance with those licences (and a proportion for enforcement against landlords illegally operating without a licence, but not related to any prosecution costs), the fee calculations are based projections for salary, premises and other costs for 2022/23.
- 6.3 Members will note that the proposed fees are split into a non-refundable application fee and a licence fee. This split is required further to case law set by R (Hemming and Others) vs Westminster City Council. Each fee takes account of salary costs, overhead costs, and processing and activity times.
- 6.4 The introduction of additional fees for paper applications relates to the extra work entailed in sending out the paper application and checking the paperwork, scanning and uploading it onto the electronic system..
- 6.5 We have introduced a new service relating to an advice visit pre application where officers will visit the premises and assist in clarifying any issues for the applicant.
- 6.6 There will no longer be a reduction in the overall cost of licence (application fee and licence fee) for membership of the Midland Landlord Accreditation Scheme. This because being a member of this scheme does not reduce the time spent in determining applications and administering the scheme to its members. Therefore, any fee reduction would result in a shortfall the income required to deliver the licensing scheme.
- 6.7 There is no separate fee proposed for renewals as the time spent assessing renewal applications and administering the licence scheme for renewals is the same as that spent for any new licence application.
- 6.8 It is acknowledged that there is a considerable increase in the cost of an mandatory HMO licence, but this increase will enable the Council to ensure that it is meeting its obligations and duties in relation to processing licences within a reasonable timeframe and carrying out the appropriate inspections to ensure that the conditions of the licence are complied with and that the standard and safety of premises is at the required level. It also enables the scheme to identify premises that are operating illegally and bring them into the scheme using appropriate enforcement powers.

7. Duration of a Licence

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

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

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

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

7.3 It is acknowledged that the UT was referring to a licence in a selective licensing scheme rather than a mandatory HMO licensing scheme, however, it is considered that the same principles apply.

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

8. Consultation

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

- 8.2 On 17 December 2021 the Head of Licensing wrote (by email) to the Midland Landlord Accreditation Scheme (MLAS) and informed them that Birmingham City Council's was reviewing the fees related to mandatory HMOs. The correspondence detailed the issues that had previously been considered in relation to the current reduction in fees for MLAS members and clarified that the review could not establish how being a member of MLAS would result in a time saving in terms of administration of the licensing scheme for MLAS members. It would not therefore be appropriate to offer a fee reduction to MLAS member in respect of mandatory HMO licensing fees.
- 8.3 MLAS was asked to submit any comments they wished to make in response to this email 4 January 2022. No comments have been received.
9. Implications for Resources
- 9.1 The proposals are consistent with the proposed budget for 2022/23 for the Licensing and Public Protection Committee that will be reported to you in March, subject to prior approval by City Council. This will ensure that the services continue to be managed within the approved cash limits and in line with the financial regulations relating to these services.
- 9.2 The fees and charges proposed within this report are calculated both on forecasts and also historic income and expenditure for 2020/21 and include the direct costs of the delivery of services and a proportion of indirect central business support costs e.g. Human Resources, Legal, IT, Finance, Procurement and Democratic costs.
- 9.3 It should be noted that fees and charges are reviewed annually and that they may increase or decrease depending on the cost of delivering the service in the previous year and any carry forward balances.
- 9.4 There are three possible ways in which the fees could be challenged:
- Judicial review of the Council decision based on the decision being Ultra Vires or considered to be unreasonable or irrational (known as Wednesbury Principles).
 - Through the District Auditor – if a Birmingham resident objects to the Local Authority accounts on the grounds that an item is contrary to law or
 - If the Council proposes to set an unlawful fee. This must be reported to and considered by the Monitoring Officer.
- 9.5 The proposed fees have been calculated having regard to projected costs and in accordance with best practice advice and also with regard to significant case law. There is no statutory method in which to calculate the fees.

9.6 Any decision to set fees otherwise than in accordance with the proposals within this report without appropriate justification is likely to increase the risk of challenge.

10. Implications for Policy Priorities

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

10.2 The legal requirement for a Licensing Service to recover only “reasonable costs” takes precedence over the City Council’s Corporate Charging Policy and the requirement to maximise income.

11. Public Sector Equality Duty

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

Background Papers:

Birmingham City Council – Corporate Charging Policy

MANDATORY HMO LICENCE BASIC FEES FOR ALL APPLICATIONS RECEIVED AFTER 1 st April 2018	
Licence fee for an HMO	£950
For the renewal of an existing licence made before the current licence expires where no change of circumstances	£650
DISCOUNTS	
For applicants who are members of Midlands Landlords Accreditation Scheme (based on a deduction for non-inspection of properties at the average cost of inspection of HMOs)	£250

The Proposed Fees 2022/23

	Number of Occupants of HMO		
	5 Persons	6 to 11 Persons	11+ Persons
Part A (application fee)	£420	£470	£515
Part B (licence fee)	£705	£745	£785
Total	£1125	£1215	£1300

Paper application to send	£20
Paper application to process	£65
Advice visit	£200

Summary of Relevant Case Law

R (on the application of Carl Cummings and others) v The County Council of the City of Cardiff [2014] EWHC 2544 (Admin)

The Claimants challenged successfully the lawfulness of the taxi and private hire fees set by Cardiff City Council, resulting in the refund of some £1.2 million to the taxi trade in respect of overpaid fees. This case was a Judicial Review of a Cardiff City Council decision. The court found that the Council had not been properly accounting and keeping record of any surplus or deficit dating back to 01 May 2009, and that the fees that had been set over the subsequent years had therefore been set without taking into account any such surplus or deficit. These surpluses and deficits can only be accounted for and taken into account within the specific regime that they cover (either hackney carriage or private hire), and surpluses from one regime cannot be used to offset deficits in the other regime. In other words, Councils are required to keep separate accounts for both the hackney carriage regime and the private hire regime, and must ensure that one is not supporting the other financially. Councils ought to separate out the five streams of taxi licensing (comprising vehicles, drivers and operators) when collecting their licence fees, to ensure no cross-subsidy within these streams. Moreover, Councils must not use the licensing fees as an income generating scheme.

R (on the application of Abdul Rehman on behalf of the Wakefield District Hackney Carriage and Private Hire Association) v Wakefield District Council and the Local Government Association (intervener) [2019] EWCA Civ 2166

This case, known as Rehman v Wakefield Council, was a Court of Appeal matter which clarified the law on taxi and private hire enforcement costs. Wakefield Council had imposed the cost of enforcement activity in relation to drivers onto the vehicle licence fees. Wakefield's Taxi and Private Hire Association challenged this, on the basis that Wakefield's calculations were unlawful because it was a form of cross-subsidising fees. The case clarified the correct procedure that councils must apply when setting taxi and private hire fees – namely that costs associated with monitoring and enforcing driver conduct must be factored into to driver licensing fees under s53 LG(MP)A 1976, and not vehicle licence fees under s70 (as had been the practice in Wakefield). The case therefore reaffirmed the principle that cross-subsidisation of taxi and private hire fees is not permitted in law.

