

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING AND PUBLIC PROTECTION COMMITTEE**

**WEDNESDAY, 19 SEPTEMBER 2018 AT 10:00 HOURS**  
**IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

### **A G E N D A**

#### **1 NOTICE OF RECORDING/WEBCAST**

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

#### **2 DECLARATIONS OF INTERESTS**

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

#### **3 APOLOGIES**

To receive any apologies.

**5 - 10**

#### **4 MINUTES**

To confirm and sign the Minutes of the meeting held on 23 July 2018.

**11 - 22**

#### **5 LICENSING AND PUBLIC PROTECTION QUARTER 1 REPORT** **BUDGET MONITORING 2018**

REPORT OF THE ACTING DIRECTOR OF REGULATION AND  
ENFORCEMENT AND CHIEF FINANCIAL OFFICER

**23 - 38**

#### **6 REQUEST TO INTRODUCE ADVERTISING ROOF SIGNS**

REPORT OF THE ACTING DIRECTOR OF REGULATION AND  
ENFORCEMENT

<b><u>39 - 54</u></b>	7	<b><u>CARD PAYMENTS IN HACKNEY CARRIAGE VEHICLES – RESULTS OF PUBLIC CONSULTATION</u></b>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<b><u>55 - 86</u></b>	8	<b><u>CONDITIONS OF LICENCE FOR HACKNEY CARRIAGE VEHICLES</u></b>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<b><u>87 - 98</u></b>	9	<b><u>VEHICLE ENGINE SIZES</u></b>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<b><u>99 - 104</u></b>	10	<b><u>REPORT ON THE CHANGES FOLLOWING THE INTRODUCTION OF THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018</u></b>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<b><u>105 - 136</u></b>	11	<b><u>PENALTY POINTS SYSTEM FOR LICENSED DRIVERS AND VEHICLE PROPRIETORS</u></b>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<b><u>137 - 170</u></b>	12	<b><u>PROSECUTIONS AND CAUTIONS MAY, JUNE AND JULY 2018</u></b>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<b><u>171 - 176</u></b>	13	<b><u>OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING JUNE AND JULY 2018</u></b>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<b><u>177 - 180</u></b>	14	<b><u>ACTIONS TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING AUGUST 2018</u></b>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<b><u>181 - 190</u></b>	15	<b><u>FIXED PENALTY NOTICES ISSUED MAY TO JULY 2018</u></b>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

16 **SCHEDULE OF OUTSTANDING MINUTES**

To consider the schedule of Outstanding Minutes.

17 **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.

18 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

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





## **BIRMINGHAM CITY COUNCIL**

<b>LICENSING AND PUBLIC PROTECTION COMMITTEE 23 JULY 2018</b>
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**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON MONDAY 23 JULY 2018 AT 1400 HOURS IN  
COMMITTEE ROOMS 3 AND 4  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Nicky Brennan, Adam Higgs,  
Nagina Kauser, Mike Leddy, Martin Straker-Welds and Simon  
Morrall.

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**NOTICE OF RECORDING/WEBCAST**

- 1039 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

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**DECLARATIONS OF INTEREST**

- 1040 There were no declarations of interest.

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**APOLOGIES**

- 1041 Apologies were received from Councillors Olly Armstrong, Neil Eustace, Narinder Kaur Kooner, Bruce Lines, Mary Locke, Saddak Miah and Hendrina Quinnen, for non-attendance.

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

**MINUTES**

- 1042 The Minutes of the meeting held on 20 June 2018, having been previously circulated were confirmed as a correct record and signed by the Chairman.
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**CONTROL OF SEX ESTABLISHMENTS – SEXUAL ENTERTAINMENT  
VENUE, ADULT WORLD, 1 HINCKLEY STREET, BIRMINGHAM, B4 5EB  
JULY 2018**

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

(See document No. 1)

The following people were in attendance for the hearing.

Shawn Woodcock	-	Licensing Enforcement Team
Michelle Patrick	-	Applicant (Director/Owner)
Paul Highland	-	Shop Manager

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

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

David Kennedy, Licensing Section, made introductory comments relating to the report.

Michelle Patrick made the following comments in support of the application for Adult World:-

- She confirmed that the lease and the business were in two different names and that she had been the sole director for the past 5 years.
- She had held licences for the shop and cinema for the past 5 years and she was now applying for a licence to allow one self-employed girl to perform private lap dancing and stage strip shows every 2 hours whilst the shop and cinema were open. It was confirmed that the relevant entertainment would involve full nudity.
- She stated that the proposed hours of operation being 09:30 am to 10:00 pm Monday to Saturday and 11:00 am to 4:00 pm Sunday with the first show commencing at 12:00 noon and the last show concluding at 8:00 pm. She added that the hours of operation would

coincide with the opening hours of the shop and cinema and that with the additional licence they were looking to increase their revenue.

- She explained that customers when visiting the shop could purchase a cinema ticket where they could watch the girl perform a strip tease after this had taken place, they would then be asked if they would like to purchase a lap dance in a small private room. If this was the case, they would then purchase a token from the till. If there was more than one person awaiting a private lap dance, they would then have to wait either in the shop or the cinema until it was their turn.
- She stated that when she performed the strip tease this would take place on the stage with the screen behind her and that it was full nudity. She confirmed that the facilities for changing were upstairs in the staff room which contained a shower and toilet with a lock on the door.
- When the dance took place which involved one track being played (approximately 3 minutes) the activity was monitored throughout by a member of staff at the till through CCTV. If there was any cause for concern, there was a panic button in the room right next to where the dancer would dance and as the room was quite small, she would be able to reach the button wherever she was in the room. It was noted that there would be 2 members of staff on site at all times and if the panic button was alerted it came through to the till.
- It was highlighted that although the music could be heard inside the premises it was not exceptionally loud whereby it could be heard outside the premises. It was noted that the room contained a panic button and one chair for the patron that was difficult to move due to the limited space in the room.
- It was confirmed that the premises were not licensed and they did not allow patrons on the premises that were under the influence of drugs or alcohol.
- It was reported that the person performing could not be seen from outside as everywhere was blacked out at the front of the building and that it was the rear entrance of the theatre that was located next door to the premises.
- It was confirmed that the large outdoor sign depicting a scantily clad woman had been removed from the front of the building.
- It was confirmed that they employed no door staff. All employees were over the age of 18 and their passport details were all held on file.
- It was confirmed that there was a code of conduct in place for patrons to observe when entering the premises.

- It was noted that due to the nature of the business, they did not advertise and relied on passing trade.

At this juncture, Michelle Patrick provided a very brief summary.

At 1445 hours the Committee adjourned and the Chair requested that all present, with the exception of the Members, the Committee Lawyer and Committee Manager withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1540 hours and the decision of the Committee to grant the application with Michelle Patrick being advised of the full decision and reasons as set out below in due course:-

1043

**RESOLVED:-**

That the application by Sunset Novelties Limited for a Sexual Entertainment Venue (SEV) licence under the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 in respect of Adult World, 1 Hinckley Street, Birmingham B5 4EB **BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS.**

Those matters detailed in the application and the Council approved standard conditions will form part of the licence issued subject to the conditions below:

[1] The hours of the SEV are amended to 12:00 noon to 8:30pm Monday to Saturday; and 12:00 to 4:00pm on Sunday.

[2] During the hours of the SEV there must be a minimum of three members of staff on the premises at all times.

[3] There shall be no touching between the performers and patrons at any time (for the avoidance of this varies standard condition 29).

[4] There shall be no more than one patron and one performer at any time in the lap dancing room.

[5] At all times of performances (either the stage strip-tease or the private lap dancing) the patrons must be seated at all time.

**Reasons**

Members carefully considered the representation on behalf of the applicant.

The Committee's reasons for **[imposing]** these additional conditions are due to concerns by Committee arising from the size of the premises and the stage and small private lap dancing area and the need for staff to be able to manage the sex shop, sex cinema and respond to any concerns that arise from the operation of this small and focused SEV.

The Committee considers the conditions imposed to be necessary, reasonable and proportionate to address concerns raised.

In reaching this decision, the Committee has given due consideration to the City Council's Sexual Entertainment Venue Policy, the information contained in the application, the written representations received and the submission(s) made at the hearing by the applicant.

The time for appeal is contained in Schedule 3, paragraph 27 of The Local Government (Miscellaneous Provisions) Act 1982, and should be made within 21 days of the decision to the Magistrates Court.

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### **SCHEDULE OF OUTSTANDING MINUTES**

The following schedule of Outstanding Minutes was submitted:-

(See document No. 2)

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

It was -

1044

#### **RESOLVED:-**

That Outstanding Minutes be continued.

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At this Juncture, Councillor Dring (Chair) due to a personal commitment had to leave the meeting and therefore Councillor Leddy, (Deputy Chair) chaired up until the conclusion of the meeting.

### **OTHER URGENT BUSINESS**

#### **Food Law Enforcement Plan 2018/2019**

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

(See document No. 3)

Nick Lowe, Operations Manager Food provided a comprehensive breakdown of the report. He highlighted that the Food Law Enforcement Plan for 2018/2019 attached to the report included a review of the food safety activity carried out in 2017/2018.

It was –

1045

#### **RESOLVED:-**

That the Food Law Enforcement Plan be agreed.

**HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2018/2019**

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

(See document No. 4)

Mark Croxford, Head of Environmental Health made introductory comments to the report, highlighting that it sets out the city's Health and Safety work programme for 2018 – 2019

It was –

1046 **RESOLVED:-**

That the report is noted and the Health and Safety Law Enforcement Plan for 2018/2019 be approved.

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**AUTHORITY TO CHAIR AND OFFICERS**

1047 **RESOLVED:-**

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

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The meeting ended at 1600 hours.

.....  
CHAIRMAN

<b>Report to:</b>	<b>LICENSING AND PUBLIC PROTECTION COMMITTEE</b>	
<b>Report of:</b>	<b>ACTING DIRECTOR REGULATION AND ENFORCEMENT AND CORPORATE DIRECTOR FINANCE AND GOVERNANCE</b>	
<b>Date of Decision:</b>	<b>19 SEPTEMBER 2018</b>	
<b>SUBJECT:</b>	<b>LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2018/19 - QUARTER 1</b>	

<b>1. Purpose of Report:</b>
<p>1.1 This report sets out the position on the Licensing and Public Protection Committee's Revenue and Capital Budgets at the end of June 2018 (Quarter 1) and the forecast position for the year end. It highlights any issues that have arisen and informs the Licensing and Public Protection Committee of any action being taken to contain spending within the approved cash limits.</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 2018/19.</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>

<b>2. Decision(s) Recommended:</b>
<p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Note the latest Revenue budget position at the end of June 2018 (Quarter 1) and Forecast Outturn as detailed in Appendix 1.</p> <p>2.2 Note the position for the Savings Programme for 2018/19 as detailed in Appendix 2.</p> <p>2.3 Note the expenditure on grant funded programmes in Appendix 3.</p> <p>2.4 Note the position on Capital projects, as detailed in Appendix 4.</p> <p>2.5 Approve the appropriations to and from reserves relating to Proceeds of Crime Act</p> <p>2.6 Note the position on reserves and balances, as detailed in Appendix 5.</p>

<b>Lead Contact Officer(s):</b>	<b>Parmjeet Jassal, Head of City Finance</b>
<b>Telephone No:</b>	0121 303 4176
<b>E-mail address:</b>	<a href="mailto:parmjeet.jassal@birmingham.gov.uk">parmjeet.jassal@birmingham.gov.uk</a>

<div data-bbox="102 152 399 197" data-label="Section-Header"> <h3>3. Consultation</h3> </div> <div data-bbox="102 228 309 273" data-label="Section-Header"> <h4>3.1 <u>Internal</u></h4> </div> <div data-bbox="197 300 1495 416" data-label="Text"> <p>The financial position on the revenue and capital budget is reported on a monthly basis to the Management Team and the Acting Service Director of Regulation and Enforcement is briefed on the major financial issues, as required in line with the Council’s framework.</p> </div> <div data-bbox="102 448 322 492" data-label="Section-Header"> <h4>3.2 <u>External</u></h4> </div> <div data-bbox="197 519 1495 600" data-label="Text"> <p>There are no additional issues beyond consultations carried out as part of the budget setting process for 2018/19.</p> </div>
<div data-bbox="102 707 504 752" data-label="Section-Header"> <h3>4. Compliance Issues:</h3> </div> <div data-bbox="102 784 1350 864" data-label="Section-Header"> <h4>4.1 <u>Are the recommended decisions consistent with the Council’s policies, plans and strategies?</u></h4> </div> <div data-bbox="197 891 1495 972" data-label="Text"> <p>The budget is integrated within the Council’s Financial Plan 2018+, and resource allocation is directed towards policy priorities.</p> </div> <div data-bbox="102 1003 1331 1084" data-label="Section-Header"> <h4>4.2 <u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></h4> </div> <div data-bbox="197 1111 1495 1191" data-label="Text"> <p>The Licensing and Public Protection Budget Monitoring 2018/19 (Quarter 1) report provides details of monitoring of service delivery within available resources.</p> </div> <div data-bbox="102 1223 459 1267" data-label="Section-Header"> <h4>4.3 <u>Legal Implications</u></h4> </div> <div data-bbox="197 1294 1495 1559" data-label="Text"> <p>Section 151 of the 1972 Local Government Act requires the Interim Chief Financial Officer (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> </div> <div data-bbox="102 1590 590 1635" data-label="Section-Header"> <h4>4.4 <u>Public Sector Equality Duty</u></h4> </div> <div data-bbox="197 1662 1495 1814" data-label="Text"> <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> </div>



## 5. Relevant Background/Chronology of Key Events:

### Revenue Budget 2018/19

5.1 The City Council approved the overall budget on 27 February 2018. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £7.736m (as detailed in Appendix 1) on 14 March 2018.

5.2 There are no changes to the Committee's net budget since the start of the financial year.

	£'m
<b>Original Budget 2018/19 Reported to LPPC 14 March 2018</b>	<b>7.736</b>
	-
<b>Current Approved Net Revenue Budget</b>	<b>7.736</b>

5.3 The City Council has well-established arrangements for monitoring spending against the cash limited budgets allocated to Directorates and Committees.

5.4 Reports are presented to Cabinet on a quarterly basis on the overall city-wide financial position and the Licensing and Public Protection Committee will also receive quarterly financial performance reports during the financial year.

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

5.5 The total expenditure at Quarter 1 (end of June 2018) is £3.359m. However, this includes £1.518m of costs relating to the 1974 Bombings Inquest. These costs will be funded through the Ministry of Justice. This leaves £1.841m net expenditure, which represents 24% of the annual net budget.

5.6 A year end net pressure of £0.077m is being forecast, mainly due to highways licensing, for which mitigations are being developed through maximisation of income.

5.7 Budgets continue to be managed rigorously and any changes will be reported in future reports.

5.8 The table below sets out a high level summary of the projected year end overspend by service (full details in Appendix 1) and how this is comprised of over the savings programme and base budget pressures.

<b>Forecast Year End Variations – Quarter 1</b>			
<b>Budget Head</b>	<b>Savings Programme £'m</b>	<b>Base Budget (underspend) / Pressures £'m</b>	<b>Total (underspend) / Pressures £'m</b>
Environmental Health	0.000	(0.100)	(0.100)
Pest Control	0.000	0.100	0.100
Register Office	0.000	0.000	0.000
Mortuary and Coroners	0.000	0.000	0.000
Trading Standards	0.000	0.000	0.000
Licensing and Enforcement	0.000	0.000	0.000
Public Rights of Way	0.000	0.000	0.000
Highways Licensing	0.000	0.077	0.077
NRSA Licences	0.000	0.000	0.000
<b>TOTAL</b>	<b>0.000</b>	<b>0.077</b>	<b>0.077</b>

The key components of the projection include:

- **Environmental Health (£0.100m underspend) and Pest Control (£0.100m pressure)**

Pest Control continues to experience income related pressure from contracts (for example: on clearance). The two services are managed jointly and savings are being managed within Environmental Health to fully fund this.

- **Highways Licensing (£0.077m pressure)**

The year-end pressure represents increased payments to an external contractor, partly offset by increased income through permits e.g. skips, cranes, scaffolding, etc. The Service continues to work to maximise all income to manage this pressure, which is dependent upon expected demand for licences throughout the year.

### **Savings Programme**

- The Committee's Savings Programme is £0.222m for 2018/19.
- An assessment at Quarter 1 has concluded that this will be fully delivered in 2018/19 and all savings will be delivered.

### **Mitigations and Management Actions 2018/19**

- Managers within Regulatory Services are involved in a number of actions this financial year to mitigate budget pressures for current and future financial years.
- Pest Control

Contracts continue to be sought to clear waste land and Council Housing land to make good the £0.100m forecast pressure on income. However, savings are also being managed within Environmental Health to mitigate this pressure.

