

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

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 14 DECEMBER 2016 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 APOLOGIES

To receive any apologies.

3 MINUTES

The Minutes of the last Meeting held on 16 November 2016 to be confirmed and signed - To Follow.

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4 PROSECUTIONS AND CAUTIONS OCTOBER 2016

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6 OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
TAKEN DURING OCTOBER 2016

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TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE

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8 **UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS**

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TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE

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9 **FRANKFURT CHRISTMAS MARKET AND CRAFT FAIR**

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

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10 **SCHEDULE OF OUTSTANDING MINUTES**

To note the Schedule of Outstanding Minutes.

11 **DATE OF NEXT MEETING**

The date of the next meeting is scheduled for Wednesday, 18 January 2017 at
1000 hours in Committee Rooms 3 & 4, Council House.

12 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be
specified) that in the opinion of the Chairman are matters of urgency.

13 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

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

14 **EXCLUSION OF THE PUBLIC**

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

Minutes - Exempt Paragraphs 3 and 4

PRIVATE AGENDA

15 **CONTROL OF SEX ESTABLISHMENTS SEXUAL ENTERTAINMENT
VENUE SCARLETS, 34 HORSE FAIR, BIRMINGHAM, B1 1DA**

Item Description

16 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

BIRMINGHAM CITY COUNCIL

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

14 DECEMBER 2016
ALL WARDS

PROSECUTIONS AND CAUTIONS – OCTOBER 2016

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

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3. Results

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

- Five Licensing cases resulted in fines of £977, a suspended prison sentence and 120 hours unpaid work. Prosecution costs of £4,437 were awarded with a total of 12 penalty points. Seven simple cautions were administered as set out in Appendix 1.
- 39 Environmental Health cases resulted in fines of £32,386, a 12 month conditional discharge and a 6 month conditional discharge. Prosecution costs of £15,340 were awarded as set out in Appendix 2. No simple cautions were administered.
- One Trading Standards case resulted in a fine of £1,600 and prosecution costs of £1,350 were awarded. Compensation of £48 was awarded to the complainant. Three simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in October 2016 and cases finalised by district April-October 2016.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team from April-September 2016.

4. Consultation

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

5. Implications for Resources

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

5.2 For the year April 2016 to October 2016 the following costs have been requested and awarded:

Licensing

£18,714 has been requested with £13,184 being awarded (70%).

Environmental Health

£140,286 has been requested with £117,792 being awarded (83%).

Trading Standards

£40,356 has been requested with £11,050 being awarded (27%).

- 5.3 For the month of October 2016 the following costs have been requested and awarded:

Licensing

£6,359 has been requested with £4,437 being awarded (69%).

Environmental Health

£18,494 has been requested with £15,340 being awarded (82%).

Trading Standards

£2,980 has been requested with £1,350 being awarded (45%).

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

LICENSING CASES

APPENDIX 1

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Tariq Syed 50 Mackenzie Road Moseley Birmingham B11 4EL	3/10/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£690 x plying No separate penalty x no insurance + 6 penalty points	£700 (£700 requested)	Pleaded <u>not guilty</u> to two offences; one offence of plying for hire on Bennetts Hill, Birmingham and one offence of consequently having invalid insurance. Found guilty after trial.
2	Pervez Ali 32 Oakfield Road Balsall Heath Birmingham B12 9PW	11/10/16 at Birmingham Crown Court	Forgery and Counterfeiting Act 1981	6 months imprisonment suspended for 18 months + 120 hours unpaid work	£2,868 (£2,868 requested)	Pleaded guilty to one offence of using a forged insurance document with the intention of inducing Birmingham City Council to accept that it was genuine.
3	Noor Nawaz Khan 78 Wardlow Road Nechells Birmingham B7 4JH	13/10/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£140 x no insurance + 6 penalty points No separate penalty x plying	£100 (£534 requested)	Pleaded guilty to two offences; one offence of plying for hire on Rea Street, Birmingham and one offence of consequently having invalid insurance.
4	Goyer Iltaf 227 Bromford Road Hodge Hill Birmingham B36 8HA	14/10/16	Local Government (Miscellaneous Provisions) Act 1976	£57	£469 (£924 requested)	Pleaded guilty to one offence of using a private hire vehicle in Wood Lane, Erdington, Birmingham without the private hire identity plate being exhibited externally on the rear of the vehicle. Originally listed for trial.
5	Isran Manawer 131 Rosefield Road Smethwick B67 6PZ	24/10/16	Criminal Justice and Public Order Act 1964	£90	£300 (£1,333 requested)	Pleaded <u>not guilty</u> to one offence of soliciting persons to hire a vehicle in Waterloo Street, Birmingham on 14 th November 2015 Found guilty after trial.

LICENSING SIMPLE CAUTIONS

During the period of October 2016, seven simple cautions have been administered.

Local Government (Miscellaneous Provisions) Act 1976

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

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

Section 48(6) & 54(2) One caution was issued for failing to display a private hire vehicle licence plate and failing to wear a private hire driver's badge.

Section 57 One caution was issued for knowingly omitting information on licence application form.

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 One caution was issued for failing to produce upon request a copy of the Hackney Carriage Byelaws for inspection.

Licensing Act 2003

Section 57 One caution was issued for failing to produce a premises licence to an authorised officer.

FOOD HYGIENE OFFENCES

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Sheereen Kadah Restaurant Ltd 543 Moseley Road Birmingham B12 9BU	13/10/16	Food Safety and Hygiene (England) Regulations 2013	£6,000 x 1 st offence No separate penalty x remaining offences	£1,000 (£1,286 requested)	Pleaded guilty to four offences; two relating to the condition of Sheereen Kadah Restaurant, 543 Moseley Road, Birmingham, there were accumulations of grease and food debris on the floors and cockroaches were noted throughout the premises. Two offences of failing to comply with Hygiene Improvement Notices requiring a wash hand basin to be provided in the server and a documented food safety management system based on HACCP to be put in place.
2	Midways TE Ltd 118-120 London Road Mitchem Surrey CR4 3LB	13/10/16	Food Safety and Hygiene (England) Regulations 2013	£1,400 x 1 st offence No separate penalty on remaining offences	£1,500 (£1,573 requested)	Pleaded guilty to eighteen offences; nine of placing unsafe food on the market in that items of food were found on display at Midways Supermarket, 405-407 Dudley Road, Birmingham which were past their use by dates, five offences relating to the conditions found at the supermarket on two separate occasions, a constant supply of hot water was not provided and the premises were not kept clean, and four offences of failing to comply with Hygiene Improvement Notices requiring the premises to be kept clean, a supply of hot water to be provided, a documented food safety management system to be put in place and staff to be adequately trained in food hygiene matters.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
3	Broadway 2 Ltd 201 Birchfield Road Perry Barr Birmingham B19 1LL	27/10/16	Food Safety and Hygiene (England) Regulations 2013	Total £5,550 (£1,500 x 1 st offence £1,000 x offences 2, 3 & 4 £500 x offences 5 & 6)	£1,685 (£1,685 requested)	Pleaded guilty to six offences relating to the condition of Broadway 2 Pizza, 201 Birchfield Road, Birmingham, there was evidence of mouse activity throughout the premises and there were no records to demonstrate that pest control checks were being carried out. There was a large gap beneath the rear door to the premises and the premises were not kept clean. The hot holding unit, used to store cooked chicken pieces, and the kebab rotisserie were both littered with mouse droppings. There was no evidence of a documented food safety management system and staff showed little appreciation for food hazards and were aware of pest activity within the premises.
4	Khan Food Store Ltd 77 Nineveh Road Birmingham B21 0SU	27/10/16	Food Safety and Hygiene (England) Regulations 2013	Total £8,000 (£1,000 x 8)	£1,617 (£1,617 requested)	Pleaded guilty to eight offences: seven relating to the condition of Khan Food Store, 77 Nineveh Road, Birmingham. Adequate procedures were not in place to control pests, there was a decomposing mouse inside a cupboard beneath the stairs, the premises were not kept clean, there was a gap in the shop floor ceiling and a gap beneath the staircase to the first floor. Courgettes were found in a box lined with mouldy paper and uncovered meat was found in the walk-in chiller. The storage compartment beneath the butchery chiller was dirty and one of the glass panels was cracked. The external container bin was overfilled and subsequently the lid could not be fully closed and one offence relating to a Homestyle cheese and onion sandwich which was found on display for sale past its use by date.