R v Manchester City Council ex parte King (89 LGR 696 [1991]; The Times, 3 April 1991)

This was a street trading case that established that local authorities may only charge reasonable fees for licences and cover the Council's costs in the administration of those application types and issue costs - but not use them to raise revenue. The Council had set licence fees at a commercial rate, considering that the calculation of a 'reasonable fee' was a matter for their own discretion. But the court held that the fees must be related to the street trading scheme, and the costs of operating that scheme. The Council could therefore charge such fees as it reasonably considered would cover the total cost of operating the street trading scheme (or such lesser part of the cost of operating the street trading scheme as they considered reasonable). NB – this does not mean that any surplus revenue makes the fee structure invalid. The original position will remain valid provided that it can be said that the Council reasonably considered such fees would be required to meet the total cost of operating the scheme, even if the fees levied turn out to exceed the cost of operating the scheme.

R v Westminster City Council ex parte Hutton (1985) 83 LGR 516

This case was tried and reported with R v Birmingham City Council, Ex p Quietlynn Ltd (1985) 83 LGR 461, 517 and confirmed the principle that licensing fees may lawfully include amounts calculated to cover the cost to the licensing authority of regulation and enforcement. Hutton challenged the fee set for applying for a licence to operate a sex shop, on the basis that the administrative costs on which the fee was based included a sum representing the supposed shortfall in fee income against administrative costs in the previous year. The court held that the fee could reflect not only the processing of applications, but also 'inspecting premises after the grant of licences and for what might be called vigilant policing ... in order to detect and prosecute those who operated sex establishments without licences'. The Council was free to fix fees reflecting those necessary elements on a rolling basis, without adjusting surpluses and deficits in each year. This was on the basis that the statutory accounts of local authorities are structured such that shortfalls in one year must be carried into the next year's accounts. The court accepted Westminster's contention that when a charge is based on an annual budget, which must be concerned with situations which themselves will not be verifiable until after the end of the year in question, the only sensible way to fix the level of the charge is to take one year with another.

R (on the application of Hemming (t/a Simply Pleasure Ltd) and others) v Westminster City Council [2015] - 29th April 2015; [2015] UKSC 25, [2015] BLGR 753, [2015] PTSR 643, [2015] WLR(D) 193, [2015] AC 1600, [2015] 3 CMLR 9, [2015] LLR 564, [2015] 2 WLR 1271, UKSC 2013/0146

The Hemming case was a Supreme Court decision which overturned a Court of Appeal decision which had in turn upheld the decision of the lower court. Many commentators feel that the Supreme Court decision “restored common sense to the question of what licensing and other regulatory fees can lawfully include”. The Supreme Court affirmed the principle in *ex p. Hutton* – namely that licensing fees may lawfully include amounts calculated to cover the cost to the licensing authority of regulation and enforcement.

Hemming’s argument was that the approach approved 30 years before in *ex p. Hutton* was no longer lawful due to the effect of an EU Directive which had been implemented into domestic law under Regulations. Hemmings asserted that the Directive and Regulations precluded Westminster from including costs of enforcement activities against unlicensed operators in determining the licence fees payable by licensed operators; he felt that these costs should be covered by revenue from Council Tax and business rates. The huge importance of the case, not only to all other Council licensing departments but also to other (entirely unrelated) regulatory bodies, was such that when the case came before the Supreme Court there were nine Interveners before the Court - including the Architects Regulation Board, the Solicitors Regulation Authority, the Bar Standards Board, the Local Government Association and HM Treasury.

The decision was that the Directive and Regulations were solely concerned with ensuring that the costs charged for authorisation procedures (ie the clerical and administrative aspects of authorisation) were reasonable and proportionate to the actual costs of those procedures; they in no sense precluded licensing authorities from also including the costs of regulatory and enforcement activities in the total licence fees payable by licensed operators. The court saw no reason why the fee should not be set at a level enabling the authority to recover from licensed operators “the full cost of running and enforcing the licensing scheme, including the costs of enforcement and proceedings against those operating sex establishments without licences.” Likewise, with regard to other areas of licensable activity (where licensing authorities are empowered by domestic legislation to recover the costs of enforcement activity through licence fees) and regulated activity (e.g. practising as an architect, barrister or solicitor) - the decision of the Supreme Court has made clear that the Directive and Regulations do not preclude licensing authorities, or other regulatory bodies, from continuing to recoup their enforcement costs through fees charged to licensed operators or certified practitioners.

There is a related point - the Supreme Court said that one aspect should be referred to the European Court of Justice, namely Westminster's chosen method of exercising its right to recover the costs of enforcement. Westminster charged all applicants for sex establishment licences a fee that included both a sum to cover the cost of administering the application and a sum representing a contribution towards Westminster's costs of enforcement. The latter sum was refunded to unsuccessful applicants, whilst the former sum was not.

The Supreme Court asked the ECJ to determine whether that particular method of charging, which effectively deprives unsuccessful applicants of the use of the latter sum whilst their application is being considered, fell foul of the Directive (as opposed to an alternative method of charging only the successful applicants with the contribution towards the costs of enforcement).

In its judgment the ECJ concluded that the Directive must be interpreted as precluding a requirement for the payment of a fee, at the time of submitting an application for the grant or renewal of authorisation, part of which corresponds to the costs relating to the management and enforcement of the authorisation scheme concerned, even if that part is refundable if that application is refused. The citation of this ECJ decision is: *Hemming* (Judgment) [2016] EUECJ C-316/15 (16 November 2016): [2017] 3 WLR 317, [2017] LLR 189, [2016] WLR(D) 608, [2017] PTSR 325, ECLI:EU:C:2016:879, [2018] AC 650, [2017] CEC 920, EU:C:2016:879, [2016] EUECJ C-316/15

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

Background

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

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

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

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

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

Waltham Forest v Khan

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

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

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

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

BIRMINGHAM CITY COUNCIL

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

9 MARCH 2022
ALL WARDS

PROSECUTIONS & CAUTIONS – DECEMBER 2021 AND JANUARY 2022

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of December 2021 and January 2022.
2. Recommendation
 - 2.1 That the report be noted.

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3. Results

3.1 During the months of December 2021 and January 2022, the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 163 Environmental Health cases were finalised resulting in fines of £51,299. Prosecution costs of £21,315 were awarded together with compensation in the sum of £450. No simple cautions were administered as set out in Appendix 1.
- No Licensing cases were finalised during January 2022. Seven simple cautions were administered as set out in Appendix 2.
- One Trading Standards case was finalised resulting in a fine of £800. Prosecution costs of £2,672. One simple caution was administered as set out in Appendix 3.
- Three Waste Enforcement cases were finalised resulting in fines of £1,848. Prosecution costs of £2,319 were awarded. No simple cautions were administered as set out in Appendix 4.
- Appendix 5 lists cases finalised by district in April 2021 to January 2022.
- Appendix 6 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2021 to January 2022.
- Appendix 7 lists Penalty Charge Notices issued by Parking Enforcement specifically for individuals parking on Taxi Ranks across the City from April 2021 to January 2022. Please note this does not include other parking tickets issued anywhere else in the City.

4. Consultation

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

5. Implications for Resources

5.1 Costs incurred in investigating and preparing prosecutions, including officers' time, the professional fees of expert witnesses etc. are recorded as prosecution costs. Arrangements have been made with the Magistrates Court for any costs awarded to be reimbursed to the City Council. Monies paid in respect of fines are paid to the Treasury.

- 5.2 For the year April 2021 to January 2022 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£425,286 has been requested with £374,522 being awarded (88%)

Licensing

£6,097 has been requested with £2,535 being awarded (42%)

Trading Standards

£49,992 has been requested with £20,570 being awarded (41%)

- 5.3 For the months of December 2021 and January 2022 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£40,412 has been requested with £23,994 being awarded (59%)

Licensing

No costs were requested or awarded during December 2021 and January 2022.