- Mortuary and Coroners

Pressures relating to the 1974 Inquest (currently £1.518m) will be met by specific Government Funding. This has now been confirmed in writing by the Ministry of Justice. Although no funding to date has been received, the council is assured that this will be funded and will not cause a financial pressure. Officers are continuing to seek clarity on the reimbursement process.

### **Capital (Appendix 4)**

- 5.9 The Capital programme for essential health and safety works in the mortuary including ventilation solutions is being reviewed and updated. A short term solution involving temporary air conditioning is in place and an extension to this is being arranged whilst permanent installations are being reviewed.

<b>6.</b>	<b>Grant Funded Programmes</b>
6.1	Within Regulatory Services, there are two grant funded programmes: Illegal Money Lending and Scambusters (RIT).
6.2	Expenditure and income for each of the grants is shown in Appendix 3 and summarised below.
	<b><u>Illegal Money Lending</u></b>
6.3	The Illegal Money Lending Team (IMLT) England investigates and takes action against Illegal Money Lending or “Loan Shark” perpetrators across the whole of England.
6.4	The project is funded through specific grant from Treasury, with the allocation of up to £3.805m in 2018/19.
6.5	The expenditure at the end of June 2018 was £0.768m (20%) and it is anticipated that the programme will fully spend the grant allocated.
	<b><u>Scambusters</u></b>
6.6	The Scambusters - Regional Investigations Team (RIT) investigates and takes action against fraudsters operating across council boundaries in the central region.
6.7	Funding has been confirmed at £0.320m (£0.335m last financial year).
6.8	The expenditure at the end of June 2018 was £0.053m (17%) and it is anticipated that the programme will fully spend the grant allocated.

<b>7.</b>	<b>Proceeds of Crime Act</b>
7.1	Regulatory Services secures funding through the Proceeds of Crime Act 2002 in response to financial investigations undertaken following sentencing by the courts.
7.2	Expenditure on PoCA items is £0.093m at the end of Quarter 1 which will be funded through a combination of reserves and income received during the year.
7.3	PoCA monies are ring-fenced for expenditure on community and crime prevention projects

<b>8.</b>	<b>Balances and Reserves:</b>
8.1	The reserves at Quarter 1 are shown in Appendix 5.
8.2	The reserves currently total £2.017m and are ringfenced. All planned expenditure on these reserves will be included in future reports to this Committee.

<b>9. Evaluation of Alternative Option(s):</b>
9.1 During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary, and to meet new and emerging pressures

<b>10. Reasons for Decision(s):</b>
10.1 The Report informs the Licensing and Public Protection Committee of the Revenue and Capital Budget for 2018/19 and the forecast outturn at Quarter 1.
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.

<p><b>Signatures</b></p> <p>Chris Neville Acting Service Director Regulation and Enforcement .....</p> <p>Clive Heaphy Corporate Director Finance and Governance .....</p> <p style="text-align: right;">Date .....</p>
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<b>List of Background Documents used to Compile this Report:</b>
Licensing & Public Protection - Revenue and Capital Budget 2018/19 – 14 March 2018

<b>List of Appendices accompanying this Report (if any):</b>			
1. Appendix 1 - Financial Performance Statement and Forecast Outturn			
2. Appendix 2 - Savings Programme Performance			
3. Appendix 3 - Summary of Grant and Proceeds of Crime Programmes			
4. Appendix 4 - Capital Programme			
5. Appendix 5 - Balances and Reserves			
<b>Report Version</b>	3.0	<b>Dated</b>	6 September 2018

## Licensing and Public Protection Committee - 2018/19 Quarter 1 (June)

## Revenue Expenditure

## Service Areas

	Original Budget	Current Budget	Movement	Current Budget to Date	Actuals to date	Variance	Forecast Year end Variance
	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £
Environmental Health	3,807	3,807	0	995	979	(16)	(100)
Pest Control	307	307	0	71	200	128	100
Reg'n Births, Deaths & Marriages	705	705	0	291	216	(75)	0
Mortuary/Coroners *	1,699	1,699	0	457	2,061	1,604	0
Trading Standards	1,261	1,261	0	324	321	(3)	0
Licensing & Enforcement	(5)	(5)	0	385	(55)	(440)	0
Public Rights Of Way	74	74	0	18	15	(3)	0
Highway Licences	(68)	(68)	0	(12)	(358)	(347)	77
NRSWA Licences	(43)	(43)	0	(11)	(19)	(8)	0
Net Expenditure	7,736	7,736	0	2,519	3,359	840	77

\* Expenditure in Mortuary and Coroners includes £1.518m relating to 1974 Inquest for which Government Funding is assured.

## Subjective Headings

	Original Budget	Current Budget	Movement	Current Budget to Date	Actuals to date	Variance	Forecast Year end Variance
	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £
Employees	11,014	11,014	0	2,752	2,889	136	65
Premises	912	912	0	408	312	(96)	0
Transport and moveable Plant	201	201	0	45	27	(18)	(5)
Supplies and Services	2,684	2,684	0	663	45	(619)	606
Capital Financing	208	215	7	54	54	(0)	0
Recharge Expenditure	440	440	0	440	0	(440)	0
Expenditure For Service Area	15,459	15,466	7	4,362	3,327	(1,035)	666
Grants					0	0	0
Customer and Client					(0)	(0)	0
Fees and Charges	(3,525)	(3,525)	0	(849)	(689)	160	(46)
Rents etc	(4)	(4)	0	(1)	(10)	(9)	0
Miscellaneous Income	(3,585)	(3,585)	0	(840)	925	1,765	(120)
Recharge Income	(198)	(198)	0	(49)	(149)	(100)	(423)
Rev Income	(7,313)	(7,313)	0	(1,739)	77	1,815	(589)
Below the Line Adjus	(410)	(417)	(7)	(104)	(45)	59	0
Net Expenditure	7,736	7,736	0	2,519	3,359	840	77

**Note: figures exclude : PoCA, IMLT and Scambusters (see Appendix 3)**

## Licensing and Public Protection Committee - 2018/19 Quarter 1 (June)

### Savings Programme and Tracker

Service Area	Savings Reference	Total Programme 2018/19	Progress against specific Savings with Actions Required					TOTAL
			Actions in place to fully achieve Savings (in line with Policy Decision)	Actions in place to fully achieve Savings (new Policy Decision required)	Actions in place to Achieve savings in year only	Actions in place but some risk to delivery	Savings not deliverable	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
		£'000	£'000	£'000	£'000	£'000	£'000	£'000
Register Office	PL011	(172)	(172)	0	0	0	0	(172)
Trading Standards	EGJ7	(50)	(50)	0	0	0	0	(50)
Total Regulatory Services		(222)	(222)	0	0	0	0	(222)
Highways Services		0	0	0	0	0	0	0
Total LPPC Savings Programme		(222)	(222)	0	0	0	0	(222)

## Licensing and Public Protection Committee - 2018/19 Quarter 1 (June)

## Grant Funded and Proceeds of Crime Programmes

Illegal Money Lending Team (IMLT) England

	Original Budget	Current Budget	Movement	Current Budget to Date	Actuals to date	Variance	Forecast Year end Variance
	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000
Employees	2,943	2,943	0	736	702	(34)	0
Premises	54	54	0	13	(7)	(20)	0
Transport and Moveable Plant	115	115	0	29	22	(7)	0
Supplies and Service	334	334	0	73	52	(21)	0
Capital Financing	15	28	12	7	7	(0)	0
Recharge Expenditure	159	159	0	37		(37)	0
Expenditure For Service	3,621	3,633	12	895	776	(119)	0
Grants	(3,605)	(3,605)	0		(2)	(2)	0
Fees and Charges					(2)	(2)	0
Rev Income	(3,605)	(3,605)	0		(4)	(4)	0
Asset Revenue Manage	(15)	(28)	(12)	(7)	(7)	0	0
Levies					2	2	0
Below the Line Adjus	(15)	(28)	(12)	(7)	(4)	2	0
Net Expenditure for	0	0	0	888	768	(120)	0

Scambusters / Regional Investigation Team (RIT)

	Original Budget	Current Budget	Movement	Current Budget to Date	Actuals to date	Variance	Forecast Year end Variance
	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000
Employees	220	224	4	56	48	(8)	0
Premises	1	2	0	0	0	(0)	0
Transport and Moveable Plant	5	2	(3)	0	0	(0)	0
Supplies and Service	96	81	(15)	20	7	(13)	0
Recharge Expenditure	14	12	(2)	3		(3)	0
Expenditure For Service	335	320	(15)	80	55	(25)	0
Grants	(335)	(320)	15	(80)	(3)	77	0
Rev Income	(335)	(320)	15	(80)	(3)	77	0
Levies					0	0	0
Below the Line Adjus					0	0	0
Net Expenditure for	0	0	0	(0)	53	53	0

Proceeds of Crime (Trading Standards and IMLT)

	Original Budget	Current Budget	Movement	Current Budget to Date	Actuals to date	Variance	Forecast Year end Variance
	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £
Employees					28	28	0
Supplies and Service	60	60	0	15	64	49	0
Capital Financing		4	4	1	1	0	0
Expenditure For Service	60	64	4	16	93	77	0
Miscellaneous Income					(10)	(10)	0
Rev Income					(10)	(10)	0
Asset Revenue Manage		(4)	(4)	(1)	(1)	(0)	0
Below the Line Adjus		(4)	(4)	(1)	(1)	(0)	0
Net Expenditure for	60	60	0	15	82	67	0

## Licensing and Public Protection Committee - 2018/19 Quarter 1 (June)

## Capital Programme

Service Areas	Allocation 2018/19	Actuals Year to Date	Forecast Year End Variance
(1)	(2)	(3)	(4)
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Mortuary Floor and Ventillation*	299	5	0
Capital Expenditure	299	5	0

\* Capital Budget relating to Mortuary Floor and Ventilation has been transferred from 2016/17  
(as reported to LPPC 18 January 2017)



# Licensing and Public Protection Committee - 2018/19 Quarter 1 (June)

## Balances and Reserves

	Licensing		Grants		PoCA		
Reserves and Balances	Entertain - ment Licensing	Hackney Carriage and Private Hire	Illegal Money Lending Team	Scam - busters Team	PoCA Trading Standards	PoCA Illegal Money Lending	Total Reserves and Balances
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(10)
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>Reserves as at 01 April 2018</b>	<b>0</b>	<b>(406)</b>	<b>(279)</b>	<b>0</b>	<b>(539)</b>	<b>(793)</b>	<b>(2,017)</b>
<b>Transactions (to)/from Balances in 2018/19</b>							
Appropriations to Reserves in year	0	0	0	0	0	0	0
Appropriations from Reserves in year	0	0	0	0	0	0	0
<b>Net Movements 2018/19</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Estimated Reserves 31 March 2019</b>	<b>0</b>	<b>(406)</b>	<b>(279)</b>	<b>0</b>	<b>(539)</b>	<b>(793)</b>	<b>(2,017)</b>



**BIRMINGHAM CITY COUNCIL**

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

**SEPTEMBER 2018**  
**ALL WARDS**

**REQUEST TO INTRODUCE ADVERTISING ROOF SIGNS  
FOR HACKNEY CARRIAGE VEHICLES**

1. Summary

- 1.1 The Licensing Service has received a request from Mr Nick Smith and Mr Charles Jepson in respect of Wedooh Ltd, seeking permission to install 'taxitop' rooftop advertising signs on Birmingham licensed hackney carriage vehicles.
- 1.2 A similar request was considered and refused by the former Licensing Committee on 20 February 2008 and another on 13 July 2016.
- 1.3 Wedooh Ltd has submitted a presentation in support of his request, which is attached as appendix 1 to this report.

2. Recommendation

- 2.1 The Committee should consider the proposal put forward by Wedooh Ltd taking into account the current conditions of licence relating to advertising and either approve or refuse the request.
- 2.2 If the Committee is minded to agree the request, consideration should be given to adopting the recommendations made at 5.1 in this report.

Contact Officer: Chris Arundel, Principal Licensing Officer  
Telephone: 0121 464 8994  
E-mail: [chris.arundel@birmingham.gov.uk](mailto:chris.arundel@birmingham.gov.uk)

### 3. Background

3.1 Birmingham City Council has a set of standard conditions which apply to hackney carriage vehicles. Those conditions specify the locations in and on a vehicle which may be used to display advertisements. There is presently no provision in the current conditions of licence for hackney carriage vehicles for roof top advertising installations.

3.2 The current conditions also place restrictions on the subject matter which may appear in those advertisements as detailed in the extract from conditions reproduced below:

16(i) No advertisement shall be displayed upon the interior or exterior of a hackney carriage vehicle which contains, promotes or involves drugs, alcoholic drinks, politics, nudity (partial or otherwise) or sex (including articles or products associated with birth control) without the permission of the City Council.

16(ii) No advertisement which has been prohibited by the Advertising Standards Agency shall be displayed upon the exterior or interior of any Hackney Carriage.

16(iii) No advertisement shall be displayed in such a manner as to contravene the Road Traffic Acts or Road Vehicle (Construction and Use) Regulations for the time being in force.

16(iv) Any advertisement displayed upon the exterior of a hackney carriage shall be located either upon:

- a) the whole vehicle (whole livery) except in the case of Mercedes Eurocab, Peugeot Euro 7 or Fiat Eurocab vehicles;
- b) each side of the vehicle;
- c) the rear windscreen, provided that an advertisement shall only be displayed on the rear windscreen if the advertisement is printed upon a transparent screen which does not obscure the driver's view and further, that the vehicle is fitted with side or wing mirrors;
- d) on the hubcaps of the vehicle.

NB – Only **one** advertisement is allowed on any **one** location on the vehicle. For this purpose, both doors constitute **one** location.

16(v) The proprietor shall maintain the advertisement in a clean and tidy condition and shall further remove any advertisement which is damaged, defaced, or out of date.

16(vi) No advertisement shall be displayed within the interior of the vehicle unless it is located upon the underside of the tip-up seat within the

vehicle or displayed via an electronic media system with prior consultation with the Licensing Committee

- 3.3 Although taxitop applications have been considered and refused on two previous occasions, this is a new product which has not been considered by this Committee and members are not bound in any way by those historical decisions. The application submitted by Wedooh Ltd should be considered purely on its merits.

4. The application

- 4.1 The Wedooh submission advises extensive safety testing of the product was required before deployment of the equipment in London. Details are included on the Technical – Safety pages of the attached submission.
- 4.2 The document includes an overview of the proposed method of operation, as well as suggestions as to how Birmingham City Council messages could be displayed, including urgent messages in the event of a local emergency.
- 4.3 Wedooh advise proprietors of participating vehicles will be offered 25% of the net advertising revenue (excluding any commissions which have to be paid to agencies) generated by their advertisement. This has worked very well in London where drivers have felt themselves to be a part of the business. Wedooh hope to replicate a John Lewis style model where participants feel an ownership of the business and actually benefit from the revenues that are generated.
- 4.4 Mr Smith and Mr Jepson have been invited to present their proposal and to answer any questions members may have in respect of their application.

5 Suggested Additional Requirements

- 5.1 If after due consideration, members agree to the proposal to allow installation of roof top advertising signage on Birmingham hackney carriage vehicles, officers make the following recommendations:
- i. Any advertisement displayed via a roof top installation must comply with the Committee's standard advertising requirements with respect to content.
  - ii. No additional advertising media is to be displayed or installed in or on the vehicle at the same time as the roof top advertising unit. Taxi radio circuit or app booking service logos may be displayed in a single location on both sides of the vehicle, but must not be larger than 30 cm<sup>2</sup>.
  - iii. Permission should be specific to this equipment and not seen as a general permission to introduce roof top advertising.
  - iv. Installation and removal must only be carried out by the Weedoooh nominated installer.

- v. Amendments to hackney carriage vehicle conditions will be required to include the new advertising location and to formalise restrictions and requirements.

6. Implications for Resources

- 6.1 No implications have been identified.

7. Implications for Policy Priorities

- 7.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed hackney carriage vehicles are compliant with required vehicle standards.