NOISE NUISANCE OFFENCES

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Phillip Clarke Flat 29 Cherry Gardens Emscote Drive Sutton Coldfield B73 5NE	27/10/16	Environmental Protection Act 1990	Conditional Discharge x 12 months	£200 (£1,324 requested)	Pleaded guilty to nine offences of failing to comply with an Abatement Notice relating to noise nuisance arising from the playing of sound equipment at Flat 29 Cherry Gardens, Emscote Drive, Sutton Coldfield.

WASTE OFFENCES

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Mohammed Iftikhar Hussain 66 Amberley Grove Birmingham B6 7AN	7/10/16	Environmental Protection Act 1990	£200	£400 (£832 requested)	Pleaded guilty to one offence of failing to prevent controlled waste (fly tipping) from A K Mobiles, 260 Slade Road, being deposited on land at St Thomas's Road, Erdington, Birmingham.
2	Nichole James 67 Topcroft Road Erdington Birmingham B23 5PT	7/10/16	Environmental Protection Act 1990	£120	£100 (£904 requested)	Pleaded guilty to one offence of failing to comply with a notice requiring details of who was in charge of a vehicle, namely a Ford Focus registration number AU56 UFE, on 22 nd August 2015. Controlled waste, (fly tipping) namely carpet and underlay, was deposited from the vehicle on Sparrey Drive, Birmingham. Originally listed for trial.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
3	Hardial Sangha 3701 Beetham Tower Holloway Head Birmingham B1 1BY	17/10/16	Environmental Protection Act 1990	£500	£1,756 (£1,756 requested)	Pleaded <u>not guilty</u> to one offence of knowingly causing or permitting controlled waste (fly tipping), namely eight black bin bags containing cake sponge and documentation relating to Cake Hut, 173 Rookery Road, Handsworth, Birmingham to be deposited on land outside 173 Rookery Road. Found guilty after trial.
4	Mohammed Ishfaq Khan 28 Broughton Road Birmingham B20 2PS	27/10/16	Environmental Protection Act 1990	Conditional Discharge x 6 months	£856 (£856 requested)	Pleaded guilty to two offences: one of failing to keep written information of the transfer of controlled waste from City Express, 5-7 Faraday Avenue, Quinton, Birmingham for at least 2 years and failing to produce it to an authorized officer within 7 days in response to a written demand for information.

LITTERING OFFENCES

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Amillah Khatun 41 Beacon Hill Aston Birmingham B6 6JU	7/10/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Grand Central on Smallbrook Queensway, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
2	Leo Gallagher Manor Tavern 6 Portland Street Aston Birmingham B6 5RX	7/10/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Grand Central on Corporation Street, Birmingham.
3	Jessica Shannen Churn 52 Elms Lane Shareshill Wolverhampton WV10 7JX	7/10/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside The Card Factory on High Street, Birmingham.
4	Aleya Miah 33 Beauchamp Avenue Handsworth Wood Birmingham B20 1DR	7/10/16	Environmental Protection Act 1990	£145	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside New Street Station on Smallbrook Queensway, Birmingham
5	Jamie-Lea Southworth 19 Aston Road Nuneaton CV11 5EL	13/10/16	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Grand Central on Smallbrook Queensway, Birmingham.
6	Anita Strech 968 Warwick Road Acocks Green Birmingham B27 6QG	13/10/16	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside JD on New Street, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
7	Sukhneet Singh Samra 193 Sandwell Road Birmingham B21 8PD	13/10/16	Environmental Protection Act 1990	£123	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside New Street Station on Navigation Street, Birmingham.
8	Helen Lees 37 Hawkesmore Drive Wolverhampton WV6 7TL	13/10/16	Environmental Protection Act 1990	£293	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside New Street Station on Stephenson Street, Birmingham.
9	Lisa Sandhu 33 Mill Gardens Smethwick B67 5RH	13/10/16	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Debenhams on Edgbaston Street, Birmingham
10	Anthony Roberts 23 Lapworth Grove Birmingham B12 9TL	13/10/16	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside The Windsor on Cannon Street, Birmingham.
11	Erduan Rasid 86 Nelson Road Birmingham B6 6HG	13/10/16	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Tesco Metro on New Street, Birmingham.
12	Dawid Kowalski 288 Alcester Road Birmingham B13 8LL	13/10/16	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a can of pop on the pavement outside Meal Deal on New Street, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
13	Nicholas Joseph 57 Savernake Close Birmingham B45 0DD	13/10/16	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside New Street Station on Smallbrook Queensway, Birmingham.
14	Kristianne Jones 15 Trigo Croft Bromford Birmingham B36 8SB	13/10/16	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Great Western Arcade on Colmore Row, Birmingham.
15	Sarah Findlay 188 Turfpits Lane Birmingham B23 5DX	13/10/16	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt down a drain near The Body Shop on New Street, Birmingham.
16	Michael Kent Washington Court Hostel 35-38 Washington Street Birmingham B1 1LB	17/10/16	Environmental Protection Act 1990	£90	£275 (£275 requested)	Pleaded <u>not guilty</u> to one offence of dropping a cigarette butt on the pavement outside Costa on Colmore Row, Birmingham. Found guilty after trial.
17	Courtney Aimee Jean Ward 30 Farley Road Birmingham B23 7TF	21/10/16	Environmental Protection Act 1990	£80	£75 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Tesco on Colmore Row, Birmingham.
18	Claudie Williams 45 Shakespear Crescent Birmingham B18 5BT	21/10/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in absence of one offence of dropping a cigarette butt on the pavement opposite 1 Lancaster Circus building on Lancaster Circus, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
19	Shirajul Islam Miah 148 George Street Coventry CV1 4HE	21/10/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in absence of one offence of dropping a cigarette butt on the pavement outside Gran Central on Smallbrook Queensway, Birmingham.
20	Claudie High 46 Latrigg Road Whitehaven CA28 9SX	21/10/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in absence of one offence of dropping a cigarette butt on the pavement outside All Bar One on Smallbrook Queensway, Birmingham.
21	Bo Cao Apartment 64 61 Mason Way Birmingham B15 2GE	27/10/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in absence of one offence of dropping a cigarette butt on the pavement outside the Bullring on Smallbrook Queensway, Birmingham.
22	Bridgett Cerghizan 11 Legge Street West Bromwich B70 6HE	27/10/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in absence of one offence of dropping a cigarette butt on the pavement outside the Guildhall Building on Navigation Street, Birmingham.
23	Gabriel Fiicanu 1 Wharfdale Luton LU4 9XS	27/10/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in absence of one offence of dropping a cigarette butt down a drain outside New Street Station on Stephenson Street, Birmingham.
24	Steven Jonathon Holme 109 Mercot Close Redditch B98 7YY	27/10/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in absence of one offence of dropping a cigarette butt on the pavement outside Grand Central on Smallbrook Queensway, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
25	Monta Kenigsberga 284 Cromwell Road Peterborough PE1 2HR	27/10/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in absence of one offence of dropping a cigarette butt on the pavement outside the New Street Station on Smallbrook Queensway, Birmingham.
26	Ahmad Ali M A Al Khaldi 13 Royal Arch Apartments The Mailbox Wharfside Street Birmingham B1 1RB	27/10/16	Environmental Protection Act 1990	£330 x 1 st offence No separate penalty x 2 nd offence	£175 (£175 requested)	Found guilty in absence of two offences of dropping cigarette butts on the pavement on two separate occasions, one outside New Street Station and one near an electrical box on Navigation Street, Birmingham.
27	Simon David Lloyd 169 Sarehole Road Birmingham B28 8EL	27/10/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in absence of one offence of dropping a cigarette butt on a green electrical box outside Poundland on Institute Road, Kings Heath, Birmingham.
28	Graig O'Connor 37 Ravenshill Road Birmingham B14 4HL	27/10/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in absence of one offence of dropping a cigarette butt on the pavement outside The Stable on John Bright Street, Birmingham.
29	Ricki Killen 19 Village Mews Wallasey CH45 3HD	27/10/16	Environmental Protection Act 1990	£110	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Oasis on New Street, Birmingham.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
30	Anthony Salt 126 Alder Pits Road Shard End Birmingham B34 7JA	27/10/16	Environmental Protection Act 1990	£45	£15 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Carphone Warehouse on New Street, Birmingham.