Trading Standards

£2,672 has been requested with £2,672 being awarded (100%)

- 5.4 The following income has been received so far from the courts in 2021/22.

Licensing

£2,593 has been received.

Environmental Health

£176,586 has been received including Waste Enforcement cases.

Trading Standards

£2,592 has been received.

(Total £181,771).

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

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

ENVIRONMENTAL HEALTH CASES**LITTERING OFFENCES – NON-SINGLE JUSTICE PROCEDURE**

1	6.1.22	Desmond Harkin Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping litter, namely a cigarette, outside Moor Street station on Moor Street Queensway, Birmingham.	£80 £100 costs (£292 requested)	Druids Heath & Monyhull	Ladywood
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LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
14.12.21	67	£28,633	£11,725	£11,725
11.1.22	94	£19,546	£7,990	£16,450

	Date Case Heard	Name	Fine/Penalty & Costs	Ward of defendant
2	14.12.21	Mona Admi Birmingham Proved in absence	£440 £175 costs (£175 requested)	Gravelly Hill
3	14.12.21	Abdi Akram London Proved in absence	£440 £175 costs (£175 requested)	Out of area
4	14.12.21	Ioana Balimta West Bromwich Proved in absence	£440 £175 costs (£175 requested)	Out of area

5	14.12.21	Gary Bates Birmingham Proved in absence	£440 £175 costs (£175 requested)	Handsworth
6	14.12.21	Daniel Bawhay Nottingham Proved in absence	£440 £175 costs (£175 requested)	Out of area
7	14.12.21	Thomas Beamont Birmingham Proved in absence	£440 £175 costs (£175 requested)	Quinton
8	14.12.21	Jodie Best Birmingham Proved in absence	£440 £175 costs (£175 requested)	Erdington
9	14.12.21	Samantha Brylewicz London Proved in absence	£440 £175 costs (£175 requested)	Out of area
10	14.12.21	Robert Catalano Dudley Proved in absence	£440 £175 costs (£175 requested)	Out of area
11	14.12.21	Marcus Chai Sutton Coldfield Proved in absence	£440 £175 costs (£175 requested)	Sutton Vesey
12	14.12.21	David Chan Manchester Proved in absence	£440 £175 costs (£175 requested)	Out of area

13	14.12.21	Lee Patrick Connolly Castle Bromwich Proved in absence	£440 £175 costs (£175 requested)	Out of area
14	14.12.21	Ceejay Dalton Birmingham Proved in absence	£440 £175 costs (£175 requested)	Ladywood
15	14.12.21	Michelle Davis Birmingham Proved in absence	£440 £175 costs (£175 requested)	Bartley Green
16	14.12.21	Milad Davodi Birmingham Proved in absence	£440 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East
17	14.12.21	David Denton Hawick Proved in absence	£440 £175 costs (£175 requested)	Out of area
18	14.12.21	Nick Singh Dosanjh Oldbury Proved in absence	£440 £175 costs (£175 requested)	Out of area
19	14.12.21	Dominic Dunn Warwick Proved in absence	£440 £175 costs (£175 requested)	Out of area
20	14.12.21	Banjamim Elkin Stafford Proved in absence	£440 £175 costs (£175 requested)	Out of area

21	14.12.21	Ramandi Fasih Manchester Proved in absence	£440 £175 costs (£175 requested)	Out of area
22	14.12.21	Mohammed Fathy Birmingham Proved in absence	£440 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East
23	14.12.21	Natalia Ferkova Birmingham Proved in absence	£440 £175 costs (£175 requested)	Holyhead
24	14.12.21	Elizabeth Garcia Birmingham Proved in absence	£440 £175 costs (£175 requested)	Harborne
25	14.12.21	Vinod Gharu Oldbury Proved in absence	£440 £175 costs (£175 requested)	Out of area
26	14.12.21	Ridvan Gundogdu Stoke on Trent Proved in absence	£440 £175 costs (£175 requested)	Out of area
27	14.12.21	Arkadiusz Rafael Gurbisz Birmingham Proved in absence	£440 £175 costs (£175 requested)	Handsworth Wood
28	14.12.21	Pamela Hallard Birmingham Proved in absence	£440 £175 costs (£175 requested)	Bartley Green

29	14.12.21	Laura Harwood Oldbury Proved in absence	£440 £175 costs (£175 requested)	Out of area
30	14.12.21	Hassan Hissain Birmingham Proved in absence	£440 £175 costs (£175 requested)	Bordesley Green
31	14.12.21	Beverley Hunter Sutton Coldfield Proved in absence	£440 £175 costs (£175 requested)	Mere Green
32	14.12.21	Muvtaza Hussain Birmingham Proved in absence	£440 £175 costs (£175 requested)	Small Heath
33	14.12.21	Karl Jackson Birmingham Proved in absence	£440 £175 costs (£175 requested)	Erdington
34	14.12.21	Thomas Jarvis Walsall Proved in absence	£440 £175 costs (£175 requested)	Out of area
35	14.12.21	Hi Di Jiang Cambridge Proved in absence	£440 £175 costs (£175 requested)	Out of area
36	14.12.21	Sasha Jones London Proved in absence	£440 £175 costs (£175 requested)	Out of area

37	14.12.21	Carey Knight Nottingham Proved in absence	£440 £175 costs (£175 requested)	Out of area
38	14.12.21	Olivia Law Stourbridge Proved in absence	£440 £175 costs (£175 requested)	Out of area
39	14.12.21	Louise Lawrence Birmingham Proved in absence	£440 £175 costs (£175 requested)	Kingstanding
40	14.12.21	Cathy Louise Lewis Worcester Proved in absence	£440 £175 costs (£175 requested)	Out of area
41	14.12.21	Jonathan Matthews Dunfermline Proved in absence	£440 £175 costs (£175 requested)	Out of area
42	14.12.21	William Joseph McColgan Strabane Proved in absence	£440 £175 costs (£175 requested)	Out of area
43	14.12.21	Evie Mchugo Birmingham Proved in absence	£440 £175 costs (£175 requested)	Weoley & Selly Oak
44	14.12.21	Sivla Mergeri Redditch Proved in absence	£440 £175 costs (£175 requested)	Out of area

45	14.12.21	Adrian Mooney Birmingham Proved in absence	£440 £175 costs (£175 requested)	Rubery & Rednal
46	14.12.21	Michelle Moran Oldham Proved in absence	£440 £175 costs (£175 requested)	Out of area
47	14.12.21	Mark Anthony Muers Hartlepool Proved in absence	£440 £175 costs (£175 requested)	Out of area
48	14.12.21	Jummane Nicholson Birmingham Proved in absence	£440 £175 costs (£175 requested)	Ladywood
49	14.12.21	Sarah O'Brien Blackpool Proved in absence	£440 £175 costs (£175 requested)	Out of area
50	14.12.21	Richard O'Grady Birmingham Proved in absence	£440 £175 costs (£175 requested)	Erdington
51	14.12.21	Dainis Olavs Derby Guilty plea	£313 £175 costs (£175 requested)	Out of area
52	14.12.21	Kimberley Grace Parker Worcester Guilty plea	£80 £175 costs (£175 requested)	Out of area