8. Public Sector Equality Duty

- 8.1 No specific issues have been identified

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil



**dweh  
dooh**

**Wedooh Ltd**  
**Birmingham taxi top licence application**

# Company background

- A partnership between Elonex Ltd (a Birmingham based poster company – the 5<sup>th</sup> largest outdoor business in the UK) and one of the founders of Boldmind Ltd, a tech business that allows advertisers to directly access digital screens in real time
- Wedooh took over the Brightmove Media taxi tops in Dec 2017 – one of 3 taxi top companies that had operated in London since 2014
- Having worked closely with TfL, our licence was renewed in January 2018. Since then, we have started to bring in new advertisers – including many local businesses, and seen a significant increase in revenues which we share with the drivers
- We want the first roll out to be in the 2<sup>nd</sup> largest city in the UK - Birmingham





# Technical - Safety

- The Brightmove taxi tops were developed 5 years ago and have been in operation in London for 4 years – the first digital tops globally. In that period, no accidents have ever been recorded for Brightmove or any other taxi top operator in the UK
- Brightmove screens also operate in the US and are piloting in the Middle East
- To gain a TfL licence, a number of approvals had to be passed:
  - European Standards Commission – E Mark to cover screen emissions and full electrical standards
  - Vehicle Certification Agency (VCA):
    - Comply with Road Vehicles (Construction & Use) Regulations 1986
    - Comply with Road Vehicles Lighting Regulations 1989
    - Sled test to comply with crash safety regulations
    - ISO 9001 certification to pass conformity of production and quality control & installation of taxi tops
    - Electrical architecture to meet or exceed EC approval M1/IVA standards
    - IP65C Category 1 Certification – protection from the elements
    - Transport Research Laboratory – independent safety & distraction study



# Technical - Safety

- In similar fashion to the UK through the VCA, FCC approval was granted to the Brightmove taxi tops in the US
- The brightness of the screens adhere to all roadside advertising regulations. There are 2 sensors on the screens to automate the brightness dependent on weather/light



# Technical – Performance

- The taxi tops have been developed to have minimum impact on vehicle performance – the use of LED technology has allowed us to have the smallest and lowest weight tops
- There is 'minimal impact' on fuel usage
- There is 'minimal impact' on emissions

(Our definition of 'minimal impact' is little or no effect)



# Technical - Innovation

Hardware and software development have been undertaken in the UK and are market leading products

We have a number of unique capabilities that can change the way that messages are posted:

- Automated triggers: weather, pollen, pollution, bespoke
- Self serve/real time posting – very helpful for small businesses
- Geo targeting



**dweh**

# Benefits – Local businesses

Allows small local businesses to advertise with much lower budgets vs. other local media. Not just for large national businesses

Allows local businesses to advertise only in their local area

Through a self serve capability, allows local businesses to advertise in real time and with complete flexibility – days/time of day

Look to move the production of taxi tops to Birmingham



**dweh**



# Benefits – Birmingham Council

A new, effective and speedy means of making Birmingham residents aware of events, news & public information

Taxi tops can become part of the fabric of Birmingham and help innovate the way public messaging is delivered:

- **Promote public events in the city**
- **Broadcast news in real time**
- **Deliver vital public information: emergencies, weather, travel**



**dweh**

# Benefits – Birmingham Council

- Immediate access to taxi top screens
- In the event of an emergency, all taxi top advertising will cease and be replaced with real time alerts & safety messaging
- Easy promotion of public events in the city
- Support the Commonwealth Games
- Promote the enormous achievements in the city
- Increase the feel good factor for city residents
- Highlight major companies investing in the city, promoting the likes of HSBC, PWC and hopefully Channel 4!
- Show off all that is best about Birmingham to visitors
- Add to Birmingham's reputation as a leading innovative, technical and media city



# Benefits – Taxi drivers

Taxi tops will create a new buzz about taxis and add to the general promotion of taxi services

Taxi tops will create new revenue streams for drivers - under pressure from Uber

Drivers will be seen to be leading innovation

**Wedooh will adopt the same model as London – revenue share:**

- **Drivers share in the success of the business**
- **Drivers feel part of the business**



**dweh**



# Potential drawbacks

- As most activity is shorter bursts of activity and we run multiple adverts in a loop, there will be many more pieces of copy to check
- **Our solution: We adhere to all the rules & regulations of the local Council and ASA. If there is a 'grey' area, we will not run the advertising. Elonex has a long history in Birmingham and have never had issues with advertising copy. To date we have not needed to ask TfL for copy clearance. Only political messages are needed to be checked. For Birmingham, these are not allowed**
- Multiple advertising messages (livery/taxi tops)
- **Our solution: Liveried taxis will not have a taxi top**



# Summary

- A new innovation for Birmingham
- Delivered by experienced professionals and leaders in the advertising & technology markets
- Helping local businesses attract new customers
- Benefits all stakeholders – local businesses (large and small), taxi drivers, Birmingham Council as well as Birmingham residents and visitors
- Much more than another advertising channel – provides vital public information to the local community
- Making a positive impact on the Birmingham economy



## **BIRMINGHAM CITY COUNCIL**

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

**SEPTEMBER 2018**  
**ALL WARDS**

### **CARD PAYMENTS IN HACKNEY CARRIAGE VEHICLES – RESULTS OF PUBLIC CONSULTATION**

1. Summary

- 1.1 In October 2017 your Committee considered a TOA proposal that all hackney carriages should be equipped to take chip and pin card payments.
- 1.2 Members resolved to consider the matter again following a consultation exercise. The consultation was concluded on 24 June this year and the results are attached to this report as appendix 1, a breakdown of the results and appendix 2, the un-edited list of comments left by those responding to the consultation exercise.
- 1.3 The result is clearly in favour of the proposal, with both public and trade represented in the returns.

2. Recommendation

- 2.1 With effect from 1 January 2020, your Committee agrees provision of card payment facilities will be compulsory in all Birmingham licensed hackney carriage vehicles.
- 2.2 Members should leave drivers and proprietors with freedom of choice as to which processing company or agent they use to provide their credit card processing equipment.
- 2.3 Conditions of licence should be amended to reflect the new requirement with effect from 1 January 2020 as agreed at 2.1, with the new condition as at 5.5 applying to all licences on renewal, after that date.
- 2.4 That Minute 920 be discharged.

Contact Officer: Chris Arundel, Principal Licensing Officer  
Telephone: 0121 464 8994  
E-mail: [chris.arundel@birmingham.gov.uk](mailto:chris.arundel@birmingham.gov.uk)

### 3. Background

- 3.1 Hackney carriage drivers are already allowed to offer additional payment methods, but Birmingham City Council has never stipulated what those payment methods should be, or made it compulsory for alternative payment methods to be offered.
- 3.2 In April 2014 your Committee gave consideration to advertising alternative payment methods in licensed private hire vehicles and at the time it was acknowledged the provision of alternative payment methods was already widely available in the hackney carriage trade.
- 3.3 The most common alternative to cash, to which the majority of passengers will have access, is without doubt a credit, debit, or pre-paid card. This is now everyday technology, almost universally accepted. Chip and pin or contactless card payment is therefore the most appropriate solution if an alternative payment method is to be made compulsory.
- 3.4 In October 2017 the Licensing and Public Protection Committee considered the question and determined a public consultation should take place. The consultation was not carried out immediately as a number of other taxi related consultations were already planned or ongoing and it was feared this one might be overlooked amongst the larger exercises being carried out. The consultation was published immediately after the local elections in May 2018 and ran until 24<sup>th</sup> June 2018.
- 3.5 The introduction of a clean air zone in Birmingham from 1 January 2019 is going to have a major impact on the trade. It is clear the majority of hackney carriage vehicles currently operating in Birmingham will not meet the minimum requirement of Euro 4 for Petrol or Euro 6 for diesel engine vehicles. This will require most of those vehicles to be replaced or to drop out of the fleet. Costs associated with obtaining an electric hackney carriage or even a new Euro Cat 6 diesel are high (A new Euro 6 Mercedes M8 cab will cost around £45,000, the LEVC Electric Cab will cost more than £55,000).
- 3.6 In light of the impact on the trade and the potentially dramatic reduction in the number of licensed vehicles, members might consider delaying introduction of a mandatory requirement by twelve months to January 2020. This would remove the immediate pressure to comply from any driver contemplating his future in the trade and give those looking into the feasibility of changing vehicles one less thing to worry about.
- 3.7 On 3 February 2016 Transport for London (TfL) confirmed their Board had approved a proposal to require all of the capital's 22,500 licensed taxis to be equipped to accept card payments. It is worth noting the arrangements in London which came into effect in October 2016 explicitly require no surcharging and passengers paying by card will only pay the amount shown on the meter. Effective from 13 January 2018, it became illegal to pass on the cost of credit or debit card processing to customers, so it is no longer an option.

### 4.0 Consultation Results

- 4.1 The results of the consultation show clear support for the proposal. It is unfortunate only forty nine people responded to the survey, but of those thirty seven (approximately 75%) were in favour of making card processing facilities mandatory for hackney carriage vehicles.

4.2 Interestingly twenty seven (56%) of the respondents identified themselves as hackney carriage drivers, or proprietors. Only twelve respondents were against the proposal, accordingly it is clear support is not limited to the public, but also exists within the licensed trade.

4.3 A breakdown of the consultation is attached as appendix 1 and the various comments left by the respondents are attached at appendix 2. The comments are as left and have not been edited in any way.

## 5.0 Implementation

5.1 If members decide credit card payments should be made mandatory, then it will be necessary to amend conditions of licence for hackney carriage vehicles, to require all vehicles are equipped with the means to process card payments.

5.2 It is suggested drivers/proprietors should be permitted to make their own arrangements and the choice of provider should be a matter of individual choice. It is not recommended that Birmingham follow London in requiring fixed terminals and banning hand held terminals. Many drivers already make their own provision for credit card processing and it is not considered necessary to make them change what may already be long standing arrangements, so long as they are able to process card payments and understand they may not add surcharges.

5.3 New conditions will come into effect on renewal, or first issue of a vehicle licence. In order to allow drivers time to find a suitable provider and to make comparisons of alternative solutions, it is suggested a start date no earlier than 1 January 2020 would be appropriate.

5.4 Delaying mandatory compliance until January 2020 in recognition of the difficulties already facing drivers in respect of the Clean Air Zone and the necessity to replace a significant proportion of the fleet, will ensure only those drivers and proprietors clearly committed to remaining in the trade have to make provision.

5.5 The following condition is suggested as an addition to the Conditions of Licence for Hackney Carriage vehicles:

21. From 01/01/2020 no Birmingham licensed hackney carriage vehicle shall be used to carry passengers on a hire and reward basis, unless the means to process credit, debit and pre-loaded payment card transactions is carried on board.

## 6. Implications for Resources

6.1 The cost of amending licence conditions is negligible and will be met within existing budgets. The cost of providing card facilities will be borne by the trade and for this reason officers believe the choice of provider should be left to the discretion of the individual driver/proprietor. There will be no related costs to be borne by Birmingham City Council as a result of this change.

7. Implications for Policy Priorities

- 7.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by promoting improvements in the standards of services provided by licence holders and is compatible with our mission statement: Locally accountable and responsive fair regulation for all – achieving a safe healthy, clean, green and fair trading city for residents, business and visitors.

8. Public Sector Equality Duty

- 8.1 Ensuring all hackney carriage vehicles are equipped to take card payments would benefit a wide range of passengers, from businessmen and visitors to the city to students and young people who are probably more vulnerable to finding themselves without the means to get home after a night out. Passengers with disabilities may in some circumstances, find chip and pin or contactless payments easier than counting out cash and checking change.
- 8.2 There will however be an impact on the trade as it will be the drivers that have to pay for the equipment and transaction fee, as this is no longer able to be passed onto the passenger.
- 8.3 Costs for terminals vary greatly, but initial searches on the internet indicate that terminals can be purchased from between £40 - £75 pounds with transaction fees ranging from between 1.75% - 2.75%, with at least one provider having a taxi-cab add on function.

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil

## Card Payment Facilities in Hackney Carriage Vehicles: Summary report

This report was created on Monday 25 June 2018 at 08:24.

The consultation ran from 14/05/2018 to 24/06/2018.

### Contents

Question 1: What is your name?	1
Name	1
Question 2: What is your email address?	1
Email	1
Question 3: What is your organisation?	1
Organisation	1
Question 4: Do you think it should be compulsory for hackney carriage vehicles to be equipped to accept card payments?	1
Should it be compulsory for HCVs to be equipped to accept card payments	1
Please give reasons for your answer:	2
Question 5: Are you a	2
Respondent	2
If other, please specify	2
Question 6: How old are you?	3
Age	3
Question 7: What is your sex?	4
Gender	4
Question 8: Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?	4
Physical or mental health conditions or illnesses	4
Question 9: What is your ethnic group?	5
Ethnicity	5
Question 10: What is your sexual orientation?	5
Sexual Orientation	5
Question 11: What is your religion or belief?	6
Religion	6

### Question 1: What is your name?

#### **Name**

There were **44** responses to this part of the question.

### Question 2: What is your email address?

#### **Email**

There were **40** responses to this part of the question.

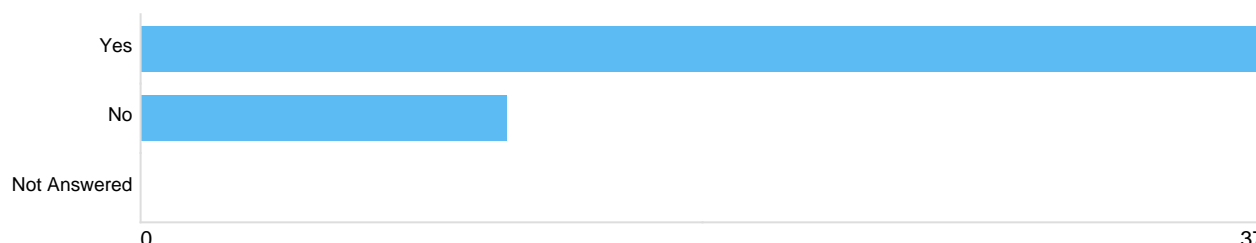
### Question 3: What is your organisation?

#### **Organisation**

There were **35** responses to this part of the question.

### Question 4: Do you think it should be compulsory for hackney carriage vehicles to be equipped to accept card payments?

#### **Should it be compulsory for HCVs to be equipped to accept card payments**



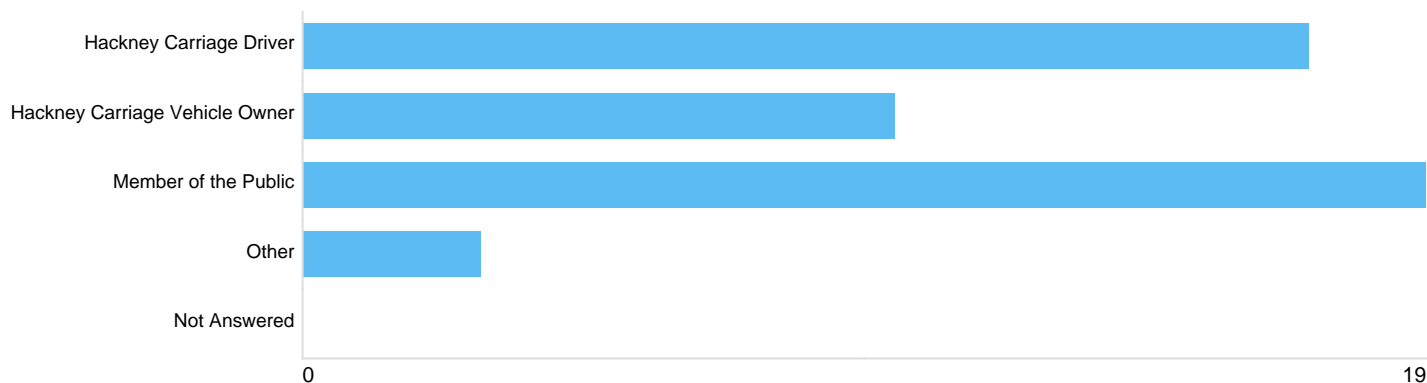
Option	Total	Percent
Yes	37	75.51%
No	12	24.49%
Not Answered	0	0%

**Please give reasons for your answer:**

There were **42** responses to this part of the question.