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

No simple cautions were issued during October 2016.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	CIA Motors Ltd 11 Portland Road Edgbaston Birmingham B16 9HN Sohail Vikaas Ahmed 149 Waverley Road Small Heath Birmingham B10 0EH	27/10/16	Road Traffic Act 1988 General Product Safety Regs 2005 Consumer Protection from Unfair Trading Regs 2008	Total £1,600 (Company £1,000 x 1 - unsafe product offence Director £600 x 1 - unsafe product offence) No separate penalty x remaining offences	£1,350 (awarded against Director) (£2,980 requested) Compensation in the sum of £48 awarded to the complainant	Both defendants pleaded guilty to five offences relating to the sale of a Skoda Superb motor vehicle, registration number FK09 UNS, from CIA Motors Ltd, 800 Warwick Road, Birmingham, which was in an unroadworthy condition and the use of that vehicle in that condition could have caused danger or injury, 1 of supplying the motor vehicle which was an unsafe product, 1 of advertising and offering the vehicle for sale without carrying out a basic inspection and 1 of creating the impression that the vehicle could be legally sold when it was unroadworthy and dangerous.

TRADING STANDARDS SIMPLE CAUTIONS

During October 2016 three simple cautions were administered.

Consumer Protection Act 1987

Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regs 2002

One caution was issued for possessing for supply goods, namely 153 packets of cigarettes and 12 hand rolling tobacco packets, which failed to show the visible warnings on the surface of the products and failed to show the picture health warning on the packaging.

Consumer Protection Act 1987

Electrical Equipment (Safety) Regulations 1994

One caution was issued for supplying AC/DC adaptors which were unsafe.

Consumer Protection Act 1987

Electrical Equipment (Safety) Regulations 1994

Trade Marks Act 1994

One caution was issued for supplying an LED display sign which was unsafe and possessing for supply a keyboard, phone cover and computer game controller which bore registered trademarks without the consent of the trade mark holders.

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	1	0	0	4	0	0	0	0	0	0	5
Environmental Health (FPNs) Not paid and prosecuted	0	0	1	0	29	0	0	0	0	0	0	30
Environmental Health (non FPNs)	1	1	1	1	3	0	1	1	1	0	0	10
Trading Standards	0	0	0	0	0	0	0	0	0	1	0	1

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	2	1	1	0	0	0	0	0	1	5
Environmental Health (FPNs) Not paid and prosecuted	0	2	3	2	7	1	2	1	0	1	11	30
Environmental Health (non FPNs)	0	1	1	1	3	0	2	0	1	0	1	10
Trading Standards	1	0	0	0	0	0	0	0	0	0	0	1

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	2	2	4	0	17	0	0	0	0	0	0	25
Environmental Health (FPNs) Not paid and prosecuted	0	3	1	0	328	0	0	0	0	0	0	332
Environmental Health (non FPNs)	2	7	7	8	25	4	7	10	2	4	0	76
Trading Standards	0	2	0	0	4	0	0	0	1	2	0	9

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	8	2	4	0	6	0	0	1	3	25
Environmental Health (FPNs) Not paid and prosecuted	22	29	19	17	35	17	13	4	3	13	160	332
Environmental Health (non FPNs)	0	4	5	8	21	3	7	9	1	6	12	76
Trading Standards	1	2	0	0	1	0	0	0	1	1	3	9

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2016 – SEPTEMBER 2016

	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Total 2016/2017
Waste Investigation Outcomes							
Investigations into commercial waste disposal suspected offences and offences	22	44	69	62	66	96	359
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	14	95	64	53	25	71	322
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	7	2	15	34	26	14	98
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	4	13	10	11	8	7	53
Prosecutions							
Number of prosecution files submitted to legal services (number produced quarterly)			11			17	28

BIRMINGHAM CITY COUNCIL

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

14 DECEMBER 2016
ALL WARDS

FIXED PENALTY NOTICES ISSUED OCTOBER 2016

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

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3. Background

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

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

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

4. Enforcement Considerations and Rationale

4.1 The attached appendix shows the wards where FPNs were issued during the month of October 2016.

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

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

4.4 One of the difficulties in resolving the problem of cigarette waste being deposited on the street is that the perception of many smokers is that

cigarette waste is not litter. A change in the culture and perceptions of these smokers is critical to resolving this problem.

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

5. Consultation

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

6. Implications for Resources

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

7. Implications for Policy Priorities

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

8. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: FPN records

APPENDIX 1
WARDS WHERE FPNS ARE ISSUED

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	Bartley Green	0	0	0	0	0	0	0	0	0	0	0	0	0
	Edgbaston	0	0	1	0	0	0	0	0	0	0	0	0	1
	Harborne	0	0	0	0	0	0	0	0	0	0	0	0	0
	Quinton	1	0	0	0	0	0	1	0	0	0	0	0	2
Erdington	Erdington	0	1	2	2	0	0	0	0	0	0	0	0	5
	Kingstanding	0	1	0	0	1	1	0	0	0	0	0	0	3
	Stockland Green	0	1	0	2	0	0	0	0	0	0	0	0	3
	Tyburn	0	1	0	1	0	0	0	0	0	0	0	0	2
Hall Green	Hall Green	0	0	0	2	2	0	0	0	0	0	0	0	4
	Moseley And Kings Heath	4	0	0	0	1	1	0	0	0	0	0	0	6
	Sparkbrook	0	0	5	0	0	1	0	0	0	0	0	0	6
	Springfield	0	1	1	1	13	0	0	0	0	0	0	0	16
Hodge Hill	Bordesley Green	0	1	2	0	1	0	0	0	0	0	0	0	4
	Hodge Hill	0	1	0	3	0	1	2	0	0	0	0	0	7
	Shard End	2	0	2	1	1	1	0	0	0	0	0	0	7
	Washwood Heath	0	1	0	9	1	4	1	0	0	0	0	0	16
Ladywood	Aston	0	2	1	3	0	0	0	0	0	0	0	0	6
	Ladywood	480	438	527	454	427	577	538	0	0	0	0	0	3,441
	Nechells	10	16	16	21	8	2	0	0	0	0	0	0	73
	Soho	1	7	1	1	2	2	0	0	0	0	0	0	14
Northfield	Kings Norton	0	0	0	0	1	0	0	0	0	0	0	0	1
	Longbridge	0	0	0	0	0	0	0	0	0	0	0	0	0
	Northfield	1	1	0	0	0	0	1	0	0	0	0	0	3
	Weoley	0	0	0	0	0	0	0	0	0	0	0	0	0
Perry Barr	Handsworth Wood	0	2	1	0	0	0	0	0	0	0	0	0	3
	Lozells And East Handsworth	0	0	0	5	4	4	0	0	0	0	0	0	13
	Oscott	0	0	0	0	0	0	1	0	0	0	0	0	1
	Perry Barr	1	0	0	0	0	0	0	0	0	0	0	0	1
Selly Oak	Billesley	2	0	1	0	0	0	0	0	0	0	0	0	3
	Bournville	2	0	1	0	0	1	0	0	0	0	0	0	4
	Brandwood	2	1	0	0	0	0	0	0	0	0	0	0	3
	Selly Oak	0	0	0	0	1	0	0	0	0	0	0	0	1
Sutton Coldfield	Sutton Four Oaks	0	0	0	1	0	0	0	0	0	0	0	0	1
	Sutton New Hall	0	0	0	1	1	0	0	0	0	0	0	0	2
	Sutton Trinity	0	2	0	0	0	0	0	0	0	0	0	0	2
	Sutton Vesey	0	0	0	0	0	0	0	0	0	0	0	0	0
Yardley	Acocks Green	1	0	0	0	1	0	0	0	0	0	0	0	2
	Sheldon	0	0	3	0	1	0	2	0	0	0	0	0	6
	South Yardley	0	0	1	1	1	1	0	0	0	0	0	0	4
	Stechford And Yardley North	2	1	1	0	2	0	0	0	0	0	0	0	6
Total		509	478	566	508	469	598	544	0	0	0	0	0	3,672