53	14.12.21	Ashley Paul Birmingham Proved in absence	£440 £175 costs (£175 requested)	Edgbaston
54	14.12.21	Dennis Pavlov Romford Proved in absence	£440 £175 costs (£175 requested)	Out of area
55	14.12.21	Ross Plant Buckley Proved in absence	£440 £175 costs (£175 requested)	Out of area
56	14.12.21	Courtney Price Coventry Proved in absence	£440 £175 costs (£175 requested)	Out of area
57	14.12.21	Lukas Rablalski Wolverhampton Proved in absence	£440 £175 costs (£175 requested)	Out of area
58	14.12.21	Karl Ravenscroft Manchester Proved in absence	£440 £175 costs (£175 requested)	Out of area
59	14.12.21	Paul Rscckham Birmingham Proved in absence	£440 £175 costs (£175 requested)	Stockland Green
60	14.12.21	Luke Seeley Kenilworth Proved in absence	£440 £175 costs (£175 requested)	Out of area

61	14.12.21	Anthony Smith Bilston Proved in absence	£440 £175 costs (£175 requested)	Out of area
62	14.12.21	Marie Smith Birmingham Proved in absence	£440 £175 costs (£175 requested)	Selly Oak
63	14.12.21	Scott Smith Birmingham Proved in absence	£440 £175 costs (£175 requested)	Acocks Green
64	14.12.21	Chloe Paige Tedeschi Sutton Coldfield Proved in absence	£440 £175 costs (£175 requested)	Sutton Reddicap
65	14.12.21	Zainonisa Van Eden Milton Keynes Guilty plea	£80 £175 costs (£175 requested)	Out of area
66	14.12.21	Frances Whitehouse Birmingham Proved in absence	£440 £175 costs (£175 requested)	Weoley & Selly Oak
67	14.12.21	Xing Yin Tang Bradford Proved in absence	£440 £175 costs (£175 requested)	Out of area
68	14.12.21	Aqeel Zahur Birmingham Proved in absence	£440 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East

69	11.1.22	Mustafa Abdullah Northampton Proved in absence	£220 £85 costs (£175 requested)	Out of area
70	11.1.22	Luke Alder Hereford Proved in absence	£220 £85 costs (£175 requested)	Out of area
71	11.1.22	Anthony Allen Chelmsley Wood Proved in absence	£220 £85 costs (£175 requested)	Out of area
72	11.1.22	Mohammed Assam Wolverhampton Proved in absence	£220 £85 costs (£175 requested)	Out of area
73	11.1.22	Nathan Atkinson Birmingham Proved in absence	£220 £85 costs (£175 requested)	Glebe Farm & Tile Cross
74	11.1.22	Claire Bagley Birmingham Proved in absence	£220 £85 costs (£175 requested)	Kings Norton South
75	11.1.22	Jade Heather Marie Bailey Telford Proved in absence	£220 £85 costs (£175 requested)	Out of area

76	11.1.22	Ben Baker Bromsgrove Proved in absence	£220 £85 costs (£175 requested)	Out of area
77	11.1.22	Jake Bakewell Birmingham Proved in absence	£220 £85 costs (£175 requested)	Glebe Farm & Tile Cross
78	11.1.22	Dawid Baranowski Banbury Proved in absence	£220 £85 costs (£175 requested)	Out of area
79	11.1.22	Kim Barbour Swadlincote Proved in absence	£220 £85 costs (£175 requested)	Out of area
80	11.1.22	James Dylan Barker Wolverhampton Guilty plea	£73 £85 costs (£175 requested)	Out of area
81	11.1.22	Steve Bingham Birmingham Proved in absence	£220 £85 costs (£175 requested)	Hall Green South
82	11.1.22	Francois Brown London Proved in absence	£220 £85 costs (£175 requested)	Out of area
83	11.1.22	Stephen Burnand Birmingham Proved in absence	£220 £85 costs (£175 requested)	Bromford & Hodge Hill

84	11.1.22	Jay Carpenter Rugby Proved in absence	£220 £85 costs (£175 requested)	Out of area
85	11.1.22	Diana Gabriela Ceausila Birmingham Proved in absence	£220 £85 costs (£175 requested)	Brandwood & Kings Heath
86	11.1.22	Gzim Ceney Redditch Proved in absence	£220 £85 costs (£175 requested)	Out of area
87	11.1.22	Zheng Chen Birmingham Proved in absence	£220 £85 costs (£175 requested)	Birchfield
88	11.1.22	Paige Cox Derby Proved in absence	£220 £85 costs (£175 requested)	Out of area
89	11.1.22	Joseph Daw Cardiff Proved in absence	£220 £85 costs (£175 requested)	Out of area
90	11.1.22	Callum Lee Dean Burton-on-Trent Proved in absence	£220 £85 costs (£175 requested)	Out of area
91	11.1.22	Jason Draper Birmingham Proved in absence	£220 £85 costs (£175 requested)	Handsworth

92	11.1.22	Matthew Duffy Cradley Heath Proved in absence	£220 £85 costs (£175 requested)	Out of area
93	11.1.22	Zan Duy Birmingham Proved in absence	£220 £85 costs (£175 requested)	Handsworth
94	11.1.22	Tane East London Guilty plea	£40 £85 costs (£175 requested)	Out of area
95	11.1.22	Marie Enache London Proved in absence	£220 £85 costs (£175 requested)	Out of area
96	11.1.22	Gabriel Eon Birmingham Proved in absence	£220 £85 costs (£175 requested)	Glebe Farm & Tile Cross
97	11.1.22	Leanne Evans Coventry Proved in absence	£220 £85 costs (£175 requested)	Out of area
98	11.1.22	David Ferguso Solihull Proved in absence	£220 £85 costs (£175 requested)	Out of area
99	11.1.22	Kia Fitzgerald Coleshill Proved in absence	£220 £85 costs (£175 requested)	Out of area

100	11.1.22	Nathan Gough Nottingham Proved in absence	£220 £85 costs (£175 requested)	Out of area
101	11.1.22	Aaron Grant Birmingham Proved in absence	£220 £85 costs (£175 requested)	Moseley
102	11.1.22	Peter Harris Leicester Proved in absence	£220 £85 costs (£175 requested)	Out of area
103	11.1.22	Chantelle Hawthorn Walsall Proved in absence	£220 £85 costs (£175 requested)	Out of area
104	11.1.22	Tony Hazeldine Wolverhampton Proved in absence	£220 £85 costs (£175 requested)	Out of area
105	11.1.22	Shelby Herbert Shrewsbury Guilty plea	£73 £85 costs (£175 requested)	Out of area
106	11.1.22	Gail Hinks Birmingham Proved in absence	£220 £85 costs (£175 requested)	South Yardley
107	11.1.22	Hannah Hockaday Stratford-upon-Avon Proved in absence	£220 £85 costs (£175 requested)	Out of area