### Question 5: Are you a

#### Respondent



Option	Total	Percent
Hackney Carriage Driver	17	34.69%
Hackney Carriage Vehicle Owner	10	20.41%
Member of the Public	19	38.78%
Other	3	6.12%
Not Answered	0	0%

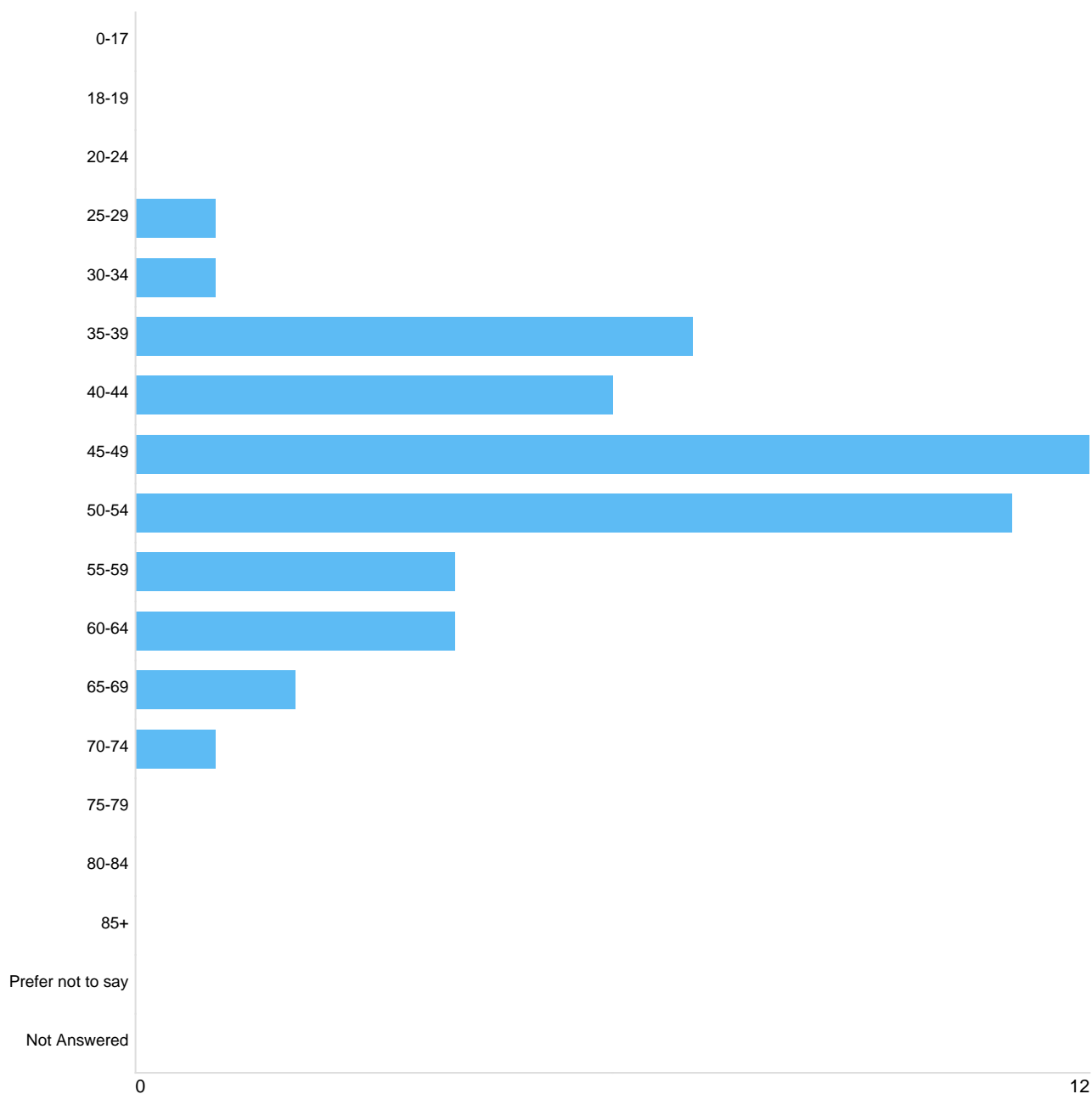
**If other, please specify**

There was **1** response to this part of the question.



Question 6: How old are you?

Age



Option	Total	Percent
0-17	0	0%
18-19	0	0%
20-24	0	0%
25-29	1	2.04%
30-34	1	2.04%
35-39	7	14.29%
40-44	6	12.24%
45-49	12	24.49%
50-54	11	22.45%
55-59	4	8.16%
60-64	4	8.16%
65-69	2	4.08%
70-74	1	2.04%
75-79	0	0%
80-84	0	0%
85+	0	0%
Prefer not to say	0	0%
Not Answered	0	0%

### Question 7: What is your sex?

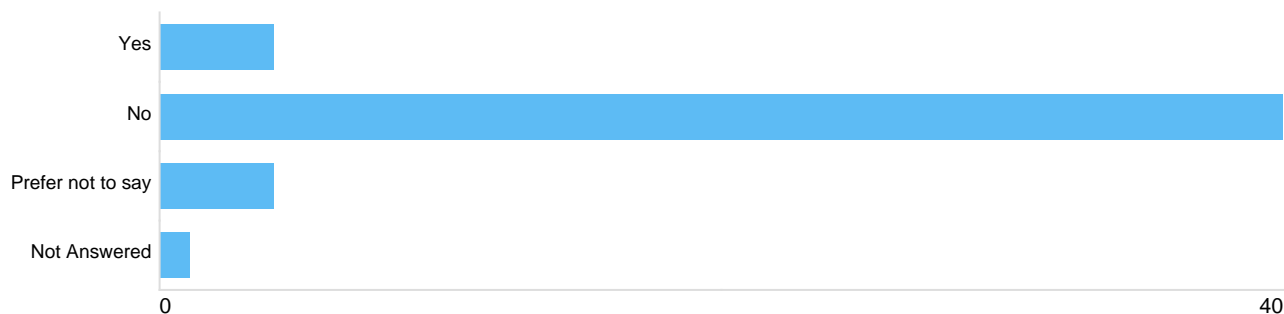
#### Gender



Option	Total	Percent
Female	10	20.41%
Male	38	77.55%
Not Answered	1	2.04%

### Question 8: Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?

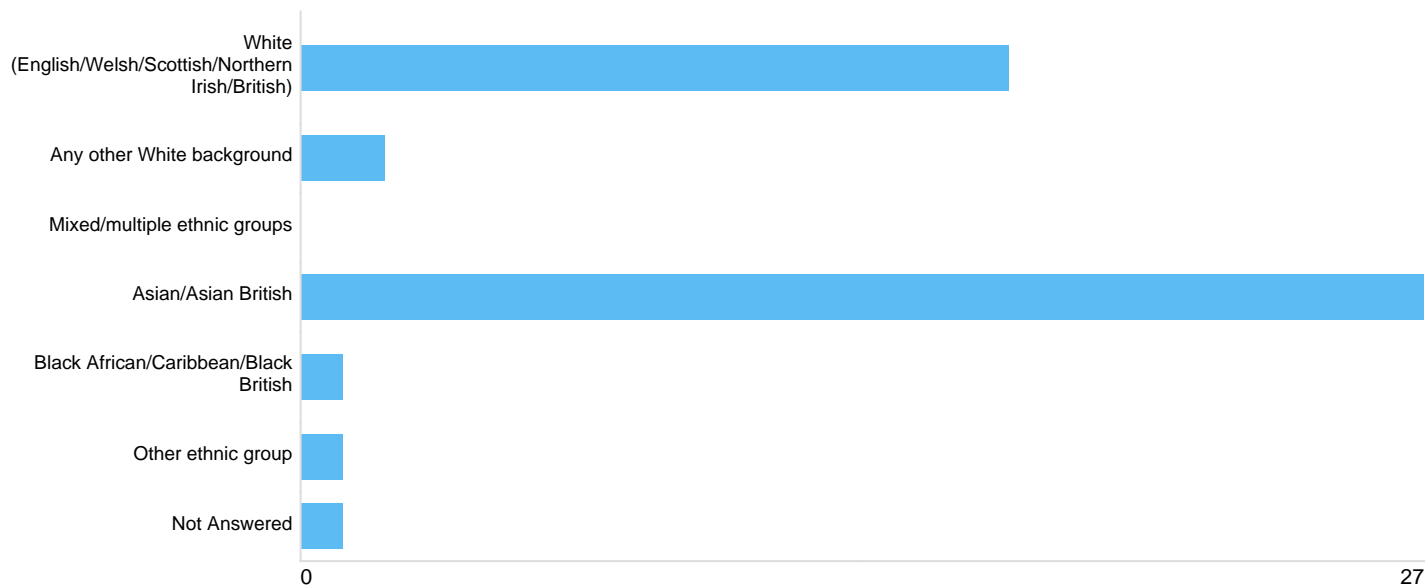
#### Physical or mental health conditions or illnesses



Option	Total	Percent
Yes	4	8.16%
No	40	81.63%
Prefer not to say	4	8.16%
Not Answered	1	2.04%

### Question 9: What is your ethnic group?

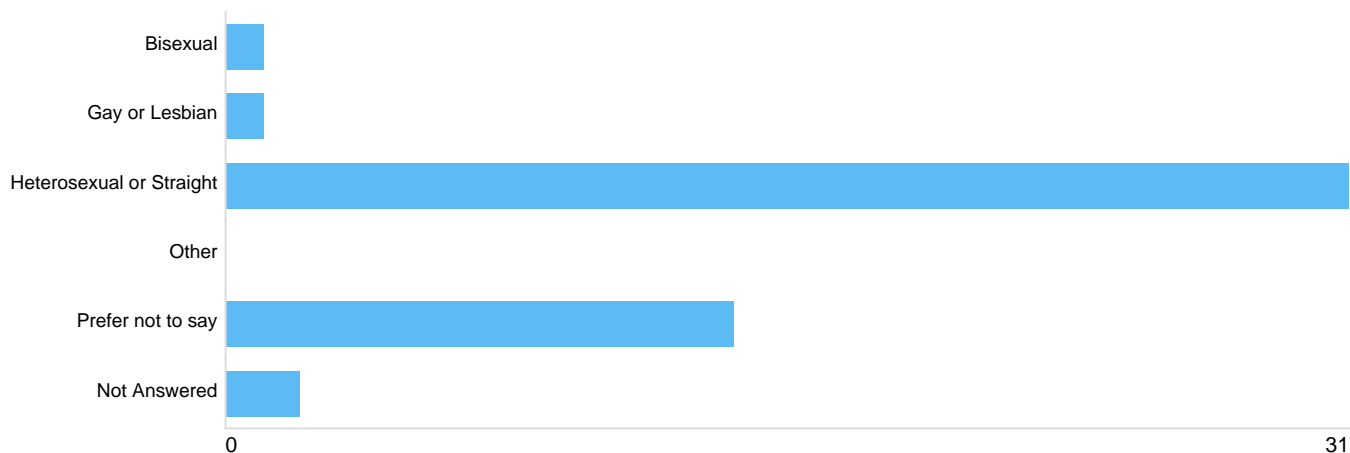
#### Ethnicity



Option	Total	Percent
White (English/Welsh/Scottish/Northern Irish/British)	17	34.69%
Any other White background	2	4.08%
Mixed/multiple ethnic groups	0	0%
Asian/Asian British	27	55.10%
Black African/Caribbean/Black British	1	2.04%
Other ethnic group	1	2.04%
Not Answered	1	2.04%

### Question 10: What is your sexual orientation?

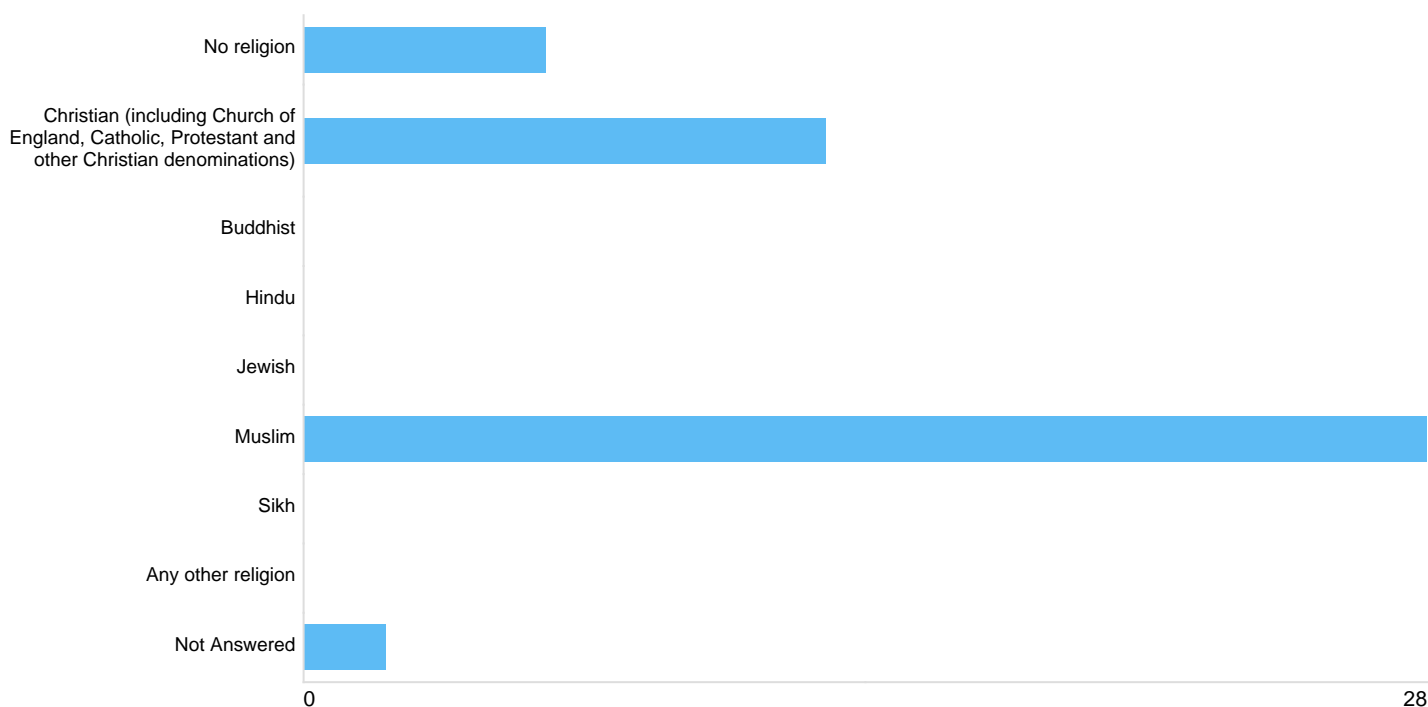
#### Sexual Orientation



Option	Total	Percent
Bisexual	1	2.04%
Gay or Lesbian	1	2.04%
Heterosexual or Straight	31	63.27%
Other	0	0%
Prefer not to say	14	28.57%
Not Answered	2	4.08%

### Question 11: What is your religion or belief?

#### Religion



Option	Total	Percent
No religion	6	12.24%
Christian (including Church of England, Catholic, Protestant and other Christian denominations)	13	26.53%
Buddhist	0	0%
Hindu	0	0%
Jewish	0	0%
Muslim	28	57.14%
Sikh	0	0%
Any other religion	0	0%
Not Answered	2	4.08%

**Q5: Reasons for supporting the compulsory introduction from those respondents in the trade**

Because simple reason is we have to make life easy for customers otherwise they will go to somewhere else.
Because we Hackney carriage drivers are missing and losing out on credit card jobs we are behind the system needs to be updated.
This should have happened 2 years ago, people simply don't carry cash anymore, the most convenient & safe way to pay is by card, people & work place must change with the times, the amount of customers that walk away & find another alternative to get to there destination after being told by the Hackney driver they haven't the facility to take a card is unbelievable. It's no good for a handful of drivers having a card machine, EVERYONE should have one. Period. I'm for it & so are many other drivers. To be honest it's a no brainer.
Because most people are using card payments.
This should have been introduced years ago. Methods like PayPal here and other machines are brilliant and needed for the dying can trade in Birmingham.
Less cash involved.
The customers have more choice.
Very unfair as Toa Drivers are picking and choosing jobs if it a good job then yes they except if it is a small job they refuse on the basis that the machine isn't working, or they forgot to put it the cab. If everyone was excepting them then there wouldn't be a problem.
I work for TOA, who insist that every driver carries a chip and pin machine. A lot of passengers don't carry cash now, especially overseas visitors, who find it more convenient to pay by card.
I work for TOA, who insist every driver carries a chip and pin. I use mine on a daily basis, as many people prefer to pay by card, especially overseas visitors.
This day and age not many people carry cash so they should be able to get into cab without asking do you take credit card.
Yes but also drivers who already have their own credit card machines must be able to continue with their own machines & not forced into using a council provided machines as yet again would be an opportunity for the council to make yet more cash on the back of hackney drivers, I and many other drivers fear that this is the real truth behind this question being asked.

The way Taxi industry is forwarding, Customer should have choice of method of payment other than cash. It's secure and safe for both passengers and drivers.
We don't have normal work never mind card payments all work is getting pinched and enforcement doing nothing and you want card payments well done for hard effort.
It's good for Birmingham been the second city.
These payment methods are expected by a majority of passengers and very few others don't accept card payments.
I think that everyone uses card more than cash.