APPENDIX 2

WARD OF PERSON RECEIVING FIXED PENALTY NOTICES BY CONSTITUENCY/WARD

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

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	BARTLEY GREEN	3	1	0	3	3	0	0	0	0	0	0	0	10
	EDGBASTON	7	3	2	2	10	0	0	0	0	0	0	0	24
	HARBORNE	3	8	6	5	5	0	0	0	0	0	0	0	27
	QUINTON	5	5	3	2	4	0	0	0	0	0	0	0	19
Erdington	ERDINGTON	2	5	4	4	2	0	0	0	0	0	0	0	17
	KINGSTANDING	5	4	5	2	1	0	0	0	0	0	0	0	17
	STOCKLAND GREEN	6	4	3	4	5	0	0	0	0	0	0	0	22
	TYBURN	4	2	6	2	5	0	0	0	0	0	0	0	19
Hall Green	HALL GREEN	0	2	5	4	8	0	0	0	0	0	0	0	19
	MOSELEY AND KINGS HEATH	6	5	3	6	6	0	0	0	0	0	0	0	26
	SPARKBROOK	4	3	6	11	8	0	0	0	0	0	0	0	32
	SPRINGFIELD	4	7	5	5	7	0	0	0	0	0	0	0	28
Hodge Hill	BORDESLEY GREEN	4	1	9	2	3	0	0	0	0	0	0	0	19
	HODGE HILL	4	5	2	9	4	0	0	0	0	0	0	0	24
	SHARD END	5	4	2	7	5	0	0	0	0	0	0	0	23
	WASHWOOD HEATH	4	3	3	12	7	0	0	0	0	0	0	0	29
Ladywood	ASTON	7	6	7	5	5	0	0	0	0	0	0	0	30
	LADYWOOD	18	28	33	21	17	0	0	0	0	0	0	0	117
	NECHELLS	7	7	16	12	15	0	0	0	0	0	0	0	57
	SOHO	7	5	4	5	6	0	0	0	0	0	0	0	27
Northfield	KINGS NORTON	2	6	7	6	2	0	0	0	0	0	0	0	23
	LONGBRIDGE	2	4	9	4	7	0	0	0	0	0	0	0	26
	NORTHFIELD	5	3	3	3	4	0	0	0	0	0	0	0	18
	WEOLEY	2	2	1	4	4	0	0	0	0	0	0	0	13
Perry Barr	HANDSWORTH WOOD	2	10	3	6	1	0	0	0	0	0	0	0	22
	LOZELLS AND EAST HANDSWORTH	4	6	6	8	6	0	0	0	0	0	0	0	30
	OSCOTT	2	2	5	3	1	0	0	0	0	0	0	0	13
	PERRY BARR	2	1	1	2	7	0	0	0	0	0	0	0	13
Selly Oak	BILLESLEY	7	2	2	1	5	0	0	0	0	0	0	0	17
	BOURNVILLE	5	8	5	6	7	0	0	0	0	0	0	0	31
	BRANDWOOD	7	8	6	2	2	0	0	0	0	0	0	0	25
	SELLY OAK	6	5	3	6	8	0	0	0	0	0	0	0	28
Sutton Coldfield	SUTTON FOUR OAKS	1	2	2	3	0	0	0	0	0	0	0	0	8
	SUTTON NEW HALL	0	3	4	1	1	0	0	0	0	0	0	0	9
	SUTTON TRINITY	1	5	4	1	5	0	0	0	0	0	0	0	16
	SUTTON VESEY	3	2	2	1	1	0	0	0	0	0	0	0	9
Yardley	ACOCKS GREEN	3	2	2	1	4	0	0	0	0	0	0	0	12
	SHELDON		3	5		4	0	0	0	0	0	0	0	12
	SOUTH YARDLEY	7	2	3	8	4	0	0	0	0	0	0	0	24
	STECHFORD AND YARDLEY NORTH	4	4	4	1	3	0	0	0	0	0	0	0	16
	Ward not recorded	0	1	1	2	0	0	0	0	0	0	0	0	4
OUTSIDE OF BIRMINGHAM	OUTSIDE BIRMINGHAM TOTAL	335	280	359	314	251	0	0	0	0	0	0	0	1,539
	Location not recorded	4	9	5	2	16	598	544	0	0	0	0	0	1,178
Grand Total		509	478	506	500	469	598	544	0	0	0	0	0	3,672

APPENDIX 3

FIXED PENALTY NOTICES ISSUED TO PERSONS RESIDING OUTSIDE THE BIRMINGHAM AREA

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

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

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

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

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

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

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

BIRMINGHAM CITY COUNCIL

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

14 DECEMBER 2016
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
TAKEN DURING OCTOBER 2016**

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

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

3. Summary of Appeal Hearings for October 2016

	Magistrates'	Crown
Total	2	
Allowed		
Dismissed	2	
Appeal lodged at Crown		n/a
Upheld in part		
Withdrawn pre-Court		

4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In October 2016 costs have been requested to the sum of £1,390.85 with reimbursement of £940.85 (67.6%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2016 to October 2016, costs associated to appeal hearings have been requested to the sum of £13,384.95 with reimbursement of £11,855.95 (88.5%) ordered by the Courts.

5. Implications for Policy Priorities

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

6. Public Sector Equality Duty

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

7. Consultation

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Wakas Ahmed	31.10.2016	Dismissed	£700	£250	On 17 August 2016, as the result of information disclosed by way of a disclosure received from the Disclosure & Barring Service regarding a forthcoming Court case, which offence had severe implications regarding public safety, the Chair considered and resolved to revoke the licence with immediate effect. No notification had been received from West Midlands Police prior to the disclosure from the DBS although the appellant had been charged with the offence in October 2015.

MAGISTRATES' COURT – HACKNEY CARRIAGE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Zulfiqar Ali	24.10.2016	Dismissed	£690.85	£690.85	On 31 May 2016, as the result of motoring convictions over a period of time, which had resulted in his driving licence being endorsed with an excessive number of points, several of these convictions not having been reported as required, Committee considered and resolved to refuse the renewal of the licence.

BIRMINGHAM CITY COUNCIL

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

14 DECEMBER 2016
ALL WARDS

TEST PURCHASE EXERCISE UNDER THE EQUALITIES ACT 2010

1. Summary

- 1.1 The Licensing Enforcement team has seen a rise in complaints over the last 12 months relating to the refusal of guide/assistance dogs and the carrying of wheelchair passengers by private hire and hackney carriage drivers.
- 1.2 As a result of this increase the Licensing Enforcement Team carried out a number of test purchases as part of the Local Government Association's Our Day.
- 1.3 This report informs the Committee of the results of that survey.

2. Recommendation

- 2.1 That the report be noted.

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

3. Background

- 3.1 As a Licensing Authority, Birmingham City Council must ensure that all licensed Hackney Carriage and Private Hire drivers comply with the Equalities Act 2010.
- 3.2 It is an offence under section 165 of the Equalities Act 2010 for a hackney carriage or private hire driver to fail to carry a wheelchair passenger without reasonable cause.
- 3.3 It is an offence under section 168 of the Equalities Act 2010 for hackney carriage drivers to fail to carry an assistance dog unless the driver has a medical exemption certificate on the basis of the driver being allergic to dogs.
- 3.4 It is an offence under section 170 of the Equalities Act 2010 for a Private Hire driver to refuse to carry out a booking accepted by the operator if the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog unless the driver has a medical exemption certificate.
- 3.5 Birmingham's Licensing team investigate all complaints of this nature. In the last two years, it has investigated 8 cases of drivers refusing to carry assistance dogs. Seven of these have proceeded to or are proceeding to trial.

4. Test Purchase Findings

- 4.1 On the afternoon of Tuesday 15 November 2016 a Licensing Enforcement Officer, accompanied by a wheelchair user (who is a serving Police Constable), approached 8 different ranks across Birmingham to request a journey.
- 4.2 100% compliance was found, in that every driver approached was willing to provide assistance and take the passenger in a wheelchair. The ranks that they visited were:
 - New Street - City centre.
 - Mailbox – City Centre.
 - Albany Road – Harborne.
 - Edgbaston Street – City Centre.
 - Broad Street – City Centre.
 - Navigation Street – City Centre.
 - St Marys Row – Moseley.
- 4.3 On the evening of Tuesday 15 November 2016 two Enforcement Officers accompanied a Birmingham City Council employee and his guide dog "Vince". Bookings were made with 8 different private hire operators in locations across Birmingham. The operators were not made aware of the presence of the guide dog to ensure a driver would respond to the booking. Bookings were made from public places such as supermarkets.

- 4.4 All 8 drivers who responded to the bookings were willing to carry the guide dog. However, 2 of them tried to charge extra for carrying a dog even though it was pointed out to them that it was a guide dog (see the attached appendix for further details).

5. Implications for Resources

- 5.1 This work was undertaken within the resources available to your Committee and is funded through drivers' licence fees.

6. Implications for Policy Priorities

- 6.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed private hire vehicles are compliant with the Equalities Act 2010.

- 6.2 It is intended to repeat this exercise in 6 months.