108	11.1.22	Mohammed Hoque Blackpool Proved in absence	£220 £85 costs (£175 requested)	Out of area
109	11.1.22	Jodie Hunter Birmingham Proved in absence	£220 £85 costs (£175 requested)	Stockland Green
110	11.1.22	Mohammed Hussain Birmingham Proved in absence	£220 £85 costs (£175 requested)	Shard End
111	11.1.22	Zabi Hussin Coventry Proved in absence	£220 £85 costs (£175 requested)	Out of area
112	11.1.22	Gareth Hynde Ilfracombe Proved in absence	£220 £85 costs (£175 requested)	Out of area
113	11.1.22	Alexandra Simona Ilea Birmingham Proved in absence	£220 £85 costs (£175 requested)	Edgbaston
114	11.1.22	Martin Jarvis Wolverhampton Proved in absence	£220 £85 costs (£175 requested)	Out of area
115	11.1.22	Justin Jones Birmingham Proved in absence	£220 £85 costs (£175 requested)	Newtown

116	11.1.22	Malika Khan Derby Proved in absence	£220 £85 costs (£175 requested)	Out of area
117	11.1.22	Dawn Lees Birmingham Proved in absence	£220 £85 costs (£175 requested)	Gravelly Hill
118	11.1.22	Elizabeth Lowe Birmingham Proved in absence	£220 £85 costs (£175 requested)	Northfield
119	11.1.22	Gezim Luli London Proved in absence	£220 £85 costs (£175 requested)	Out of area
120	11.1.22	Elizabeth Ann Lyons Birmingham Proved in absence	£220 £85 costs (£175 requested)	South Yardley
121	11.1.22	Hussain Malik Birmingham Proved in absence	£220 £85 costs (£175 requested)	Alum Rock
122	11.1.22	Matthew Mansell Halesowen Proved in absence	£220 £85 costs (£175 requested)	Out of area
123	11.1.22	Ana Martin Meriden Guilty plea	£40 £85 costs (£175 requested)	Out of area

124	11.1.22	Amir Abbas Mastan Birmingham Proved in absence	£220 £85 costs (£175 requested)	Hall Green North
125	11.1.22	James McGrath Widnes Proved in absence	£220 £85 costs (£175 requested)	Out of area
126	11.1.22	Tahj Mills Birmingham Proved in absence	£220 £85 costs (£175 requested)	Ladywood
127	11.1.22	Abdul Mohamed Birmingham Proved in absence	£220 £85 costs (£175 requested)	Holyhead
128	11.1.22	George Morgan Widnes Proved in absence	£220 £85 costs (£175 requested)	Out of area
129	11.1.22	Michelle Morris Birmingham Proved in absence	£220 £85 costs (£175 requested)	Gravelly Hill
130	11.1.22	Mohammed Nalsir London Proved in absence	£220 £85 costs (£175 requested)	Out of area
131	11.1.22	Gul Nawaz Birmingham Proved in absence	£220 £85 costs (£175 requested)	Kingstanding

132	11.1.22	Ben O'Neil Birmingham Proved in absence	£220 £85 costs (£175 requested)	Gravelly Hill
133	11.1.22	Andrew Robert Palmer Stockton-on-Tees Proved in absence	£220 £85 costs (£175 requested)	Out of area
134	11.1.22	Arthur Pattinson Birmingham Proved in absence	£220 £85 costs (£175 requested)	Stirchley
135	11.1.22	Melanie Diane Pattinson Gloucester Proved in absence	£220 £85 costs (£175 requested)	Out of area
136	11.1.22	Anthony Perks Birmingham Proved in absence	£220 £85 costs (£175 requested)	Newtown
137	11.1.22	Sara Phillips Droitwich Proved in absence	£220 £85 costs (£175 requested)	Out of area
138	11.1.22	Chelsea Powell Birmingham Proved in absence	£220 £85 costs (£175 requested)	Yardley West & Stechford
139	11.1.22	David Prince Coventry Proved in absence	£220 £85 costs (£175 requested)	Out of area

140	11.1.22	Mitchell Pugh Chelmsley Wood Proved in absence	£220 £85 costs (£175 requested)	Out of area
141	11.1.22	Michael Quinn Sutton Coldfield Proved in absence	£220 £85 costs (£175 requested)	Sutton Walmley & Minworth
142	11.1.22	Emma Ramsey Coventry Proved in absence	£220 £85 costs (£175 requested)	Out of area
143	11.1.22	Sajid Rashid Birmingham Proved in absence	£220 £85 costs (£175 requested)	Alum Rock
144	11.1.22	Eden Riley Stoke-on-Trent Proved in absence	£220 £85 costs (£175 requested)	Out of area
145	11.1.22	Carina Robertson Kingshurst Proved in absence	£220 £85 costs (£175 requested)	Out of area
146	11.1.22	Sahra Shakeel Birmingham Proved in absence	£220 £85 costs (£175 requested)	Perry Barr
147	11.1.22	Luke Simms Coleshill Proved in absence	£220 £85 costs (£175 requested)	Out of area

148	11.1.22	Abbie Louise Smith Redditch Proved in absence	£220 £85 costs (£175 requested)	Out of area
149	11.1.22	Christina Soare Banbury Proved in absence	£220 £85 costs (£175 requested)	Out of area
150	11.1.22	Muhammed Sohail Birmingham Proved in absence	£220 £85 costs (£175 requested)	Aston
151	11.1.22	Biancca Tanse Birmingham Proved in absence	£220 £85 costs (£175 requested)	Hall Green North
152	11.1.22	John Thorpe Bristol Proved in absence	£220 £85 costs (£175 requested)	Out of area
153	11.1.22	Lee Tran Birmingham Proved in absence	£220 £85 costs (£175 requested)	Handsworth
154	11.1.22	Saitej Vinnakota Newcastle-upon-Tyne Proved in absence	£220 £85 costs (£175 requested)	Out of area
155	11.1.22	Rhianna Walker Alcester Guilty plea	£100 £85 costs (£175 requested)	Out of area

156	11.1.22	Patrick Walsh Bromsgrove Proved in absence	£220 £85 costs (£175 requested)	Out of area
157	11.1.22	Chenghian Wang Brierley Hill Proved in absence	£220 £85 costs (£175 requested)	Out of area
158	11.1.22	Przemyslaw Warchoki Cheltenham Guilty plea	£40 £85 costs (£175 requested)	Out of area
159	11.1.22	David Warner Birmingham Proved in absence	£220 £85 costs (£175 requested)	Bournbrook & Selly Park
160	11.1.22	Laura White Smethwick Guilty plea	£40 £85 costs (£175 requested)	Out of area
161	11.1.22	Saneh Zeina Birmingham Proved in absence	£220 £85 costs (£175 requested)	Newtown
162	11.1.22	Wenjie Zhang Sheffield Proved in absence	£220 £85 costs (£175 requested)	Out of area

NOISE NUISANCE

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
163	24.1.22	Seyed Mohammadi Birmingham	Environmental Protection Act 1990 Pleaded <u>not guilty</u> to 11 offences of failing to comply with a requirement imposed by an Abatement Notice, in respect of a noise nuisance being caused by the use of amplified music at 23 Barratts Road, Birmingham. Found guilty following trial	£3,040 (£1,520 – offences 5 and 10 No separate penalty on remaining offences) Compensation of £450 (£150 to each of 3 complainants) £1,500 costs (£6,119 requested)	King Norton South	Kings Norton South

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

No simple cautions were administered during December 2021 and January 2022.

LICENSING CASES

No licensing cases were finalised during December 2021 and January 2022.

LICENSING SIMPLE CAUTIONS

Seven simple cautions were administered during December 2021 and January 2022.