**Q5: Reasons for supporting the compulsory introduction from those respondents NOT in the trade**

It will stop tax evasion and absurd arguments. It's better for passengers.  It also keeps drivers safer as they won't be carrying much cash.
Yes because technology has moved on and not many carry cash and prefer to pay via card only risk is if the card payment fails and they have no cash????!
I recently got a taxi which didn't offer this facility and had to ask him to go via a cash point meaning I was charged more for the diversion. It was an emergency and I didn't have enough cash on me.
Most people do not carry much cash these days.
To make it easier for all patrons and make it less likely that drivers would be targeted by thieves.
More convenient.
Far too often you see visitors at New Street going from taxi to taxi trying to find one that take cards - it's not exactly welcoming for people coming to our city.  Also I use Uber now, because I frequently don't carry cash - so without card machines the taxis are going to lose even more business on a permanent basis.
Provide a better service, may also increase usage as people haven't always got cash, especially if drunk.
Fewer people are carrying cash and people expect to be able to pay by card

everywhere. This is, after all, a service. It will also be safer for both the driver and passenger.
We are living in 21 century. All the third world country's got this facility's we haven't.
I currently use Uber simply due to the payment method. I would rather use a licensed black cab but don't want to risk not being able to pay my fare just because of the payment method.
More convenient for passengers and drivers.  Possibly provides some protection against passengers without or not enough cash 'doing a runner'.
More accessible when a person isn't carrying cash. Particularly now more people are using mobile payments such as Apple and Google pay.
Better for passengers to have certainty of being able to pay by card rather than not being sure and having no cash or not enough. Better for drivers as they won't have to carry so much cash around.
Absolutely agree with Hackney Carriages having to be able to accept electronic payments.  If you aren't near a bank or don't have ready access to cash machine at the location at which the Hackney carriage is flagged down then this will surely be useful. Electronic payments will also bring a little bit of modernity to the service provided by Hackney Carriages.  However, there is an argument to say that this will be financial burden for Hackney Carriage drivers as they will have to pay subscription charges for payment terminals and perhaps installation costs to provide a mandatory service which is not offered by their direct competitors – private hire vehicles.  The new rules should therefore encompass private hire vehicles too. More and more businesses are opting not to take cash – it's slow and makes them vulnerable to robbery – this is equally applicable to private hire vehicle drivers.  In addition, I don't think that this consultation is wide reaching enough. What about the service being provided by Uber?  The 2018 G4S World Cash Report found that, in Europe, the use of cash in physical point-of-sale transactions has risen from 60% to 79%. "People trust cash; it's free to use, readily available, confidential, it can't be hacked and it doesn't run out of power," so for those people that prefer to use cash or don't actually have bank

accounts, Uber is not an option. In reality, it is the economically deprived that are excluded from using the Uber service as it is the deprived that are most likely to not have bank accounts or smart phones. Given that Uber is often significantly cheaper and often more convenient than either Hackney Carriages or Private hire vehicles, this seems discriminatory.

Neither should it be ignored that the number of British people who deal solely in cash – 2.7 million – is also rising (source <https://tinyurl.com/ydd5tom9>).

The conclusion; all taxi types and operators should offer all payment types.

**Q5: Reasons for NOT supporting the compulsory introduction from those respondents in the trade**

Everyone should have freedom to how they want to receive payment.

Who is going to pay for the cost of the terminals? We are already struggling to make a living and will end up out of pocket.

Already have a card machine. Barclay's charges for having machine are higher, and then card payments per month I pick up. Have complained to financial services ombudsman.

In the final concussion told should have read contract. So at the moment paying for nothing maybe a small fixed charge might be of interest to drivers.

Who pays for the machine to do this? We have been quoted £20-30 a month for this. If the council want to supply them we might accept them TOA Taxis supply them to their drivers.

As a self-employed it should be driver choice that if he or she wants to have a chip and pin facility. This should not be compulsory in taxi business.

There is not enough work on rank driver will be paying fees to get a card machine payment witch is unfair on drivers.

85% drivers we have spoken to agree it should be optional and not compulsory. Even those that have a card payment machine are in favour of it being optional, due to the reasons being that sometimes they can jump the queue when drivers in front do not have a machine.

The disadvantage to drivers is that they have to wait for payment.



**Q5: Reasons for supporting the compulsory introduction from those respondents NOT in the trade**

They get paid cash.

I think it should be encouraged, but making it compulsory could put an undue burden of cost on small companies.

Small businesses should not be required to provide a potentially expensive payment method if they don't wish to.

Commercial customer pressure alone will provide sufficient motivation without excess regulation.

Also the fees charged to small businesses in particular for credit cards can be very high (in the region of 2.75%), it would be unreasonable for cash / debit card users to cross-subsidise credit card users. (there is no such thing as a free lunch)

If introduced then drivers should be able to charge different mileage rates in particular for credit cards, because of the expensive fees - credit card fees could be sufficient to wipe out the profit margin of a small business.



**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE DIRECTOR OF REGULATORY SERVICES  
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**19 SEPTEMBER 2019**  
**ALL WARDS**

**CONDITIONS OF LICENCE FOR  
HACKNEY CARRIAGE VEHICLES**

1. Summary

- 1.1 Following a report to this committee in December 2017 proposing the introduction of a new set of conditions to be attached to the licences issued in respect of hackney carriage vehicles (Appendix 1). The proposed conditions were consulted on in May and June of this year.
- 1.2 This report outlines the results of that consultation and proposes a new set of conditions to be attached the hackney carriage vehicles on renewal of the vehicle licence.
- 1.3 This will bring HCV conditions up to date and the wording in line with the conditions specifically relating to private hire vehicles to ensure consistency across both trades.

2. Recommendation

- 2.1 That the Committee approve the proposed conditions for Hackney Carriage Vehicles and these are introduced with effect from Monday 24<sup>th</sup> September for both new and renewed vehicle licences.

Contact Officer: Chris Neville, Head of Licensing  
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Email: [chris.neville@birmingham.gov.uk](mailto:chris.neville@birmingham.gov.uk)

Originating Officer: Shawn Woodcock, Licensing Operations Manager (Acting)

### 3. Background

- 3.1 A report to this committee in January 2016 regarding the Implications of the Casey Report on Child Sexual Exploitation in Rotherham set out an action plan “...to improve our systems and to minimise the risk...”
- 3.2 This review of conditions for Drivers and Vehicles completes part of that action plan.
- 3.3 This review of Hackney Carriage Vehicle conditions also brings those conditions in line with those of the private hire trade which have already been approved by Committee.

### 4 Conditions

- 4.1 Sections 47 of the Local Government (Miscellaneous Provisions) Act 1976, which relate to the issue of licenses for hackney carriage vehicles states:

“A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary “.
- 4.2 The purpose of attaching conditions to these licences is to be able to regulate a large variety of matters relating to the way proprietors and drivers conduct themselves and the use of their vehicles. Conditions can prescribe the ways in which activities are conducted, the sort of documentation proprietors and drivers must maintain and how vehicles are to display their plates and signage.
- 4.3 The conditions are used to deal with issues that require regulating and are drafted to stipulate the exact manner in which activities are to be undertaken. Failing to comply with conditions may result in enforcement action being taken. This may include referral to a Licensing Sub Committee for them to consider whether the licensee is “fit and proper” and if not whether their licence should be suspended or revoked. For example, a complaint from members of the public about a drivers’ behaviour.
- 4.4 The current conditions for hackney carriage vehicles were last reviewed and/or amended on the 15/09/2010, with an additional amendment in February 2015 to account for the changes to the Equalities Act.
- 4.5 We have moved office since the current set of conditions were introduced; Condition 1. Referred specifically to our old office address.
- 4.6 The current conditions contain policy details, such as the type of vehicle that can be licensed. These have been removed from the proposed conditions as if it is the policy of the City Council not to approve a certain type of vehicle as a Hackney Carriage there is no need for it to also be a condition of licence.

- 4.7 The Licensing Enforcement Team deal with numerous complaints about the activities of licensees and undertake various exercises throughout the year including the stop checking of vehicles and drivers and the inspection of records and documentation retained at operator's bases. These conditions are used to measure the licensee's compliance and deal with such complaints.
5. Issue of Conditions of Licence
- 5.1 Conditions of licence can only be issued upon the grant of a licence. Thus if committee approves them, they will be issued on the grant or renewal of licence applications from Monday 24<sup>th</sup> September 2018.
- 5.2 This will mean that we will be enforcing two sets of conditions for up to 12 months following the proposed introduction of new conditions.
- 5.3 Any individual aggrieved by the conditions of licence may make an application for exemption from them and attend a hearing before a Licensing Sub Committee. Alternatively, they can appeal to a Magistrates Court within 21 days of the service of the licence upon them.
6. Summary of Key Changes
- 6.4 The following points highlight the key changes from the original conditions to the final draft of the proposed conditions. The list does not include every minor variation to wording.
- Changes to the way the meter test is carried out
  - Duplication of policy removed
  - Legal obligations removed
  - Additional reporting requirements
  - Office address and typographical errors removed or corrected
- 6.5 A copy of the current conditions with a narrative *in italics after each condition* explaining the changes is attached at Appendix 4.
7. Consultation
- 7.1 The initial draft of the proposed conditions was subject to a consultation for 6 weeks from 14/05/2018 – 24/06/2018 by way of a survey on the Birmingham Be Heard website.
- 7.2 There were a total of 23 respondents to the survey; 1 identified as a licensed operator, 8 as drivers, 5 as vehicle owners and 9 as members of the public. A summary of their responses are attached at Appendix 2 and where written response to questions were required these are attached at Appendix 3
- 7.3 In response to the proposal to give the responsibility for testing the meter to the owner/driver of the vehicle this was rejected as an idea by 14:9 saying it would be better if the Council continued to test the vehicles.

- 7.4 Concerns were also raised by this Committee at the December meeting and by the Enforcement team regarding this proposal.
- 7.5 This condition has therefore been changed back to the current condition to reflect this, with testing remaining the responsibility of the City Council to organise.
- 7.6 It should be noted however that one response suggested that a separate survey by another organisation had been carried out and that survey overwhelmingly supported the idea proposed by the City Council of owner vehicle testing. However no specific details of that particular survey were available prior to writing this report.
- 7.7 There were also various responses to questions regarding the introduction, removal or amendment of conditions although the majority of the issues raised revolved around Council Policies rather than being condition specific; such as rear loading vehicles; credit card payments; and the use of the front seat for passengers.
- 7.8 Where possible these responses have been addressed by way of further reports to come before this committee; directly to the person on the survey or accommodated where possible.

## 8. Implications for Resources

- 8.1 This work will be undertaken within the resources available from within those funds generated by the licence fee structure.

## 9. Implications for Policy Priorities

- 9.1 The contents of this report are consistent with the Regulation and Enforcement Mission Statement - locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.

## 10. Implications for Equality and Diversity

- 10.1 No specific implications have been identified.

## **DIRECTOR OF REGULATORY SERVICES**

Background Papers: Current Hackney Carriage vehicle conditions

# HACKNEY CARRIAGE VEHICLE CONDITIONS OF LICENCE

**The Hackney Carriage Vehicle Licence is granted subject to the following conditions. Failure to comply with these conditions could lead to a criminal prosecution and/or your licence being suspended, revoked or not renewed.**

If you are aggrieved by any of the conditions attached to this licence you may make an application for exemption from them and attend a hearing before the Licensing Sub Committee, alternatively you can appeal to a Magistrates Court within 21 days of the service of this licence on you.

If you have any difficulty in understanding or complying with any of the conditions below, please let the Licensing Office know immediately so that arrangements can be made to assist you in that respect.

These conditions are attached to your licence in addition to any other legal requirements to which you are required to comply. These include, but are not restricted to, the Local Government (Miscellaneous Provisions) Act 1976, the Health and Safety at Work etc. Act 1974

## **CONDITIONS**

No front seat passengers are permitted to travel in any Hackney Carriage Vehicle

### **DETAILS TO BE REPORTED**

1. You must notify the Licensing Office, in writing, within **7 days** if you,
  - a) are convicted of any criminal or motoring offence
  - b) are cautioned for any criminal or motoring offence (by the Police or any other agency)
  - c) receive a Magistrates' Court summons
  - d) receive a fixed penalty notice for any criminal or motoring offence
  - e) receive a police warning or court order in relation to harassment or any other form of anti-social behaviour
  - f) receive a civil or family law injunction
  - g) are arrested for any offence (whether or not charged)
  - h) are charged with any criminal offence.
  - i) are refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed and provide the following information:
    - i. The name of the council.
    - ii. The licence number(s) of the licence(s) suspended or revoked.
    - iii. The date of the decision.
    - iv. A copy of the decision notice issued by the other council giving the grounds for the action taken.
  - j) change your home address
  - k) keep the vehicle when it is not in use at an address that is not specified on your licence
2. If any of your vehicle's identity plates are lost or stolen you must report the loss or theft in writing to the Licensing Office within **3 days**.

## **DOCUMENTATION TO BE MAINTAINED FOR VEHICLE & DRIVER(S)**

3. Only a licensed hackney Carriage driver can drive a licensed Hackney Carriage vehicle. If you propose to allow someone else to drive your vehicle at any time, before doing so you must obtain from the driver the following documents:
  - a) A copy of their current Birmingham City Council Hackney Carriage Driver's Licence, and
  - b) A copy of their insurance documentation covering them to use the vehicle for the purpose of public hire.

You must ensure that the driver's Hackney Carriage Driver's Licence and insurance remain current for the duration of the period they have your vehicle.

4. You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer. If you let the vehicle to a driver you must ensure that the driver's licence is deposited with you first. The vehicle cannot ply for hire in Birmingham unless it is driven by a Birmingham licensed Hackney Carriage Driver.
5. If the driver(s) details change at any time from the details notified at the time of application, in addition to the preceding condition, you must notify the Licensing Section, in writing within 7 days and forward a copy of the revised insurance documentation at the same time.
6. You must ensure that there is a current certificate or policy of insurance in force for the vehicle throughout the duration of the licence, whether it is being driven or not at the time.
7. If there are exceptional reasons which prevent you from maintaining or ensuring continuous insurance cover, for whatever reason, throughout the duration of the licence you must attend and notify the Licensing Office, in writing, within 72 hours following the insurance cover expiring or lapsing. At the same time you must return the vehicle identification plates as the vehicle will be liable to suspension until insurance cover is produced.

## **LOST PROPERTY**

8. You must immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may have been accidentally left therein.
9. Any property accidentally left in a Hackney Carriage Vehicle must be handed in to the nearest West Midlands Police Station as soon as possible, and, in any event, within 3 days of the property being found.

## **VEHICLE IDENTIFICATION PLATES & SIGNAGE**

10. The vehicle identification plate issued to you remains the property of the Council and must not be sold or transferred separately from the Hackney Carriage.



11. Should your Hackney Carriage Vehicle Licence expire, you must return the vehicle identification plate to the Licensing Office within 7 days.
12. The rear identity plate must be fitted externally on the rear of the vehicle in such a place and manner to ensure that all of the information displayed on the identity plate is clearly visible at all times.
13. The rear identity plate must be securely attached to the vehicle in such a manner so that it cannot be removed without the use of tools. It must not be affixed using string, tape, magnets, Velcro or any other similar material. If a securing bracket is not used the identity plate must be fixed to the vehicle using bolts, rivets or screws.
14. You must ensure that the vehicle licence number and a copy of the approved fare table are displayed in a prominent position within the vehicle so as to be clearly visible to passengers at all times.

### **ADVERTISING**

15. No advertisement shall be displayed upon the interior or exterior of a Hackney Carriage which contains, promotes or involves drugs, alcoholic drinks, politics, nudity (partial or otherwise) or sex (including articles or products associated with birth control) without the permission of the City Council.
16. No advertisement which has been prohibited by the Advertising Standards Agency shall be displayed upon the exterior or interior of any Hackney Carriage.
17. No advertisement shall be displayed in such a manner so as to contravene the Road Traffic Acts or the Road Vehicle (Construction and Use) Regulations.
18. Any advertisement displayed upon the exterior of a Hackney Carriage shall be located either upon:-
  - a) The whole vehicle (whole livery);
  - b) Each side of the vehicle;
  - c) The rear windscreen provided that an advertisement shall only be displayed upon the rear windscreen if the advertisement is printed upon a transparent screen which does not obscure the driver's view.

**NB** - Only one advertisement is allowed in any one location on the vehicle. For this purpose, both doors on each side of the vehicle constitute one location.

19. The proprietor shall maintain the advertisement in a clean and tidy condition and shall remove any advertisement, which is damaged, defaced or out-dated.
20. No advertisement shall be displayed within the interior of the vehicle unless it is located upon the underside of the tip-up seat within the vehicle or displayed via an electronic media system with the prior approval of the Licensing Committee.
21. Any advertisement, which, in the absolute discretion of the City Council, is considered to contravene these conditions shall be removed forthwith.

The following condition only relates to licences issued in respect of van derived vehicles e.g. Mercedes Eurocab, Peugeot Euro 7 Taxi and Fiat Eurocab:

22. The licence is granted on condition that the vehicle will not be allowed to carry whole livery advertisements and that the colour of the vehicle must remain black throughout the period of the licence.