7. Public Sector Equality Duty

- 7.1 The actions identified in this report were taken in accordance with approved enforcement policies and were undertaken specifically to ensure that equalities issues are being addressed. The public sector Equality Duty requires public bodies to have due regard to the need to advance equality of opportunity and eliminate discrimination. This survey contributes towards these duties.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

APPENDIX

Private Hire Operator	Time booking made	Pick up location	Destination requested	Matters Identified
1	18:10	Premier Inn Richard Street	HMV Institute Digbeth	No matters identified, driver happy for guide dog to accompany passenger in the front passenger seat.
2	18:47	Odeon Cinema Broadway Plaza	New John Street West	No matters identified, driver happy for guide dog to accompany passenger in the front passenger seat.
3	19:30	Sainsburys Northfield	Long Nuke Road	No matters identified, driver happy for guide dog to accompany passenger in the front passenger seat.
4	19:40	Sainsburys Northfield	Long Nuke Road	No matters identified, driver happy for guide dog to accompany passenger in the front passenger seat. Wolverhampton City Council licensed driver.
5	20:30	Aldi Stratford Road	Spooner Croft	No matters identified, driver arrived in Mercedes Vito but was still happy for the guide dog to travel in the front with the passenger.
6	21:14	Wylde Green Pub	Charlie Hall Pub Erdington	Driver stated the dog would be better in the back, as we moved away on the car park of the pub the driver said it's extra for the dog and passenger replied its extra for the guide dog? And he replied yes. Driver was stopped, he was made aware of the test purchase and became very aggressive, he was also not wearing his badge and unable to find it for some time. Formal action to be taken.

7	21:53	Wylde Green Pub	Charlie Hall Pub Erdington	<p>Driver was smoking as passenger and the guide dog got into the front of the vehicle. When asked how much it would be to the Charlie Hall the driver stated it would be £5 -£6 and £2 extra for the dog, he was asked why he was charging extra for the dog as it was a guide dog and he replied its extra for the dog you'll have to ask the office.</p> <p>Driver was not wearing his badge and produced it from his door pocket.</p> <p>Formal action to be taken.</p>
8	22:10	Wylde Green Pub	Charlie Hall Pub Erdington	<p>Driver arrived in Mercedes Vito and stated that the guide dog would be better in the back because there was more room but he could travel in the front if he wanted.</p> <p>No matters identified.</p>

BIRMINGHAM CITY COUNCIL

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

14 DECEMBER 2016
ALL WARDS

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

1. Summary

- 1.1 This report provides an update on the joint protocol between Birmingham City Council and West Midlands Police for the management of unauthorised encampments and informs on the changes to the protocol.
- 1.2 This report provides an update on the trends in illegal site occupation since the last update in October 2012.
- 1.3 This report provides an update on work being undertaken to source an alternate site to use for transit purposes and informs on the updated position.
- 1.4 This report also advises on the enforcement options being considered including the seeking of an injunction to protect certain 'test' sites and the exercise to assess the costs in outsourcing the enforcement activities to professional bailiffs.

2. Recommendations

- 2.1 That outstanding minute number 640(ii) be discharged.
- 2.2 That Committee agree to a further report be brought in 6 months to update on the various work items contained within this report.

Contact Officer: Mark Wolstencroft, Operations Manager Environmental Protection
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3. Background

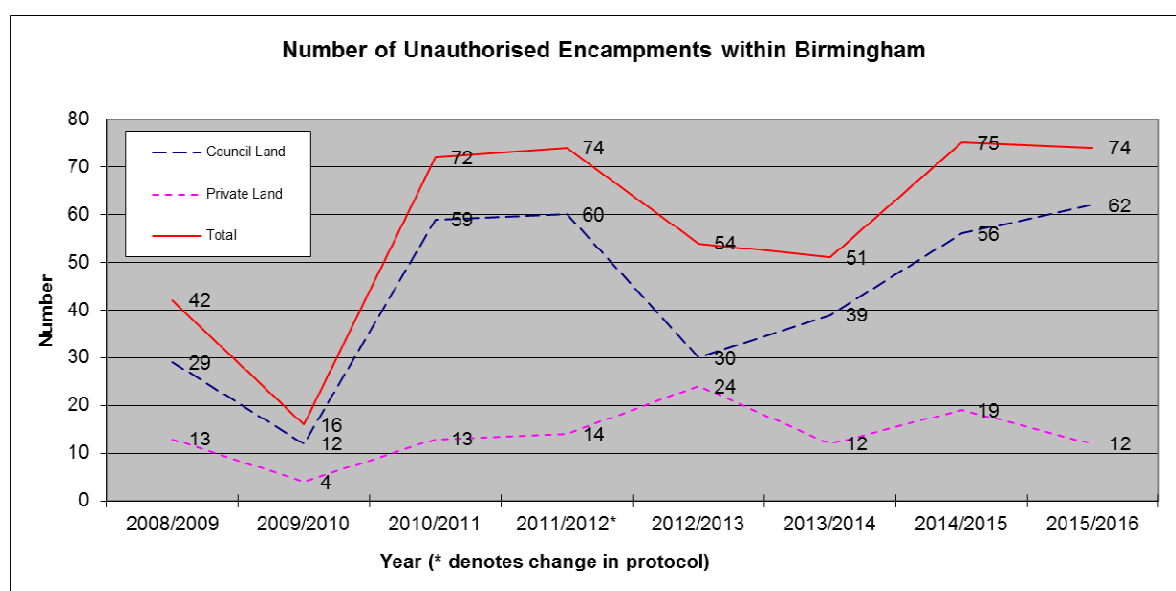
- 3.1 An unauthorised or illegal encampment is one which is established on land without the express permission of the landowner. The groups responsible comprise elements of Gypsy, Romany, Traveler or other ethnic groupings and are collectively known as travelers or GRT.
- 3.2 The primary impact arising from such an encampment is the occupation of public / open land, thereby precluding the settled community from using the land for the purposes for which it is lawfully intended. Additional impacts typically include forced entry onto the land via the damaging fences or gates; other damage being caused to the land, the most obvious being the damage to grassed areas from the passage of numerous vehicles; and in many cases the leaving of rubbish or flytipped materials arising from daily occupation or work activities.
- 3.3 The issue of illegal encampments is both emotive and highly politicised and often results in local residents, politicians and landowners seeking to influence the actions of the local authority and Police to remove the trespassers and return the land to lawful use in a short space of time.
- 3.4 Birmingham City Council (BCC) and West Midlands Police (WMP) first agreed a joint protocol in relation to the management of unauthorised encampments in 2000. The protocol sets out the procedures to be adopted by both agencies to provide for a fair, balanced and appropriate service. The Protocol is subject to regular review and in August 2011, edition 7 was issued.
- 3.5 The Protocol is typically reviewed every 5 to 6 years and in keeping with this timescale, a formal review was commenced in October 2015, and in November 2016 edition 8 was agreed with WMP.