Local Government (Miscellaneous Provisions) Act 1976

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

APPENDIX 3**TRADING STANDARDS CASES**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
164	9.12.21	Just Clear It (Midlands) Lt Regus Building Fort Dunlop Fort Parkway Birmingham B24 9FE Hasan Beha Hasan Birmingham	Town and Country Planning Act 1990 Consumer Protection from Unfair Trading Regs 2008 Each defendant pleaded guilty to two offences; one of displaying an advertisement on a lamp post outside 68-80 Gravelly Lane, Erdington, Birmingham, giving publicity to the business "Just Clear It (Midlands) Ltd" without the consent of the City Council and one of displaying the "Birmingham City Council" name and logo on the advertising placard, without permission to do so.	£800 (£400 x 2) – Mr Hasan No separate penalty for the Company £2,672 costs (£2,672 requested)	Pype Hayes	Erdington

TRADING STANDARDS SIMPLE CAUTIONS

One simple caution was administered during January 2022.

Trade Marks Act 1994 Section 92((1)(c)

One caution was issued for having goods in possession for supply which bore registered trade marks without the consent of the trade mark holders

WASTE ENFORCEMENT CASES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
165	9.12.21	Zadha Wazir Dudley	Environmental Protection Act 1990 Pleaded guilty to two offences of depositing controlled waste, namely flattened cardboard box packaging and take away containers, from a motor vehicle on land at Burbidge Road, Birmingham	£320 – offence 1 No separate penalty for offence 2 £732 costs (£732 requested)	Out of area	Bordesley & Highgate
166	13.12.21	Mohammed Zaber Birmingham	Environmental Protection Act 1990 Pleaded <u>not guilty</u> to one offence of knowingly causing building waste to be deposited from a motor vehicle on land at Arley Road, Saltley, Birmingham. Found guilty after trial.	£375 £587 costs (£3,777 requested)	Small Heath	Alum Rock
167	6.1.22	Gelu-Marian Floricel Birmingham	Environmental Protection Act 1990 Pleaded guilty to two offences of depositing controlled waste, namely black sacks, cardboard boxes, suitcases and a fridge-freezer, from a vehicle on land in Freeth Street, Birmingham.	£1,153 £1,000 costs (£1,317 requested)	Aston	Ladywood

WASTE ENFORCEMENT SIMPLE CAUTIONS

No simple cautions were administered during December 2021 and January 2022.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL 2021-JANUARY 2022

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	4	0	1	0	0	0	0	5
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	547	0	0	0	0	0	0	547
Environmental Health (including WEU)	1	5	6	6	23	3	4	5	3	5	0	61
Trading Standards	0	1	2	0	0	0	0	0	0	2	0	5

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) APRIL 2021-JANUARY 2022

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	1	0	0	1	0	0	0	3	5
Environmental Health (FPNs) Not paid and prosecuted	15	23	24	26	46	17	30	15	5	20	326	547
Environmental Health (including WEU)	0	8	4	7	12	3	7	4	2	4	10	61
Trading Standards	0	1	2	0	1	0	0	0	0	0	1	5

APPENDIX 6**WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY**

Waste Investigation Outcomes													
	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Total
Duty of care inspections into the waste disposal arrangements of commercial premises	19	55	23	29	35	61	231	30	9	71			563
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	19	33	17	29	17	46	186	18	9	48			422
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	1	0	3	0	0	0	3	3	7	7			24
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences (£80)	0	0	0	0	0	0	0	0	0	0			0
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	4	5	6	5	6	3	7	13	12	14			75
Prosecutions													
Number of prosecution files submitted to legal services, (number produced quarterly.	2	10	6	5	3	3	1	1	3	0			34

APPENDIX 7

Monthly Parking Pcms Issued in Taxi Ranks	Processing
April 2021	103
May 2021	154
June 2021	142
July 2021	106
August 2021	114
September 2021	114
October 2021	206
November 2021	274
December 2021	278
January 2022	232
February 2022	
March 2022	
TOTAL	1723

Regulating the Commonwealth Games

Paul Lankester
Interim Assistant Director

March 2022



What I will cover today

- Background- Birmingham's Regulation and Enforcement Service
- The Birmingham Commonwealth Games 2022
- The Games Strategic Focus and Regulatory Role
- Resources and Mutual Aid
- Regulatory Approach and the City's Approach
- The Commonwealth Games Legacy
- Summary

Birmingham's Regulation & Enforcement Service

- Made up of several regulatory, enforcement and trading services, plus Coroner's Support
- Three Heads of Service
 - Mark Croxford- Environmental Health, Pest Control and Mortuaries
 - Sajeela Naseer- Licensing, Markets, Private Rented Sector, Register Office and Street Trading
 - Tony Quigley- Trading Standards and Illegal Money Lending Team
- Assistant Director- Coroners' Support, Bereavement

Commonwealth Games

- Involves nine venue local authorities
- Plus several impacted by trading and advertising restrictions
- Principle activity to world mid-July to mid-August, but so much more
- Role includes-
 - Logistics planning
 - Ensuring public safety during Games
 - Ensuring business as usual requirements are met
 - Ensuring enforcement and regulatory consistency across all venue local authorities

Commonwealth Games- Strategic Focus

- Key task in the City Council's Delivery Plan
- Birmingham plus on show to the world- must be at our best!
- Working with other local authorities since 2019
- Ensuring Games operates safely
- Implement the Birmingham Commonwealth Games Act 2020
- Games produces a legacy for the future

Birmingham Commonwealth Games Act

- Places duties on relevant local authorities
- Includes a provision for right to compensation for incorrect enforcement
- Introduces advertising and trading restrictions in designated areas around venues/ event routes
- Places a duty on local authorities to notify businesses in affected areas of trading and advertising restrictions
- Other provisions include brand protection and ticket touting

Regulation and Enforcement – Role in the Games (1)

- Licensing of Sports Grounds- the Alexander Stadium
- Licensing events- opening and closing ceremonies ++
- Trading Standards- Birmingham Commonwealth Games Act 2020
 - Advertising and trading restrictions, Ticket Touting, brand protection
- Environmental health
 - Water sampling- Powell's Pool
 - Food safety
 - Health and safety at work
 - Infection Control
- Street trading

Regulation and Enforcement – Role in the Games (2)

- Emergency planning
- Business continuity/ resilience
- Agreeing OC standards
- Enforcement consistency
 - Collaboration between venue authority regulatory leads
 - Meet with OC/ DCMS regularly
 - Liaison with UKHSA/ West Midlands Police/ HSE
- Litter enforcement- part of Big City Clean

Resource Requirements

- Resources required for:-
 - Additional staff across the Board
 - Implementing statutory duties associated with the CGA 2020
 - Staff training
 - Water sampling
- Bid approved for c.£600,000 to meet role
- Identified resource requirements on a daily basis
- Restricted leave allowed during Games

Resources

- **Food Standards Agency- successful bid for £222,000**
 - Food safety –venues, villages, festival sites, hotels and zone X
 - Business support, sampling programme, allergens, communications
- **UKHSA- Officer Secondment from BCC (£50,000)**
 - Legionella Sampling Survey- hotels
 - Cooling Tower assurances
 - Sandwell Aquatics Centre- water safety plans
 - Sutton Park water management/ safety- triathlon
 - Outbreak Management Plans- UKHSA, BCC and other venue authorities

Mutual Aid

- Arrangement between local authorities to share resources
- Scheme arranged for West Midlands Authorities to take part
- Covers all regulatory staff
- Five authorities signed up to date
- Extended to other local authorities, if possible