#### **TAXIMETERS**

23. The taximeter fitted to the vehicle shall be of an approved type, and shall be subject to an annual test to be carried out by the Council to ensure that it is calibrated to the fare table currently in force at the time.
24. The seal on the taximeter will not be tampered with at any time.

#### **MAINTENANCE OF VEHICLES**

25. The interior of the vehicle shall be kept clean and tidy at all times when in use as a Hackney Carriage Vehicle.
26. The exterior of the vehicle to be clean at all such times, having due regard to the weather conditions on the day.
27. The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition. In particular all data boxes, radios, PDA's or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.
28. Once a vehicle has been inspected by one of the Licensing Office's approved MOT stations and a licence has been granted it must be maintained in that form and condition. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from the Licensing Office.
29. Only tinted and anti-glare windows fitted by the vehicle's manufacturer are acceptable

#### **MISCELLANEOUS**

30. A copy of these conditions must be kept in the vehicle at ALL times and shall be made available for inspection on request by an authorised officer of the Licensing Authority or a Police Constable.

## **GUIDANCE**

**The Equality Act 2010** brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site ([www.equalityhumanrights.com](http://www.equalityhumanrights.com)) gives examples of best practice.

### **Smoke Free Legislation**

Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles. Appropriate 'No Smoking' signage must be displayed in the vehicle. Furthermore, any enclosed premise that is used as a workplace or is used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk)



## Hackney Carriage Vehicle Conditions Consultation: Summary report

This report was created on Monday 25 June 2018 at 08:42.

The consultation ran from 14/05/2018 to 24/06/2018.

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### Question 1: What is your name?

#### **Name**

There were **19** responses to this part of the question.

### Question 2: What is your email address?

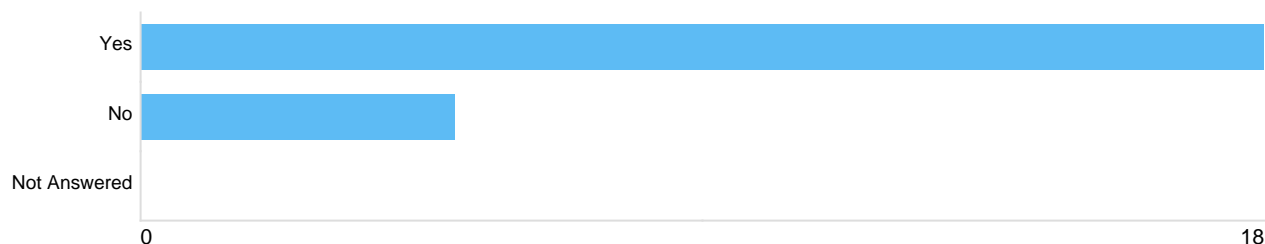
#### **Email**

There were **17** responses to this part of the question.

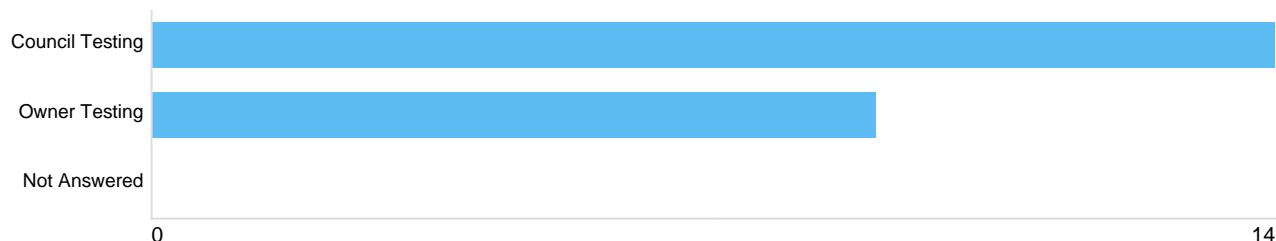
### Question 3: What is your organisation?

#### **Organisation**

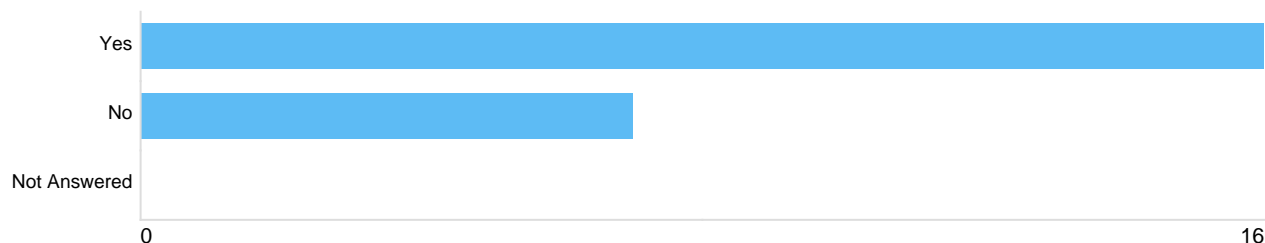
There were **15** responses to this part of the question.

**Question 4: Were you aware that Hackney Carriage Vehicles had specific conditions attached to their licences?***Were you aware that Hackney Carriage Vehicles had specific conditions attached to their licences?*

Option	Total	Percent
Yes	18	78.26%
No	5	21.74%
Not Answered	0	0%

**Question 5: Do you think the City Council should arrange the meter test or allow the proprietor of the vehicle to make arrangements for it to be calibrated/tested at some time during the life of the vehicle licence?***Who should arrange the meter test?*

Option	Total	Percent
Council Testing	14	60.87%
Owner Testing	9	39.13%
Not Answered	0	0%

*Please give reasons for your answer:*There were **17** responses to this part of the question.**Question 6: Do you think the proposed conditions go far enough to ensure the safety of the public?***Do proposed conditions go far enough to ensure the safety of the public?*

Option	Total	Percent
Yes	16	69.57%
No	7	30.43%
Not Answered	0	0%

**Question 7: Are there any specific conditions you would like to see added?***Are there any specific conditions you would like to see added?*There were **16** responses to this part of the question.

**Question 8: Are there any specific conditions you think should be removed?**

*Are there any specific conditions you think should be removed?*

There were 6 responses to this part of the question.

**Question 9: Are there any specific conditions you think should be amended?**

*Are there any specific conditions you think should be amended?*

There were 4 responses to this part of the question.

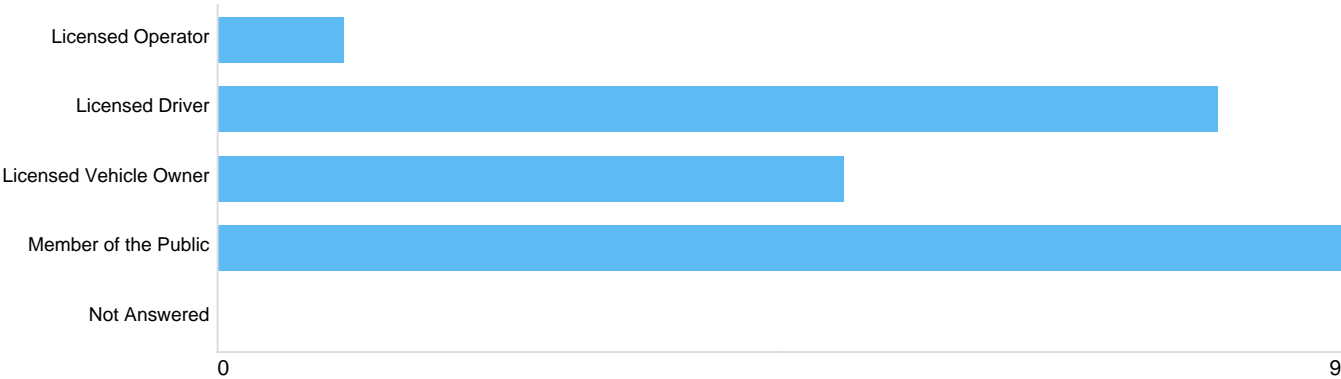
**Question 10: Do you have any further comments you wish to make in regard to the proposed conditions?**

*Do you have any further comments you wish to make in regard to the proposed conditions?*

There were 9 responses to this part of the question.

**Question 11: Are you a**

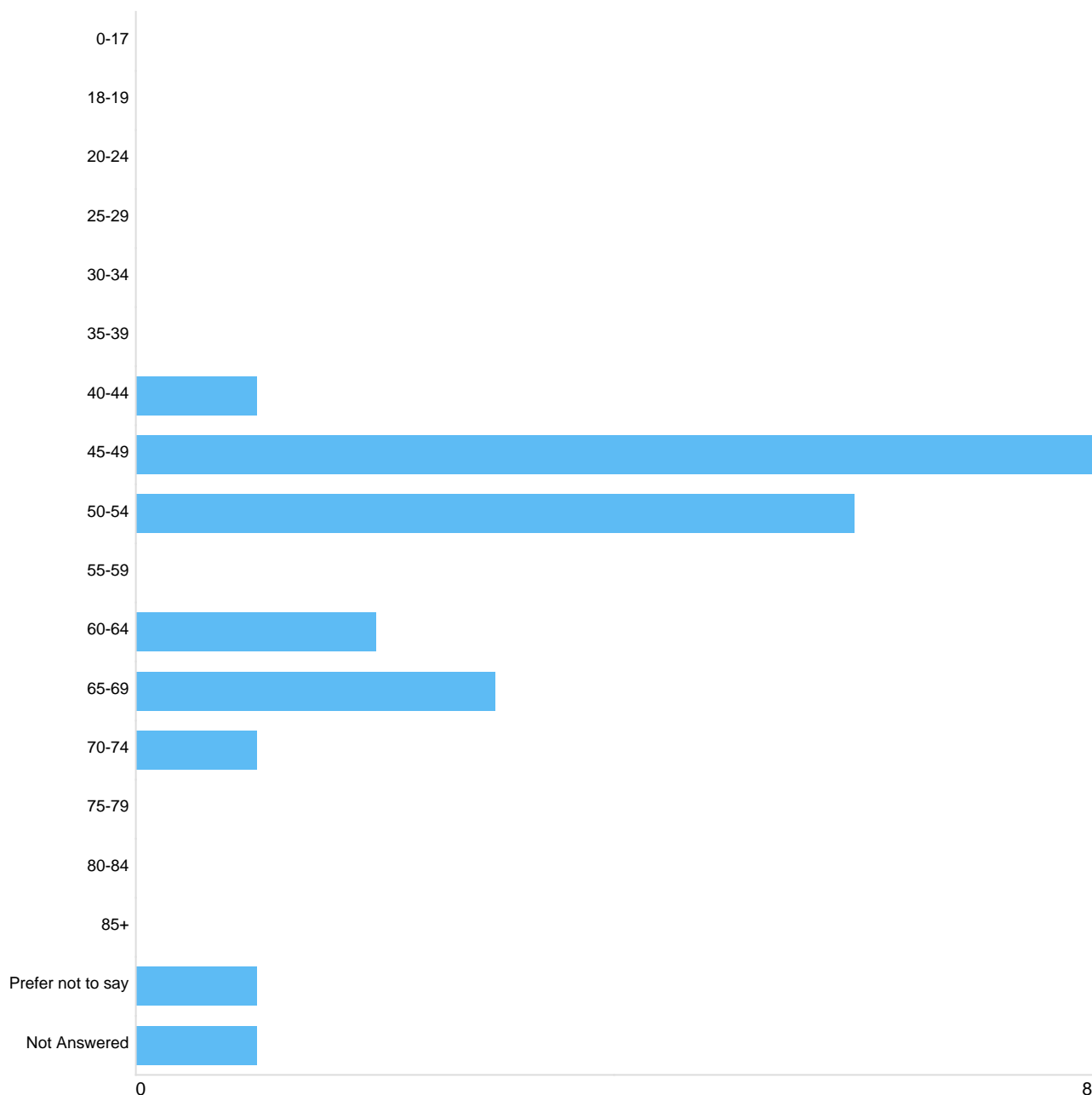
*Respondent*



Option	Total	Percent
Licensed Operator	1	4.35%
Licensed Driver	8	34.78%
Licensed Vehicle Owner	5	21.74%
Member of the Public	9	39.13%
Not Answered	0	0%

### Question 12: How old are you?

#### Age





Option	Total	Percent
0-17	0	0%
18-19	0	0%
20-24	0	0%
25-29	0	0%
30-34	0	0%
35-39	0	0%
40-44	1	4.35%
45-49	8	34.78%
50-54	6	26.09%
55-59	0	0%
60-64	2	8.70%
65-69	3	13.04%
70-74	1	4.35%
75-79	0	0%
80-84	0	0%
85+	0	0%
Prefer not to say	1	4.35%
Not Answered	1	4.35%

### Question 13: What is your sex?

#### Gender



Option	Total	Percent
Female	4	17.39%
Male	18	78.26%
Not Answered	1	4.35%

### Question 14: Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?

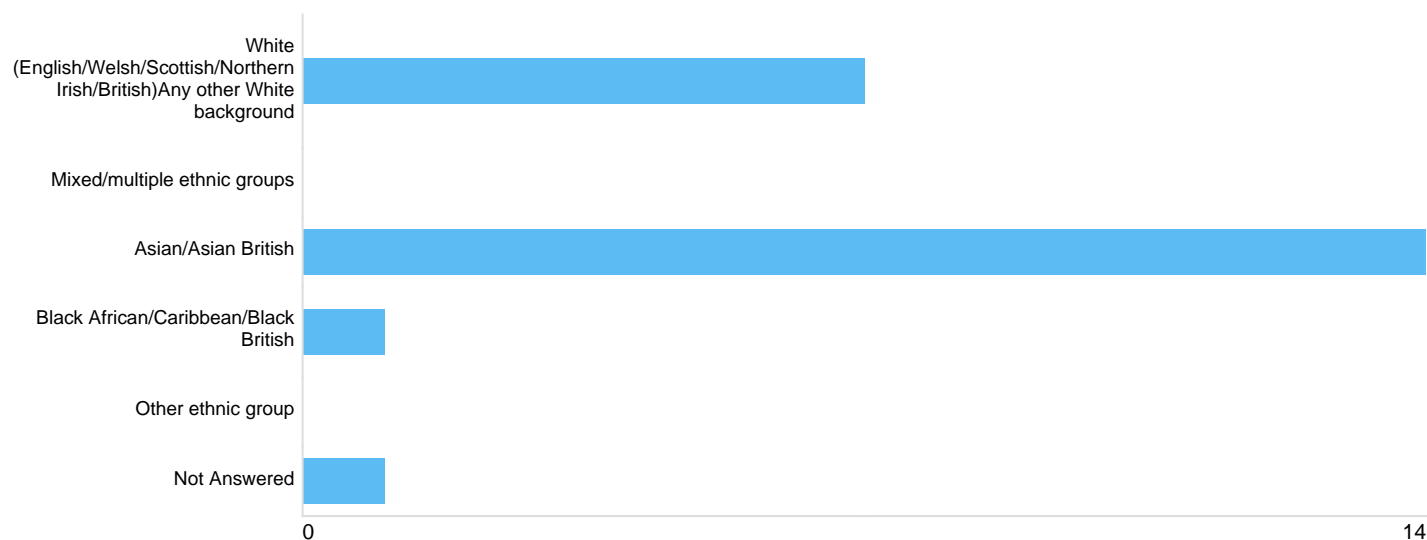
#### Physical or mental health conditions or illnesses



Option	Total	Percent
Yes	3	13.04%
No	17	73.91%
Prefer not to say	3	13.04%
Not Answered	0	0%