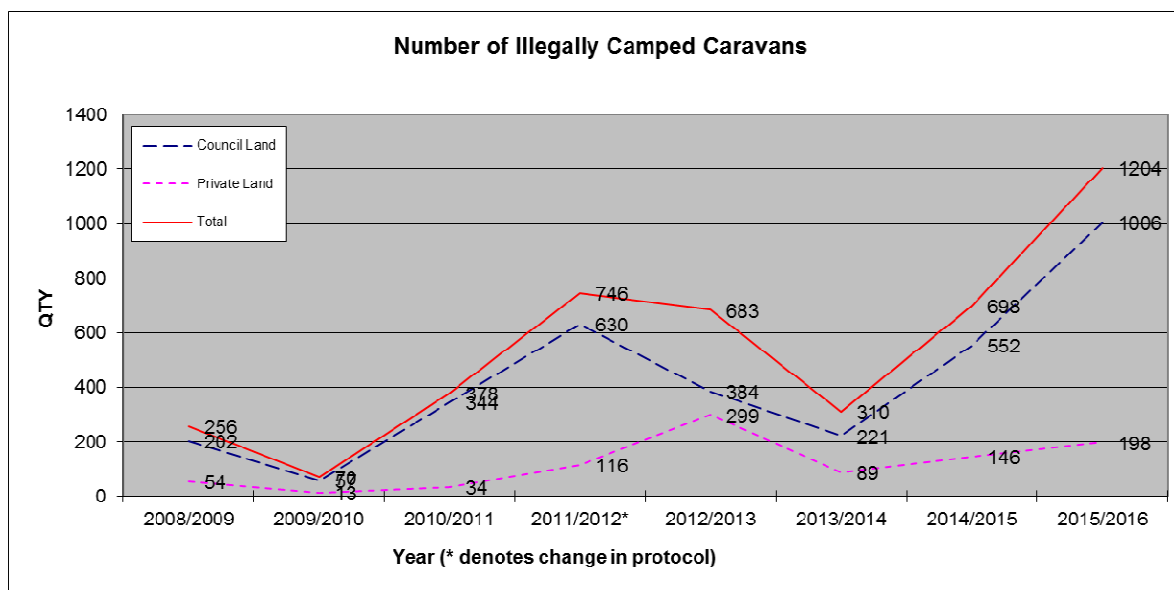
4 Update on the Revised Protocol

- 4.1 The primary change to edition 8 of the Protocol is to reduce the permitted residency time on non-through roads from 7 days to 2 days. This residency time is in line with that afforded for urban parks and other public open space.
- 4.2 This is in response to the repeated occupation of key sites in the City where the occupation has caused an impact on business access to premises and day-to-day operations. An example of a site which has suffered from repeated occupancy in this way is Lea Ford Road in Shard End.
- 4.3 A copy of the revised protocol is available to any Elected Member or member of the public upon request and will be uploaded onto the website in due course.

5 Management Information

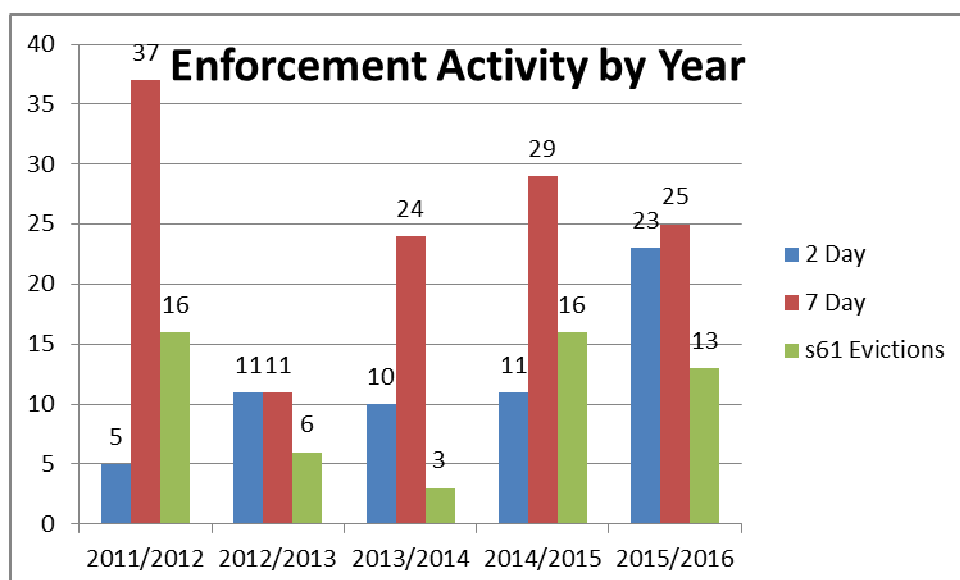
- 5.1 Environmental Health maintain two metrics to track the trends in occupation, these being the number of sites occupied each month and the number of caravans noted at each encampment. The method used is consistent and has been so for around 8 years of recording. This then allows us to identify and track trends.
- 5.2 The data presented below displays the number of encampments reported and the number of caravans counted within each month. Where a group move from one part of the city to another they will be counted again as a new encampment. The number of encampments can fluctuate if groups are moved on repeatedly and also depending on the site and the method of removal i.e. whether a group occupies a site for 7 days, or 2 days or is moved on after a day via WMP s61 action e.g. one group could occupy a site for 7 days whereas another could be moved on 2-3 times in that same period due to the sensitivity of the sites occupied.



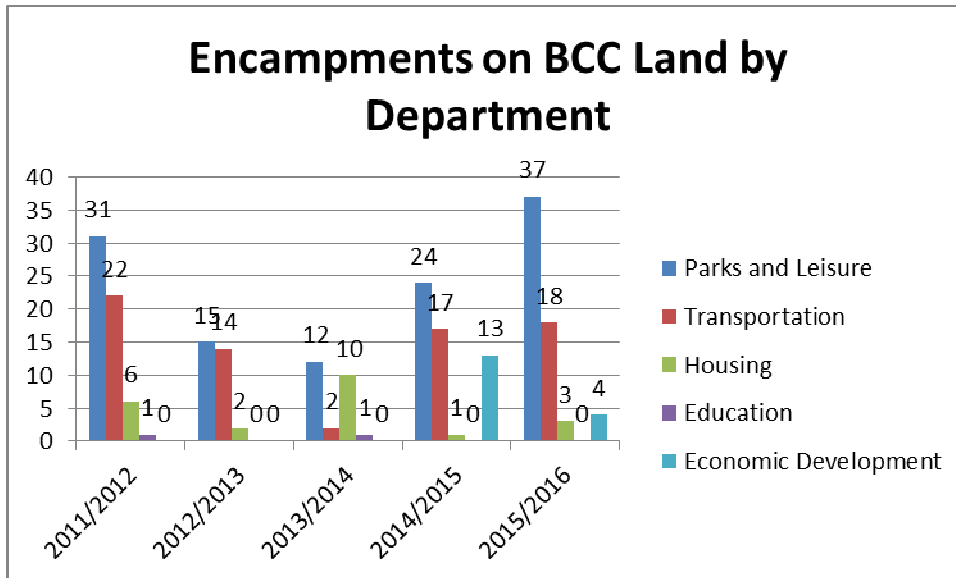


5.3 Whilst it can be difficult to understand why numbers fluctuate it is noticeable that in 2011 edition 7 of the Protocol became live which reduced the residency time from 7 days to 2 days on urban parks and public open space. This may account for the reduced incidences in 2012/2013 as the city may have been viewed as having a more robust enforcement strategy although numbers have increased in the last two years with the last year showing a prevalence for larger encampments.

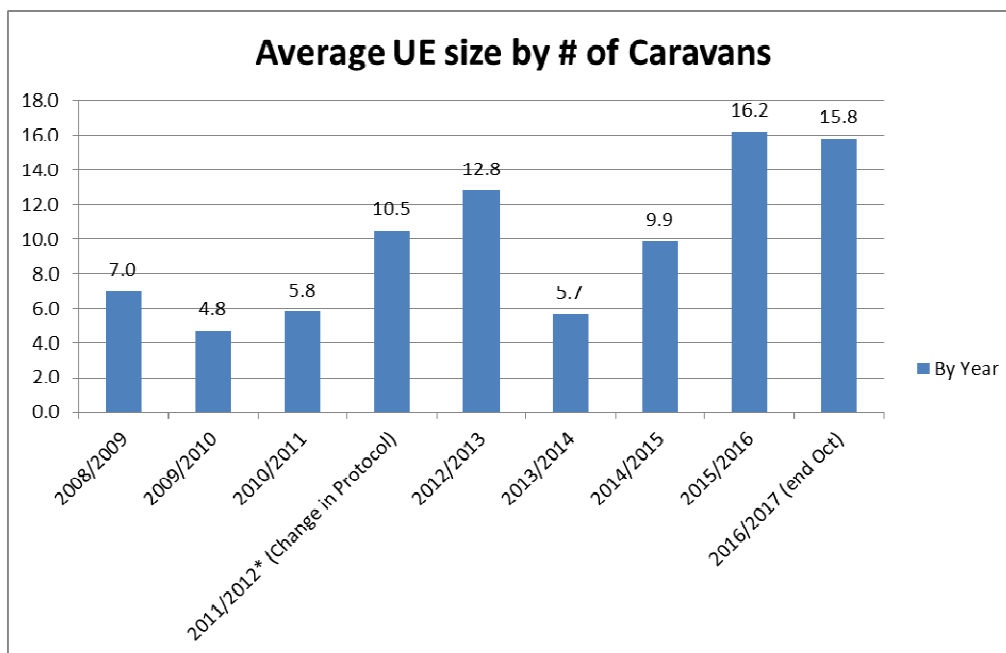
5.4 The following chart displays the amount of enforcement action taken over the last five years. This covers s61 notices issues by WMP and also 2 day and 7 day common law notices served by the Council Enforcement Officers.