Regulatory Approach- JARS

- Sharing approach to Commonwealth Games Act Duties
- Sharing enforcement policy
- Joint standard operating procedures
- Joint training
- Approach to Safety Advisory Groups (SAGs) and Licensing
- Sharing Intelligence

Birmingham's Approach (1)

- Six venue sites
- Festival/ Live Sites
- Arranged in three clusters
 - Sutton Park/ Alexander Stadium
 - NIA/ Smithfield/ City Centre
 - Edgbaston/ University of Birmingham
- Plus business as usual
- Identified resources- managers/ EHOs/ TSOs/ Licensing Officers

Birmingham's Approach (2)

- Identified resources required-
 - Managers
 - EHOs
 - TSOs
 - Licensing Officers
 - Enforcement Officers
 - Enforcement Wardens
- From Day -5 to Day 12- resources to be allocated
- Work in two shifts- cover one hour before to one hour after events

Birmingham's Approach (3)

- Duty to inform affected businesses of trading and advertising restrictions
 - Three stage approach
 - Letter February 2022
 - Letter April 2022
 - Visits June- July 2022
- Supplement above with offers to brief representative business organisations
- Sharing approach and letters with other local authorities

Birmingham's Approach (4)

- Food Law Enforcement- FSA Recovery Plan- get ahead??
- Licensing- set deliverables and expectations of Organising Committee (OC)
- Ensure Safety Advisory Groups (SAGs) concentrate on public safety and seeking assurance of statutory partners on OC's proposals
- Alexander Stadium- new designated stadium?

What have we still got to do?

- Finalise staffing schedules and get more mutual aid
- Finalise and undertake staff training
- Finalise operating procedures and any policies
- Issue safety certificates and licences
- Finalise resilience plans focused on Games
- Deliver a safe and great Games!

Birmingham Commonwealth Games Legacy

- Improved capacity through more knowledge of staff
- Enforcement consistency across the partners
- Better relationships and working between West Midlands authorities
- Potential for joining up resources in the future
- More use of the IDB!

Summary

- Major focus for this year
- The joint working- showing real progress
- Mutual aid- volunteers welcome
- Lots still to do
- Legacy for the future

Any Questions?

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BIRMINGHAM CITY COUNCIL

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

09 March 2022
ALL WARDS

THE FOOD HYGIENE INSPECTIONS RECOVERY PLAN FOR THE PERIOD OCTOBER 2021 TO MARCH 2023

1. Summary

- 1.1 The Recovery Plan sets out the Food Standards Agency's (FSA) guidance and advice to local authorities for the period from 1 July 2021 to 31 March 2023.
- 1.2 The guidance and advice aim to ensure that during the period of recovery from the impact of COVID-19, local authority resources are targeted where they add greatest value in providing safeguards for public health and consumer protection in relation to food. It also aims to safeguard the credibility of the Food Hygiene Rating Scheme (FHRS).
- 1.3 The Recovery Plan provides a framework for re-starting the delivery system in line with the Food Law Codes of Practice (for England, Wales and Northern Ireland) for new food establishments and for high-risk and/or non-compliant establishments while providing flexibility for lower risk establishments. This should be implemented alongside delivery of:
 - Official controls where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that support trade and enable export
 - Reactive work including enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
 - Sampling, and
 - Ongoing proactive surveillance.

2. Recommendations

- 2.1 That the Birmingham City Council Food Recovery Plan be approved, in accordance with the FSA national guidance.

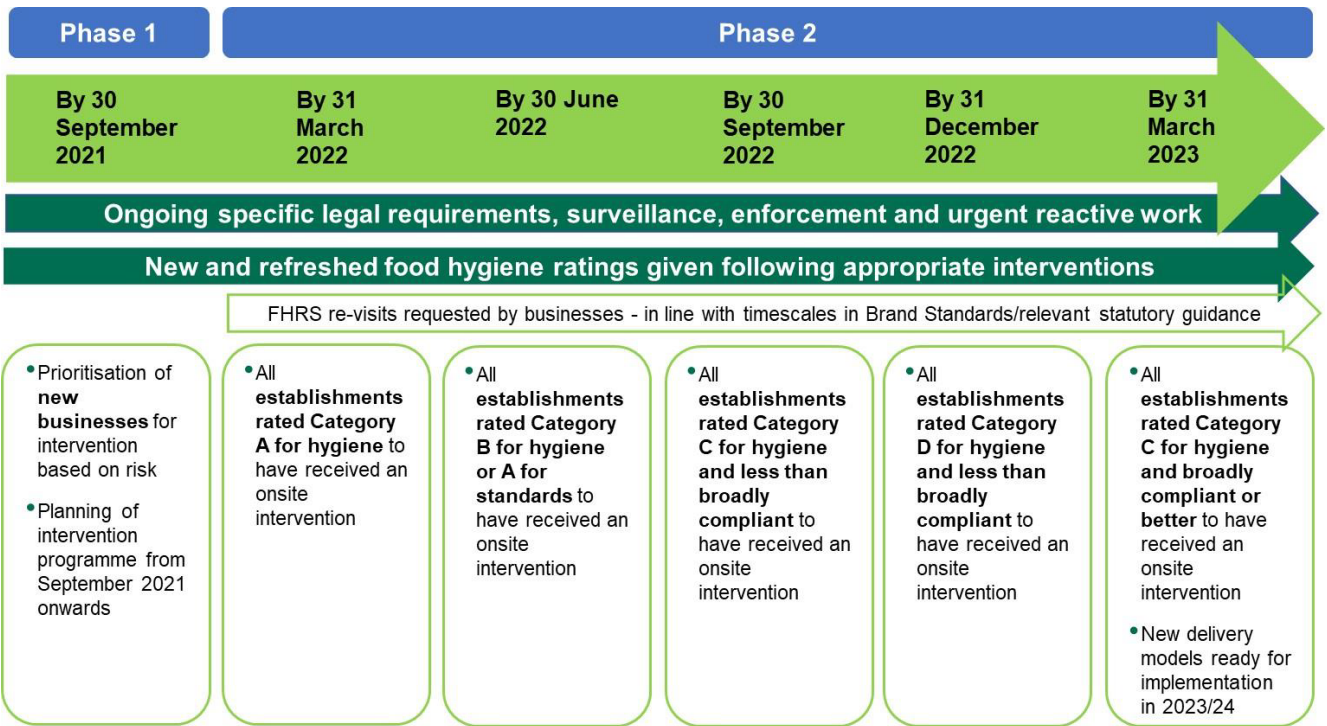
Contact Officer: Nick Lowe, Operations Manager Food
Telephone: 0121 303 2491
Email: nick.lowe@birmingham.gov.uk

3. **Background**

3.1 All Local Authorities are expected to have regard to the FSA national guidance and advice when implementing food recovery plans following the cessation of inspections during the pandemic. The current advice applies from 1 July 2021 at which time it superseded the guidance and advice provided in response to the COVID-19 pandemic that applied up to 30 June 2021.