### Question 15: What is your ethnic group?

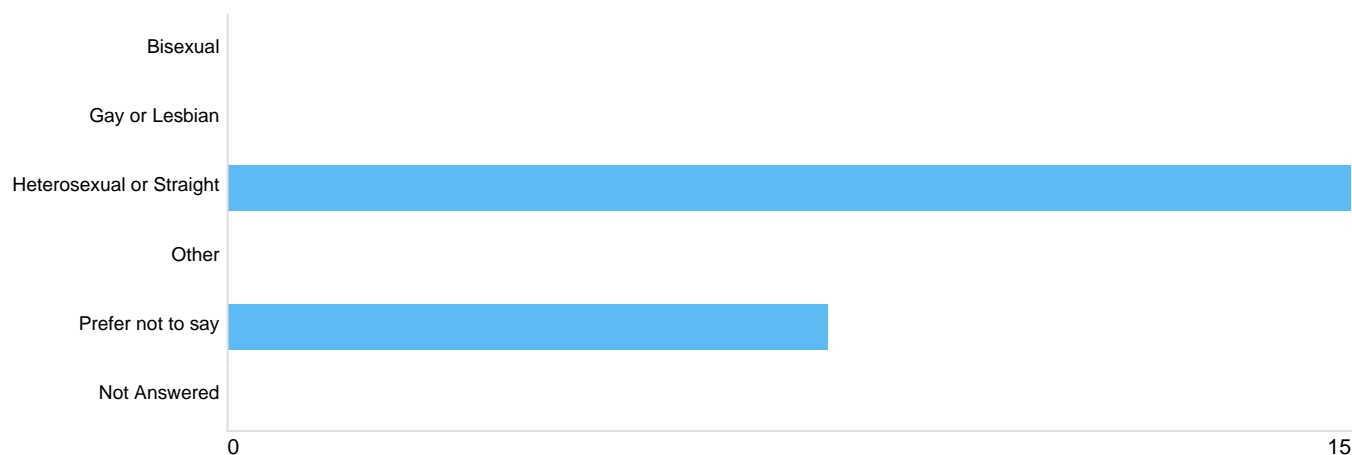
#### Ethnicity



Option	Total	Percent
White (English/Welsh/Scottish/Northern Irish/British)Any other White background	7	30.43%
Mixed/multiple ethnic groups	0	0%
Asian/Asian British	14	60.87%
Black African/Caribbean/Black British	1	4.35%
Other ethnic group	0	0%
Not Answered	1	4.35%

### Question 16: What is your sexual orientation?

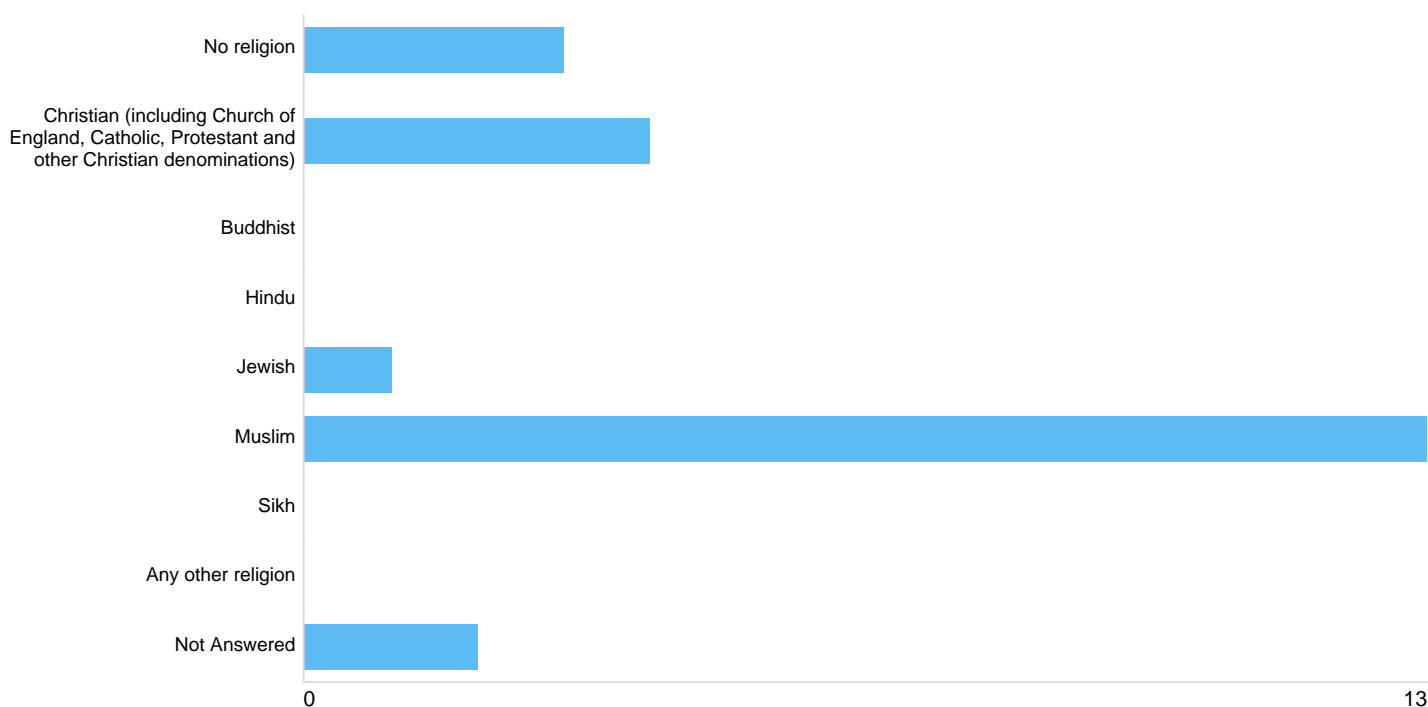
#### Sexual Orientation



Option	Total	Percent
Bisexual	0	0%
Gay or Lesbian	0	0%
Heterosexual or Straight	15	65.22%
Other	0	0%
Prefer not to say	8	34.78%
Not Answered	0	0%

### Question 17: What is your religion or belief?

#### Religion



Option	Total	Percent
No religion	3	13.04%
Christian (including Church of England, Catholic, Protestant and other Christian denominations)	4	17.39%
Buddhist	0	0%
Hindu	0	0%
Jewish	1	4.35%
Muslim	13	56.52%
Sikh	0	0%
Any other religion	0	0%
Not Answered	2	8.70%



**Q6: Reasons for supporting owner testing**

licencing can free up the time for other duties instead of having lots of officers at star city all day to check 1300,00 cabs when the meter day comes around .	
Makes it easier for me and my own time i can get it done rather than wait in a long que.as long there is no specific month you have to do it.im quite happy with it	
It's easier for owner to have it tested when it's convenient for him or her when the date is set by city Council and the owner can't make it for certain reasons then rearranging another time is inconvenient for city Council	
More convenient for driver and time wise if his working nights. Need testing to be arranged nearby in local area of drivers. Preferably within city centre.	
If this is then put on a data base which flags up who is not complying.	Would be required to submit certificate on renewal of licence
Because driver can do meter testing same time he do M O T for his vichicle every year save lot time for council & driver	Meter test not done by MOT station
Once the meter has been tested and sealed, there is no need for it to be retested again, unless there is a problem with it. This would help the drivers financially and reduce licensing officers time, which could be better spent on enforcement.	We disagree, how do you know if there is a problem if it's not tested

**Q6: Reasons for Council testing**

I think to save time is best if council do meter test	
As it will make it easier for us.	
Council should pay	The fee is covered by the Licence fee
It safer with council to arrange the meter test then own meter testing witch will no benefit the public and the drivers	
You are able to keep updated	See above
The council should test. This would mean the public can continue to trust the figure they are being charged.	

It works well now. Kevin and saj do a great. Job . They are honest and fair and we are all tested over 2or 3 days work really well	
Needs some sort of independant verification	
I fear that owner testing is open to corruption.	
<p>It is better that the Council organises this as taxi drivers may forget or choose not to fo it for some reason.</p> <p>But it is silly that they all have to be done in the same week. It should be spread out over the year. If it is just done in one week and for some reason it cannot be done then this can cause difficulties for taxi users, e.g. one Christmas Day the meters had not been tested so they couldn't use the Christmas Day tariff (Tariff 4?) and so we had to pay double the fare on the meter instead , which I am sure is more than it would have been if the relevant tariff could have been used,</p>	<p>We will consider changing from it all being done in one week</p>

**Q7: Are there any specific conditions you would like to see added?**

There were 16 responses to this part of the question, however those that responded with “no” have not been included.

Yes ,	These are kept on file at BCC
I think a copy of the drivers insurance should be displayed and a current DBS number to verify who you are trusting to take you home	
No not really because i think licence conditions in reality got no value because the amount of out of town vehicles working in birmingham dont have to abide by these conditions.	
I would like to see if hackney driver allowed to driver ph on same as Hackney Carriage licence & change their black cabs to cars on same hackney cab licence plate as some of another city's are doing it would help driver to stay on work as new electrical cabs we would not able to Ford one	Dual Badges are to be considered by Committee
Need to check taxi s are clean and tidy up in driver compartment and driver should wear uniform	Vehicle cleanliness is a condition, but BCC unlikely to require a uniform
Carry a highway code	We cannot see any benefit in this

<p>Condition of cabs is generally very poor. [Second hand cast offs from London?]</p> <p>Not particularly clean. Lack of presentation.</p> <p>Needs a BIG improvement for Commonwealth Games!</p> <p>It would be wonderful if drivers actually got out of the cab to HELP customers. Some do - but very many do not.</p> <p>The situation at Birmingham Airport is disgraceful. Passengers have to walk in all weather conditions from the carpark to the building - with luggage. Drop off/collection should be under cover and next to the terminal building.</p> <p>Not a very impressive 'Welcoming the World to the City of Birmingham'!</p>	<p>We are encouraging the investment in newer vehicles, However the Airport is not in Birmingham</p>
<p>ability to use credit cards</p>	<p>This is being considered by Committee</p>
<p>Meter testing has always done nothing new about that . probably now more convenient for council.</p>	
<p>Driver don't like picking up disabled wheelchair user. They always drive pass and explain to me it's there car therefore they can pick who enters their taxis</p>	<p>It is an offence to refuse and all HCV's are wheel chair accessible</p>
<p>I don't believe Councillors should provide a reference for licence applications.</p>	<p>Nor do we and so this has been included in a code of conduct for members</p>
<p>Better checks on vehicle safety. As an experienced automotive engineer, it is obvious to me that many cabs in Birmingham are in poor condition and are badly maintained.</p> <p>Cabs built on van chassis should meet car standards of ride and comfort.</p> <p>All diesels should comply with Euro 5 emissions standards as a minimum.</p> <p>Introduce a maximum age limit for taxis. Many taxis in Birmingham are clearly 'worn out'.</p>	<p>We are continually working with our MOT testing stations</p> <p>All will need to be Euro 6 by Jan 2020.</p> <p>We already have one – 14 years</p>

Also, driving standards are, at times, appallingly low. Licence withdrawal should follow serious offences or repeated minor offences.	We investigate specific complaints about driving
Make it a requirement that cab drivers do not use mobile phones when driving with passengers. As a regular cab user, I have seen many near misses and I think the cab driver should focus on the primary task of delivering the customer safely and attending to passenger's needs.	This is illegal so a condition is not required
<p>You must keep in the conditions that hackney carriages must be of the approved black cab type (there is quite a selection of vehicles which are approved).</p> <p>If hackney carriages are of the black cab type then one knows that it is a proper taxi. If they are allowed to be like an ordinary car (as they are in some other towns/cities) then we won't be able to recognise them easily if one wanted to hail one in the street</p> <p>If one has mobility problems (and have walking equipment) or is in a wheelchair at the moment one knows that if one goes to a taxi rank they are going to be able to get into a taxi with one's equipment</p> <p>Also for foreign tourists black cabs are something which is specifically British.</p>	<p>Only specific vehicles are allowed to be HCV's In Birmingham.</p> <p>There is no proposal to change this to allow saloon cars</p>

**Q8: Are there any specific conditions you think should be removed?**

There were 6 responses to this part of the question, however those that responded with "no" have not been included.

<p>yes ,</p> <p>no passenger in the front seat should now be removed</p> <p>,in the new cabs they now have large seats (not flip down )they have the same seat belts as the driver seat,</p> <p>This would allow the driver to be to carry 7 /8passengers</p> <p>Birmingham schools ask for MPV this is work the new cabs could do</p>	<p>There is no proposal to allow front seat passengers in HCV's at the present time.</p> <p>If vehicles are suitable then the owners</p>
<p>No front seat passengers are permitted to travel in any Hackney Carriage Vehicle. -</p> <p>Should be allowed as other councils allow it.</p>	



	should ask for exemptions from this Policy
Can't think at the moment	
Remove requirement for all cabs to be able to carry wheelchairs. When questioned, I find very few drivers who can remember the last time they carried a wheelchair user.	Just because you don't do it often is not a reason not to be able to.

**Q9: Are there any specific conditions you think should be amended?**

There were 4 responses to this part of the question, however those that responded with "no" have not been included.

All driver should be rated and the company. This should be live on the internet as same as Über. I got into a taxis, it was parked outside Tesco in Birmingham City centre. As I thought it was TOA. Half way through my journey, I asked the driver where was his machine for card payments as I pay on car. He told me he works for himself and he didn't have a photo card for I D, I became frightened and as he said he doesn't need to register as a private hire driver. Good job. I had my phone. I called my son to meet me outside the house. Taxis driver wasn't happy as I didn't have cash, good job my son had money as driver was getting very upset and rude.	This is not possible as they drivers do not work for BCC
<p>You must notify the Licensing Office, in writing, within 7 days if you,</p> <p>D) Receive a fixed penalty notice for any criminal or motoring offence - (FPN) Parking Tickets should not be included</p> <p>G) Are arrested for any offence (whether or not charged) - You should not have to notify licensing office unless you have been charged, unless it is a serious offence.</p> <p>LOST PROPERTY</p> <p>9) Should be handed in at licensing department instead of police station – Time consuming and most police stations are closed.</p>	<p>Parking is not included</p> <p>Just because the police do not charge does not mean we shouldn't be notified</p> <p>We do not have the storage space. Also the cost to find the owners/dispose</p>

<p>TAXIMETERS</p> <p>23. The taximeter fitted to the vehicle shall be of an approved type, and shall be subject to an annual test to be carried out by a manufacturer approved tester. -</p> <p>Should not have to be an annual test carried out.</p>	<p>of property would fall to the Council</p> <p>See earlier comment</p>
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**Q10: Do you have any further comments you wish to make in regard to the proposed conditions?**

There were 9 responses to this part of the question, however those that responded with “no” have not been included.

In the new conditions it does not state vehicle makes ,has long has the cab can take wheelchairs and be euro 6 compliant	Vehicle type is a Policy requirement.
Can we now have the rear wheelchair loading cabs which will take 5 passengers or three passengers and a wheelchair	This is being considered
All the council is interested in doing is to extorting more money out of people	
Uber driver as good because they know they are rated. TOA driver arrived sometimes 2 hours later than my booked time. If people had a way of rating all driver, I think this would highlight the driver that are not putting their weight. As they constantly refused to pick up wheelchair user because they don't want to help you on or put the safety belts on.	See earlier comment
I went to the council. .about. A year ago. About. A Sexual nature. ,they never bothered to do anything.	This has been investigated
Adding the requirement for using credit and debit cards should be supplemented by the issue of printed receipts showing driver name and number.	See earlier comment, drivers currently issue receipts on request
Our Organisation represents the Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators. We carried out our own survey and consulted with just over 4,000 people which consisted of Hackney Carriage Drivers, Private Hire Drivers , Private Hire Operators and Members of the Public.	We have requested further evidence of this survey that

<p>The responses provided are from 95% in favour of amendments suggested.</p> <p>Trade Organisations are there for a reason and their views should not be continuously ignored.</p>	<p>supports the changes put forward by the Council.</p> <p>As yet none have been forthcoming.</p>
<p>Taxi drivers should also be expected to adhere to the Council's policies and should be given details of these, e.g if the Council is promoting walking and bus use then taxis should not be parking/.waiting on the pavement, and they should not wait on or too near bus stops so that the bus cannot get up to the kerb</p> <p>Vehicles should not have tinted windows</p> <p>The current approved fare table should also be available on the Council's licensing web page so that people can look at it if they want to. I know it is in the taxi but it is too small and too far away from where people are sitting to be read.</p>	<p>This has been added. (condition 29)</p> <p>We will do this if possible</p>



## CONDITIONS OF LICENCE (HACKNEY CARRIAGE VEHICLES) INTRODUCTION

The Hackney Carriage Vehicle Licence is granted to you subject to you complying with the following conditions of licence.

Failure to comply with any of these conditions may lead to a prosecution or could lead to your licence being suspended, revoked or not renewed by a Licensing Sub Committee.

*The introduction has been amended to include the note from last page and a reminder of the need to still comply with all legislation.*

## CONDITIONS

1. If you are convicted or cautioned for any offence, or you receive an endorsement for a motoring offence, including a fixed penalty, you must report the details, in writing, to the Licensing Section, Aston Cross Business Village, Crystal Court, 50 Rocky Lane, Aston, Birmingham, B6 5RQ, within 7 days. In the case of a motoring endorsement, please do not wait for your licence to be returned from DVLA, Swansea.

*Address for notification removed. Further reporting requirements added which the authority considers could call in to question a driver's fitness, including condition 2 below.*

2. If you change your address at any time, please inform the Licensing Office, in writing, within 14 days.

*This is now included as part of condition 1.*

3. If you let the vehicle to a driver you must ensure that the driver's licence is deposited with you first. The vehicle cannot ply for hire in Birmingham unless it is driven by a Birmingham licensed Hackney Carriage Driver.