5.5 Information is also held on the landholding Department affected by each encampment. It can be seen that parkland is the most common land affected, with Transportation land in the form of 'no-through' roads being the next preferred.



- 5.6 A final point of information that bears relevance for our enforcement activity this year is the growing average size of encampments as evidenced by the graph below. The last two years have seen an increase in larger encampments which poses greater problems as they are typically less reluctant to move on and gain some security from numbers. It also provides for greater intimidation to officers.



6 Other Impacts Arising from Unauthorised Encampments

- 6.1 Aside from the obvious issue arising from the illegal occupation, namely the interruption with the lawful use of the site, there are other obvious issues that arise:

- direct damage caused to land,
 - refuse and other materials left post departure, and
 - antagonism to / from and conflict arising with the settled community.
- 6.2 The latter point is hard to quantify from the Council's perspective, and is more a matter for WMP. The first item is more obvious and relevant to BCC, e.g. damage to locks / gates to permit access, damage to soft surfaces, etc. these costs are borne by the landowning Department and information on these retained by the Department.
- 6.3 The middle item is one which tends to evoke most outrage as it is generally perceived that the impact arising from the illegal occupation is extending beyond the stay of the group and there is a sense of injustice arising from the Council having to clear up refuse which other people would have to pay to dispose.
- 6.4 Consideration has been given on many occasions to taking enforcement action against groups where refuse has been deposited but the difficulty arises from needing to prove 'beyond all reasonable doubt' who actually was responsible for depositing any waste. It is not acceptable to consider this as a group responsibility under the relevant statutes.
- 6.5 An alternate option is the use of civil powers which are based 'on the balance of probabilities' but in this instance legal advice suggests once more that there needs to be a responsible person and a group cannot be considered in this fashion.
- 6.6 Notwithstanding the point above, Environmental Health are presently exploring the option of obtaining an injunction to protect land subject to excessive amounts of camping in the last year. The land in question is Selly Oak Park, Selly Oak Recreation Ground and Hazelwell Recreation Ground. This is a test of the ability of civil powers to support our objectives and the sites in question are relevant in terms of timing and demonstrable in terms of the impact. To date this is proving to be an extensive piece of work, although it is hoped this can be streamlined for future cases.
- 6.7 It is very important to stress that not every unauthorised encampment brings with it all or any of these problems and the actual impact and scale tends to vary by encampment and also based on the present interests of the group. This makes anticipating the impacts difficult and unpredictable.

7 Update on the Provision of a Transit site

- 7.1 In the last update report on Unauthorised Encampments, dated 17 October 2012 the position with regard to the current transit site at Tameside Drive was outlined. There has been no change to the legal position of this site in the last twelve months. To advise, the site is occupied by one family and does not operate as a transit site. There is, however, a piece of work underway to

revisit the overall use of the site to see if any of the unoccupied pitches can be returned to lawful use. This is at an early stage and is being led by Housing.

7.2 The consideration of an alternate transit site has been ongoing for a number of years and is presently being considered alongside the provision of a suitable number of permanent pitches. The lead service for determining need and identifying suitable sites is the Joint Economic Unit within Planning and Regeneration. The most up-to-date position provided is dated July 2016 and this is reproduced at Appendix I.

7.3 There has been some joint work with colleagues from neighbouring authorities in an attempt to identify a piece of land that could be used as a joint transit site. Given the average size of encampments is growing the focus has been on a large enough plot of land to house the needs determined by Birmingham, not many of which are available. One developing prospect is a site in Sandwell, just across the boundary from Birmingham and discussions are presently underway as to whether this would be suitable and indeed possible.

8 Update on the Enforcement Service

8.1 The present service is delivered through two Council officers who undertake the visits and the enforcement activity. They are supported by colleagues from Parks and Leisure who provide cover when the main officers are on leave.

8.2 One of the constructive criticisms of the service is that it does not provide a 7 day service. A further issue to consider is the increase in the size of the encampments and the corresponding health & safety ramifications in dealing with larger groups of GRT who are increasingly intimidating towards officers, often despite Police presence.

8.3 An option being explored is to procure the services of professional bailiffs to conduct the on-site interactions and lead on any enforcement. This has gone to procurement and the responses are in the process of being assessed. If this is a viable option then there may need to be a Council wide consideration around funding, dependent upon the costs.

9 Implications for Resources

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

9.2 The assessment of unauthorised sites and any subsequent eviction action is presently undertaken by one full FTE officer within Environmental Health, who has support from a second officer (0.5 FTE). It is important to understand that this function is not the sole, or indeed primary, role of either officer rather it is an additional function taken on when the full time Traveler Enforcement Officer (as was) left the organization sometime around 8 years ago.

- 9.3 The budget available for this work is in the region of £20,000 and how this is used going forward will need to be considered as part of the exercise around outsourcing elements of the service to professional bailiffs.

10 Implications for Policy Priorities

- 10.1 The protocol contributes to fulfilling the Council's vision (Vision 2020) set out in the *Council Business Plan for 2016*, specifically to provide 'thriving local communities' and to work towards delivering 'a healthy, happy city'.
- 10.2 The work also supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

11 Public Sector Equality Duty

- 11.1 The management of unauthorised encampments is a process that affects groups and individuals who are (mostly) from specific and defined ethnic minorities e.g. Romany Gypsies, Irish Travellers. It is, therefore, both necessary and appropriate that a strategic approach be taken to ensure that the rights of the individuals and of the groups concerned are not breached and that they are not adversely affected by the process on the grounds of their ethnicity.
- 11.2 It is also necessary for public bodies to be mindful of the wider settled community and their rights to access urban parks and public open space for the manner in which they are designed and maintained.
- 11.3 The needs and demands of both travelling groups and the settled community can often be in opposition and in rare occasions lead to conflict. It is important, therefore, that the issue of community cohesion be considered and built into the strategic process to ensure that the principle of fairness is applied equally, openly and consistently.
- 11.4 The Joint Protocol entitled *Managing Unauthorised Encampments* between Birmingham City Council and West Midlands Police has been in existence from the year 2000 and the latest version has undergone an equalities scrutiny process within both organisations to ensure equality, fairness and promote community cohesion. The updated version (edition 8) will be subject to the same, albeit updated, process.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: NIL

Gypsy and Travellers Sites - Briefing Note (at July 2016)

Government Policy

- CLG published new guidance 'Planning Policy for Traveller Sites' (PPTS) in August 2015 revising the previous 2012 guidance. This sets out the Government's new approach to planning policy for Travellers. The main changes are:
 - Revisions to guidance strengthening protection of green belt
 - Protection is given to sensitive sites (e.g. SSSIs & local green space) in the event that a five year supply of land cannot be demonstrated
 - Can now take account of nomadic lifestyle (or absence of) when assessing need.
 There are no fundamental changes affecting the City Council.
- Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
- Key requirements of the PPTS are that, when preparing a local plan, local authorities should:
 - Include a criteria based policy to provide a basis for decision making.
 - Establish accommodation needs in terms of numbers of pitches required.
 - Identify a supply of specific deliverable sites sufficient to provide five years' worth of sites against the identified need.
 - Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.
- A local plan must be in conformity with the guidance to be found 'sound'.

Criteria Based Policy

- A criteria based policy was included in the submission version of the Birmingham Development Plan (BDP).

Needs Assessment

- A PPTS compliant needs assessment was undertaken in early 2014 and was published in May 14.
- It found that the city required 8 permanent pitches and 10-15 transit pitches.

Site Identification

- This included a "call for sites" inviting interested parties, including Travellers, to put forward suggestions for consideration. There was a very poor response and no realistic opportunities were identified. No potential sites were suggested by Travellers.
- The search, therefore, concentrated on City Council owned land. Around 60 potential sites were identified. 50 were dismissed as being too small whilst 10 were sufficiently promising to warrant more detailed investigation. 8 of these were subsequently dismissed for reasons such as Green Belt and other policy designations, HS2 safeguarding, flooding issues and pending sale.
- The review identified two suitable sites. These are located at:

- Hubert Street/Aston Brook Street East. This is a small extension of an existing private site (which generates some of the additional need).
- Rupert Street/Proctor Street on land currently used as a temporary car park.

Both sites are owned by the City Council. They are sufficient to provide at least a five year supply of permanent pitches and meet all identified need for transit pitches.