4. **Recovery Plan Timeline**

- 4.1 There are two phases to the Recovery Plan:
- Phase 1 - 1 July to 30 September 2021
 - Phase 2 – 1 October 2021 to 2023/24
- 4.2 Phase 1 was designed as a period of planning for the full commencement of programmed inspections. The time was also used to contact all uninspected businesses, to learn more about their methods and level of risk, to assist with prioritising visits to these premises.
- 4.3 Phase two is the commencement of the programme of visits in accordance with the priorities as detailed in the table below. In essence, Phase 2 will continue until a new food standards delivery model and a revised food hygiene intervention rating scheme are in place. The new delivery model for food standards is being piloted in England and Northern Ireland until the end of December 2021. Subject to the findings of an evaluation of the pilot and stakeholder consultation, it is anticipated that the new model will be rolled out nationally from April 2023. Work to review and revise the food hygiene intervention rating scheme is planned to commence shortly with a view to implementation in 2023/24.



Picture 1: FSA Guidance for LAs in designing their recovery plans.

- 4.4 When intelligence suggests risks have increased (irrespective of the risk category) local authorities are required to undertake interventions to assess and address those risks. This could mean an inspection earlier than the timescale indicated above. This may be where a complaint has been received alleging poor hygiene conditions, or an allergen issue.
- 4.5 When an onsite intervention is undertaken, local authorities should programme subsequent interventions in line with the Codes of Practice.
- 4.6 Local authorities should give new food hygiene ratings where appropriate interventions are undertaken, and the establishment falls within scope of the FHRS.
- 4.7 Where non-compliance is found at any intervention, local authorities should take appropriate action to secure compliance including formal enforcement action as necessary.

5. **Other Statutory Duties**

- 5.1 In addition to the commencement of programmed visits, we are also required to maintain a service in the following areas:
- official controls where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that are undertaken to support trade and enable export
 - reactive work including, enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
 - sampling in accordance with the local authority sampling programme or as required in the context of assessing food business compliance, and any follow-up necessary in relation to the FSA Surveillance Sampling Programme
 - ongoing proactive surveillance to obtain an accurate picture of the local business landscape and to identify open/closed/recently re-opened/new businesses; as well as businesses where there has been a change of operation, activities or FBO
 - for 'new businesses', consideration of registration information and intelligence with appropriate onsite interventions carried out where there are concerns around public health/consumer protection
 - for 'new businesses' where consideration of registration information and intelligence indicates lower risk, initial visits should be prioritised and undertaken in accordance with the Codes of Practice and Practice Guidance taking account of the flexibilities provided
 - implementing an intelligence/information-based approach for lower risk category establishments
 - responding to FHRS requested re-visits in line with the timelines specified in the FHRS Brand Standard for England or the statutory guidance in Wales and Northern Ireland.

6. **Birmingham's Food Recovery Plan**

- 6.1 The inspection plan is included as Appendix 1 to this report. This highlights the planned interventions at previously inspected premises, and those interventions at unrated premises. The risk category applied to the unrated premises is based on work undertaken during phase 1 of the recovery period.

- 6.2 Appendix 1 also highlights the variations and risks inherent in the plan. Contingency plans are in place should the risks become challenging, including the temporary use of agency officers, and the reassignment of officers from other duties.
- 6.3 Monitoring measures are in place to ensure continued progress with the Birmingham food recovery plan is maintained, and to respond to any difficulties that arise.

7. Implications for Resources

- 7.1 This activity is accounted for in the resources allocated to Environmental Health. Although there has been an investment in Environmental Health of 8 officers this was part of the re-instatement of enough resource to undertake inspections. There are increasing demands placed on officers that are not within our control that impact on resources.

- The National Food Hygiene Rating Scheme colloquially called scores on the doors has been successful and is used by internet ordering companies such as Just Eat, Uber Eats etc. as a control on who is on their smart phone apps. Food businesses that have their FHRs scores of <2 are removed from the respective app. Businesses have stated this can remove between 70% to 90% of their trade. As a result, low scores are routinely challenged by businesses and complaints are made. We work hard to ensure scores are correct but even where they are, the reviews, re-visits and appeals against the reviews all take up time.
- There is an increased demand for re-inspections to reverse low scores and return businesses to the food apps. This means that where a rescore request is received there is now another inspection required within 3 months of this to be rescored, this may be in addition to enforcement revisits that have already been undertaken. A number of these lead to rescoring however some of these lead to further faults being uncovered since the last inspection and then we are back to schedules to remedy defects and re-visit to ensure this is undertaken.
- There was an under estimation on resources required to tackle all of the allergen legislation, and for some businesses with multiple allergens this can double the inspection time and follow-up checks.

8. Implications for Policy Priorities

- 8.1 Compliant food businesses are not only crucial to the health and safety of citizens and visitors to the city but is also consistent with other policy priorities including economic success, staying safe and being healthy. Non-compliance with food law increases the likelihood of business customers contracting food poisoning and suffering ill health effects.
- 8.2 It is essential that all food businesses in Birmingham are subject to intervention on a regular basis in line with their risk rating.
- 8.3 Environmental Health departments must allocate sufficient resources to the food programme in order to drive up standards of food safety within food businesses in Birmingham and thus reduce the risk of customers becoming unwell.

- 8.4 It is important that all groups within Birmingham, as well as visitors to the city, are offered suitable safety standards in food businesses to allow them to eat out, safely, with confidence.

9. Public Sector Equality Duty

- 9.1 Equality issues are accounted for during activities carried out by officers.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil

Cat		By End March 22	By End June 22	By End Sept 22	By End Dec 22	By End March 23
A		74		74		74
B			479			
C (0-2)				370		
C (3-5)						1332
D (0-2)					167	
D (3-5)						
E						
Unrated		38	543	1867		
Total		112	1022	2311	167	1406

Variations and Risks

1. Number of current unrated expected to fall following assessments. A large number of unrated are businesses set up during lock-downs at home. Telephone calls indicate approx 30% never operated or closed and do not intend to carry on after lockdown.

2. New unrated not accounted for, these will need to be added, in 2019 we were receiving 100 to 150 per month.

3. We anticipate a high rate of follow up work due to timescale since last inspections, expected increase in revisits, notices, prosecutions and closures. Of these workstreams we could ease the burden by utilising simple cautions rather than formal prosecution but otherwise there is little area here to reduce demand.

5018

		Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23
target 1	Cat A			12	12	12	12	12	14												
	Unrated			5	7	7	7	7	5												
	Completed																				
	Cat A			7	4	10	19														
	Unrated			5	7		10														
target 2	Cat B									120	120	120	119								
	Unrated									148	148	136	111								
	Completed																				
	Cat B			6	4																
	Unrated																				
target 3	Cat C (0-2)													109	261						
	Cat A									12	12	12	12	12	14						
	Unrated			263	261	261	261	261	261			12	38	159	5	85					
	Completed																				
	Cat C (0-2)			3	4																
	Cat A																				
	Unrated			212	119	266	267														
target 4	Cat D (0-2)															55	55	57			
	Completed																				
	Cat D (0-2)			1	0		3														
target 5	Cat C (3-5)															128	213	211	260	260	260

	Cat A																				
	Completed																				
	Cat C (3-5)			12	6																
	Cat A																				
Others				16	9																

Inspections per month Target	280	280	280	280	280	280	280	280	280	280	280	280	280	280	280	280	280	298	298	298
Cumulative Target	280	560	840	1120	1400	1680	1960	2240	2520	2800	3080	3360	3640	3920	4200	4480	4760	5040		
Actual Inspections per month	262	221	276	299																
Cumulative Actual	262	483	759	1058																