Process and Progress

The process for bringing these sites forward is to firstly allocate them in the Birmingham Development Plan and, once the plan is adopted, obtain planning permission. This has progressed as follows:

- The BDP was subject to public examination by an independent inspector with hearings held in October and November 2014.
- The inspector published proposed modifications in July 2015. One of those modifications is that the two sites should be allocated in the plan.
- Statutory public consultation on the inspector's proposed modifications was undertaken for eight weeks and closed on the 12th October.
- Only 2 of the 1,200 comments made were concerned with the proposed Travellers sites.
- These comments were from the National Federation of Gypsy Liaison Groups (generally supportive) and a consortium of business located close to the proposed Rupert St/Proctor Street site (objecting).
- The inspector considered the comments and issued his final report, finding the plan 'sound' in March 2016.

Going Forward

The intention was for the BDP to be considered at Cabinet on 28th June and for Council to adopt the plan on 12th July.

However, on 26th May the Minister of State for Housing and Planning, Brandon Lewis wrote to the leader of the Council directing the City Council not to take any steps with regard to adoption of the Plan following concerns expressed by Andrew Mitchell, MP for Sutton Coldfield in respect of the plan's proposals for 6,000 new homes on Green Belt land in Sutton Coldfield. Officials from the Department of Communities and Local Government are reviewing the plan. The Minister will then make a decision on whether the direction can be lifted and the plan be adopted. (It is not envisaged that this will be a lengthy delay).

Once the Plan is adopted (and the sites allocated) the process for bringing the sites forward for development will be:

- Identify a development / site management partner with experience in this work area to work alongside the City Council.
- Prepare and submit a bid to the Homes and Communities Agency (HCA) for funding to develop the sites. (The most significant threat to delivery would be if HCA funding was not forthcoming or was not sufficient to cover development costs).

Planning and Regeneration (PandR) have led on this work and will do so until the BDP is adopted. Thereafter Places Directorate will be responsible for implementation. (PandR cannot submit a planning application to itself).

Hubert Street



Proctor Street



BIRMINGHAM CITY COUNCIL

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

14 DECEMBER 2016
ALL WARDS

FRANKFURT CHRISTMAS MARKET AND CRAFT FAIR

1. Summary

- 1.1 To advise the Committee of the involvement by Environmental Health and Trading Standards officers at the Frankfurt Christmas Market, which was inspected on Thursday 17 November 2016 and the Craft Market that was inspected on Saturday 19 November 2016.

2. Recommendation

- 2.1 That the report be noted.

Originating Officer: Mark Croxford, Head of Environmental Health

Contact Officer: Nick Lowe, Operations Manager Food Team
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E-mail: nick.lowe@birmingham.gov.uk

Contact Officer: Vir Ahluwalia, Operations Manager Trading Standards
Telephone: 0121 303 9370
E-mail: Vir.Ahluwalia@birmingham.gov.uk

3. Background

- 3.1 As in previous years, the food market stalls offered various traditional German cuisine including frankfurters, schnitzel, hamburgers as well as a range of German breads and pastries many of which are baked on site each day. The food of other nationalities is also catered for from other non-German stalls, but which in more recent years have also tended to support the Christmas event.
- 3.2 In order to promote safe food hygiene practices and to enforce relevant food legislation at this years event, Environmental Health and Trading Standards officers attended pre-event planning meetings with the organisers and visited and inspected a total of 61 'high risk' food stalls.
- 3.3 Prior to the event opening an information pack, which included a section on the principles of how to ensure food safety, was provided to the event organisers. This was then available for all stall holders making an application to trade at the Frankfurt Market and Craft Market to receive a copy well in advance of it opening.
- 3.4 Trading Standards also provided an advisory information pack to the SAG and event organisers prior to the event. This covered a variety of Consumer Protection legislation such as Weights and Measures, Product Safety and Pricing.

4. Inspections by Environmental Health and Trading Standards

- 4.1 Environmental Health Officers visited and inspected all 'high risk' mobile food stalls and where necessary provided advice and recommendations to Food Business Operators in order to ensure their stall operations and practices complied with food safety requirements.
- 4.2 Any areas of non compliance that were identified during the process of inspection were dealt with at the time and with strict regard to the risk to health of the attending public.
- 4.3 Traders were issued with pass, improve or fail cards respectively coloured green, blue and red. Those that received the fail cards are not allowed to trade until they have rectified the problems which led to a fail card being issued.
- 4.4 Trading Standards officers prioritised stalls selling alcohol and items on sale particularly aimed at younger people.
- 4.5 Both sets of officers undertook the same exercise and inspections for the Craft Market stalls on the 19th November.

5. Specific Issues

- 5.1 Of the 40 food inspections carried out on 17th November at the Frankfurt Market, 26 traders were immediately awarded a green pass card, 12 required minor improvements. Much of this related to improvements to hand washing facilities, pest proofing and a number failed to display any information relating to allergen advice for food on sale. Two traders were issued fail notices. This required them to cease trading, one because of a lack of hot water and insufficient pest proofing to the stall, and the second required hot water and an improvement to their hot holding temperatures.
- 5.2 Of the two stalls required to cease trading, one improved sufficiently to be issued with a "Pass" shortly afterwards, and the other trader improved sufficiently to receive an "Improve" which enabled him to trade whilst still requiring a few improvements. As of 21st November all are up to standard.
- 5.3 The Craft Market was similar in results, following their inspection on Saturday 19th November although 16 received pass cards and 5 were issued with improvement cards. There were no fails. Two of the traders were new food businesses and required full food hygiene inspections as this was their first trading on any market in the UK.
- 5.4 Inspections of non-food stalls by Trading Standards Officers on both markets found general compliance. However, one item which related a soft toy attached to a key-ring failed to meet the standards of the toy safety regulations and were voluntarily withdrawn immediately. Those stalls selling alcohol were found to be displaying the correct notices and when tested, were compliant in all aspects relating to avoiding under-aged sales and were knowledgeable on this matter.

6. Outcome

- 6.1 The Food Team will use this data to help ensure mobile traders who attend outdoor events staged in Birmingham continue to comply with the requirements of Food Hygiene and Safety legislation.
- 6.2 Product safety was assured and the city is assured that all traders are aware of their responsibilities to those under age when selling alcohol.

7. Implications for Resources

- 7.1 There were no additional costs incurred from the Committees approved budget.

8. Implications for Policy Priorities

- 8.1 The work identified in this report supports the City Council's strategic outcomes, 'Stay Safe' and 'Be Healthy'.

9. Public Sector Equality Duty

- 9.1 The Frankfurt Christmas Market and Craft Market is an enormously popular annual event that has huge seasonal appeal. It continues to attract large numbers of people from all sections of the community and has acquired both national and international acclaim.

10. Consultation

- 10.1 Consultation was not undertaken directly with stall holders, although significant efforts were made with the event organisers and at the SAG meetings to ensure all relevant information was available prior to the stall holders coming on site.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

14 DECEMBER 2016

SCHEDULE OF OUTSTANDING MINUTES

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
365(ii) 25/06/2014	<u>Committee Policy</u> – Service Director of Regulation and Enforcement to review the policy in respect of the engine size and age of private hire vehicles and report to Committee.	Report for January 2017
603 20/01/2016	<u>Cost awarded in Legal Proceedings</u> – Service Director of Regulation and Enforcement be requested to report on the percentage of the costs received against those awarded in legal proceedings	Report for January 2017
620 (iv) 17/02/2016	<u>Policy on Sexual Entertainment Venues</u> - That a Working Party be set up to look at the Council's Sexual Entertainment Venues (SEV) policy.	One further meeting to be undertaken
640 (ii) 16/03/2016	<u>Travellers</u> – Report to be submitted to Committee	Report for December 2016
648 20/04/2016	<u>Conditions of Licence for Private Hire Operators, Drivers and Vehicles</u> – A comprehensive report on this to be submitted to Committee	Date to be agreed
651 (ii) 20/04/2016	<u>Proposals for Vehicle Emission Standards for Hackney Carriage and Private Hire Vehicles</u> – That officers be instructed to produce a draft policy for a future meeting based on the outcome of the Committee's deliberations.	Date to be agreed
651 (iii) 20/04/2016	<u>Proposals for Vehicle Emission Standards for Hackney Carriage and Private Hire Vehicles</u> – That officers engage with the neighbouring West Midlands Licensing Authorities to discuss proposals for a regional emissions standard for hackney carriages and private hire vehicles.	Date to be agreed
720 (iii) 14/09/2016	<u>Implications of the Casey Report for Licensing</u> – The Acting Service Director of Regulation and Enforcement be requested to report on the outstanding actions in respect of the Casey report.	Report for March 2017