*This remains as Condition 3, but has been merged with condition 5. Retention of documents requirement has been added as Condition 4.*

4. You must ensure that there is a current certificate or policy of insurance in force for the vehicle throughout the duration of the licence, whether it is being driven or not at the time.

*This remains unchanged but is now condition 6.*

5. If you propose to let the vehicle to a driver, or to allow someone else to drive. The vehicle at any time, before doing so you must obtain from the driver, a copy of the Hackney Carriage Driver's Licence entitling that person to drive the vehicle.

*This has been merged with Condition 3.*

6. If the driver(s) details change at any time from the details notified at the time of application, in addition to the preceding condition, you must notify the Licensing Section, in writing within 7 days and forward a copy of the revised insurance documentation at the same time.

*This remains unchanged but is now Condition 5.*

7. You must also retain, at all times during the term of the licence, the following documents for the vehicle: -

Current Mot Certificate  
Current Insurance Certificate or Policy of Insurance

You must retain these documents for a period of 12 months following expiry of Insurance cover. These documents must be available for production at any time to an authorised officer.

*This remains unchanged but is now Condition 4.*

8. You are required to notify the Licensing Section in writing, within 7 days, of any change in Insurance circumstances, and forward a copy of any revised documents at the same time.

*This remains unchanged but is now Condition 5.*

9. If there are exceptional reasons which prevent you from maintaining or ensuring "continuous" Insurance cover, FOR WHAT EVER REASON, throughout the duration of the licence, you must notify the Licensing Section immediately, and in any event, not later than 72 hours, in writing, following the Insurance cover expiring or lapsing.

*This remains unchanged but is now Condition 7.*

You are requested, at the same time to return the vehicle identification plates as the vehicle will be liable to suspension until Insurance cover is produced.

*This has been included as part of the condition above.*

10. Any property accidentally left in a Hackney Carriage Vehicle must be handed in to the nearest West Midlands Police Station as soon as possible, and, in any event, within 3 days of the property being found.

*This remains unchanged but is now Condition 9, with an extra condition added at Condition 8 to check the vehicle for any lost property.*

11. Please note that should your Hackney Carriage Vehicle Licence expire, you must return the vehicle identification plate to the Licensing Office within 7 days.

*This remains unchanged.*

12. No front seat passengers are permitted to travel in any Hackney Carriage Vehicle.

*This condition has been removed as there is Council Policy regarding the front seat of HCV's – see Policy HVCSpec 3*

13. Vehicle Identification Plates

The vehicle identification plate issued to you remains the property of the Council and must not be sold or transferred separately from the Hackney Carriage.

*Typing errors removed and is now Condition 10.*

14. The Hackney Carriage Vehicle can only be of an approved type, i.e., Metropolitan

FX4, TX1 type, Metrocab, Mercedes Eurocab, Peugeot Euro 7 Taxi, Fiat Eurocab and any other approved Hackney Carriage Vehicle. No other vehicle may be licensed as a Hackney Carriage without the written approval of the Council.

*This condition has been removed as there is Council Policy regarding the type of vehicles that can be licensed – see Policy HVCSpec 1 & 2*

15. You must ensure that the vehicle licence number and a copy of the approved fare table are displayed in a prominent position within the vehicle so as to be clearly visible to passengers at all times.

*This remains unchanged but is now Condition 14.*

16. Advertising

- i) No advertisement shall be displayed upon the interior or exterior of a Hackney Carriage which contains, promotes or involves drugs, alcoholic drinks, politics, nudity (partial or otherwise) or sex (including articles or products associated with birth control) without the permission of the City Council.

*This remains unchanged but is now Condition 15.*

- ii) No advertisement which has been prohibited by the Advertising Standards Agency shall be displayed upon the exterior or interior of any Hackney Carriage.

*This remains unchanged but is now Condition 16.*

- c) No advertisement shall be displayed in such a manner as to contravene the Road Traffic Acts or Road Vehicle (Construction and Use) Regulations for the time being in force.

*This remains unchanged but is now Condition 17.*

- iv) Any advertisement displayed upon the exterior of a Hackney Carriage shall be located either upon:-
- a) The whole vehicle (whole livery) except in the case of Mercedes Eurocab, Peugeot Euro 7 Taxi or Fiat Eurocab vehicles;
  - b) Each side of the vehicle;
  - c) The rear windscreen, provided that an advertisement shall only be displayed upon the rear windscreen if the advertisement is printed upon a transparent screen which does not obscure the driver's view and, further, that the vehicle is fitted with side or wing mirrors.

*This remains unchanged but is now Condition 18.*

- d) On the Hub Caps of the vehicle.

*This part of the Condition has been removed*

NB, - Only one advertisement is allowed in any one location on the vehicle. For this purpose, both doors on each side of the vehicle constitute one location.

*This remains unchanged.*

- v) The proprietor shall maintain the advertisement in a clean and tidy condition and shall further remove any advertisement, which is damaged, defaced or out-dated.

*This remains unchanged but is now Condition 19.*

- vi) No advertisement shall be displayed within the interior of the vehicle unless it is located upon the underside of the tip-up seat within the vehicle or displayed via an electronic media system with prior consultation with the Licensing Committee.

*This remains unchanged but is now Condition 20.*

- Vii) Any advertisement, which, in the absolute discretion of the City Council, is considered to contravene these conditions shall be removed forthwith.

*This remains unchanged but is now Condition 21.*

The following condition only relates to licences issued in respect of Mercedes Eurocab, Peugeot Euro 7 Taxi and Fiat Eurocab:

*This remains unchanged.*

- vii) The licence is granted on condition that the vehicle will not be allowed to carry whole livery advertisements and that the colour of the vehicle must remain black throughout the period of the licence.

*This remains unchanged but is now Condition 22.*

#### 17. **Taximeters**

The taximeter fitted to the vehicle shall be of an approved type, and shall be subject to an annual test to be carried out by the Council to ensure that it is calibrated to the fare table currently in force at the time.

*This remains unchanged but is now Condition 23.*

The seal on the taximeter will not be tampered with at any time.

*This remains unchanged but is now Condition 24.*

- 18. The Licence is granted on condition that all fees are due to the City Council in respect of its grant are payable in full prior to commencement of the licence.

*This Condition has been removed as we would not grant a licence without payment.*

- 19. The vehicle proprietor shall not be permitted at any time to replace a vehicle or renew the licence with a vehicle older than that shown on the licence to which these conditions are attached.

*This Condition has been removed as there is Council policy regarding the replacement of vehicles – see Policy HCVRep 1*



20. The interior of the vehicle shall be kept clean and tidy at all times when in use as a Hackney Carriage Vehicle. The exterior of the vehicle to be clean at all such times, having due regard to the weather conditions on the day.

*This Condition has been split into Condition 25 for the interior and condition 26 for the exterior of the vehicle*

*Conditions 27 – 30 have been added requiring interior fittings to be maintained so as to protect anyone from injury; No modifications to vehicles; Only manufacturer fitted tinted windows are allowed; and a copy of the conditions to be kept in the vehicle.*

#### **NOTE**

If you have any difficulty in understanding the implications of any of the above conditions, please let the Licensing Office know immediately so that arrangements can be made to assist you.

*This note has been moved to the introduction at the beginning of the conditions.*

#### **ADVISORY**

**The Equality Act 2010** brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site ([www.equalityhumanrights.com](http://www.equalityhumanrights.com)) gives examples of best practice.

#### **Smoke Free Legislation**

Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles. Appropriate 'No Smoking' signage must be displayed in the vehicle. Furthermore, any enclosed premise that is used as a workplace or is used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to [www.smokefreengland.co.uk](http://www.smokefreengland.co.uk)



## **BIRMINGHAM CITY COUNCIL**

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

**SEPTEMBER 2018**  
**ALL WARDS**

#### **VEHICLE ENGINE SIZES**

##### **1 Summary**

- 1.1 In October 2017 your Committee approved a vehicle emissions policy for private hire vehicles and hackney carriages which will be effective from 1<sup>st</sup> January 2020. That policy ensures that Birmingham's licensed vehicles will be compliant with the emission standards required for vehicles entering a Clean Air Zone.
- 1.2 The new emissions policy is only one part of a range of tools that the Council will use to improve poor air quality in the City. On 12<sup>th</sup> September 2017 Birmingham's Health and Social Care Overview and Scrutiny Report entitled 'The Impact of Poor Air Quality on Health' identified that in Birmingham up to 900 deaths per year are linked to man-made air pollution.
- 1.3 Our existing policy for private hire vehicles stipulates that a vehicle cannot be licensed unless it has an engine size of at least 1600cc. This policy is clearly inconsistent with the Council's ambition to improve air quality and with the new licensing emissions policy which is designed to reduce harmful emissions.
- 1.4 In March 2018 your committee approved in principle the removal of vehicle engine size restrictions for private hire vehicles subject to consultation with the public and the trade.
- 1.5 This report details the responses to that consultation.

##### **2. Recommendations**

- 2.1 That Committee agrees to remove the policy requirement for private hire vehicles to have a minimum engine size with immediate effect.
- 2.2 That Outstanding Minute No. 992 of 14 March 2018 be discharged.

Contact Officer: Shawn Woodcock, Licensing Operations Manager  
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E-mail: [shawn.woodcock@birmingham.gov.uk](mailto:shawn.woodcock@birmingham.gov.uk)

### 3. Background

- 3.1 On 23 October 2017 your Committee approved a new vehicle emissions policy for licensed vehicles, namely: that Birmingham City Council will not license or permit the use of any vehicle as a hackney carriage or private hire vehicle after 31 December 2019 that does not meet the minimum emission standards of Euro 4 for petrol engines, Euro 6 for diesel engines or is Ultra Low Emission or a Zero Emission Capable Vehicle.
- 3.2 One of the recommendations approved within the same report was: that a short-life officer/member working group be created to consider what criteria or specification Birmingham should adopt for engine sizes or power outputs for electric vehicles and for that working group to make recommendations to the Licensing and Public Protection Committee.
- 3.3 The recommendations of that officer/member working group were brought to this committee in March 2018.
- 3.3 The need to develop a policy for engine sizes arises because of the existing policy that was established many years ago that requires private hire vehicles to have engines no smaller than 1600cc. That policy was created at a time when no importance was attached to emissions. A correlation was drawn between bigger engines and the comfort and safety of passengers. Generally speaking bigger engines were thought of as being better than smaller engines because they were capable of carrying a car full of passengers and luggage and they were capable of faster acceleration.
- 3.4 We are now far more environmentally aware of the impact that bigger combustion engines have on levels of air pollution and of the health effects of pollution on people. Local authorities have been charged under the DEFRA's UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations (The UK Plan), to 'develop local plans and implement them at pace so that air quality limits are achieved within the shortest possible time.'
- 3.5 The Committee's new emissions policy that was agreed last October responds to the duty placed on the Council to achieve improvements to air quality (in particular with respect to oxides of nitrogen), but that policy is inconsistent with the current policy which does not allow us to license vehicles with engines smaller than 1600cc, and by implication, does not allow us to license vehicles powered only by an electric motor. Even hybrid vehicles are not permitted under this policy. The widely used Toyota Prius, which has a 1500cc petrol engine and an electric motor, had to be given a special exemption in September 2014 from your Committee to permit their use as private hire vehicles.

- 3.6 By approving a policy that allows vehicles with smaller engines and/or electric motors to be licensed as private hire vehicles the Committee will be taking a further step towards meeting DEFRA's requirement on local authorities to achieve air quality limits in the shortest possible time.

4. Consultation

- 4.1 The proposals put forward to this committee were consulted on from 4<sup>th</sup> May 2018 – 24<sup>th</sup> June 2018. This was later than hoped but delayed due to the Purdah period before the City Council elections.
- 4.2 The results of the consultation are attached as appendix 1 to this report with a summary of the written responses attached at appendix 2.
- 4.3 Over 80% of the respondents to the consultation agreed that the current policy on engine sizes be removed, with 17 of the 22 respondents claiming to be members of the public.

5. Implications for Resources

- 5.1 The cost of licensing a vehicle does not depend on the engine size or the method of propulsion. It is not expected to have any effect on income or expenditure.

6. Implications for Policy Priorities

- 6.1 The Council's Vision and Priorities 2017-2020 document identifies four priorities for Birmingham namely: Children, Housing, Jobs and Skills, and Health. The recommendations in this report support the Council's main priorities at the highest level, in particular those for Health, Children, and Jobs and Skills. These include 'Creating a healthier environment for Birmingham', creating 'an environment where our children have the best start in life', and developing 'a modern sustainable transport system that promotes and prioritises sustainable journeys'.
- 6.2 The adoption of the policy identified in this report will support the recommendations of the Council's Health and Social Care Overview and Scrutiny Committee published on 12<sup>th</sup> September 2017: 'The Impact of Poor Air Quality on Health'.

7. Public Sector Equality Duty

- 7.1 Under the Duty we must have regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

7.2 The recommendations contained in this report will not have any effect on any of our duties under the Equality Act 2010. It is more likely to provide greater opportunity to licence holders rather than to restrict them in their choice of vehicles and it will not affect owners of vehicles that are already licensed.

7.3 For the reasons set out in paragraphs 7.1 and 7.2, we have concluded that an initial Equality Analysis is not deemed appropriate or necessary.

## **ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers:

## Removal of the Minimum Engine Size Requirement for Private Hire Vehicles: Summary report

This report was created on Monday 25 June 2018 at 09:09.

The consultation ran from 14/05/2018 to 24/06/2018.

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Question 1: What is your name?	1
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### Question 1: What is your name?

#### **Name**

There were **22** responses to this part of the question.

### Question 2: What is your email address?

#### **Email**

There were **17** responses to this part of the question.

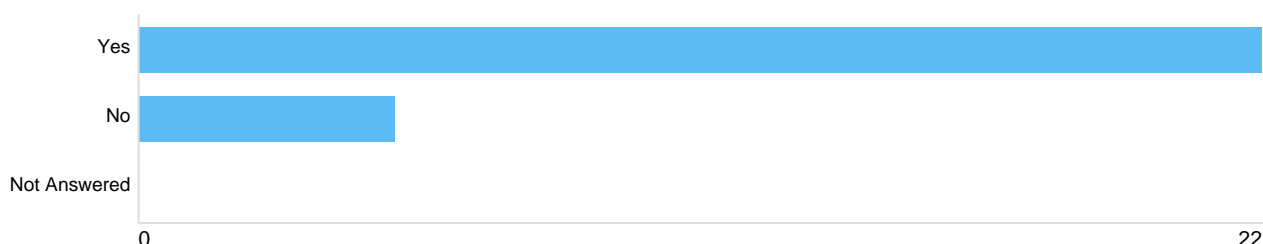
### Question 3: What is your organisation?

#### **Organisation**

There were **13** responses to this part of the question.

### Question 4: Do you agree with the proposal to remove the engine size restriction?

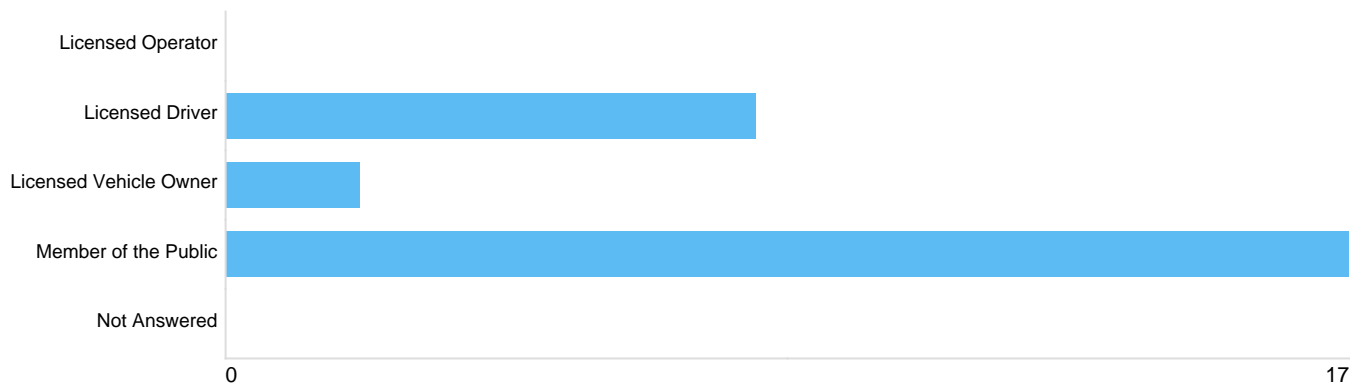
#### **Remove Engine Size Restriction**



Option	Total	Percent
Yes	22	81.48%
No	5	18.52%
Not Answered	0	0%

**Reasons for answer**

There were **18** responses to this part of the question.

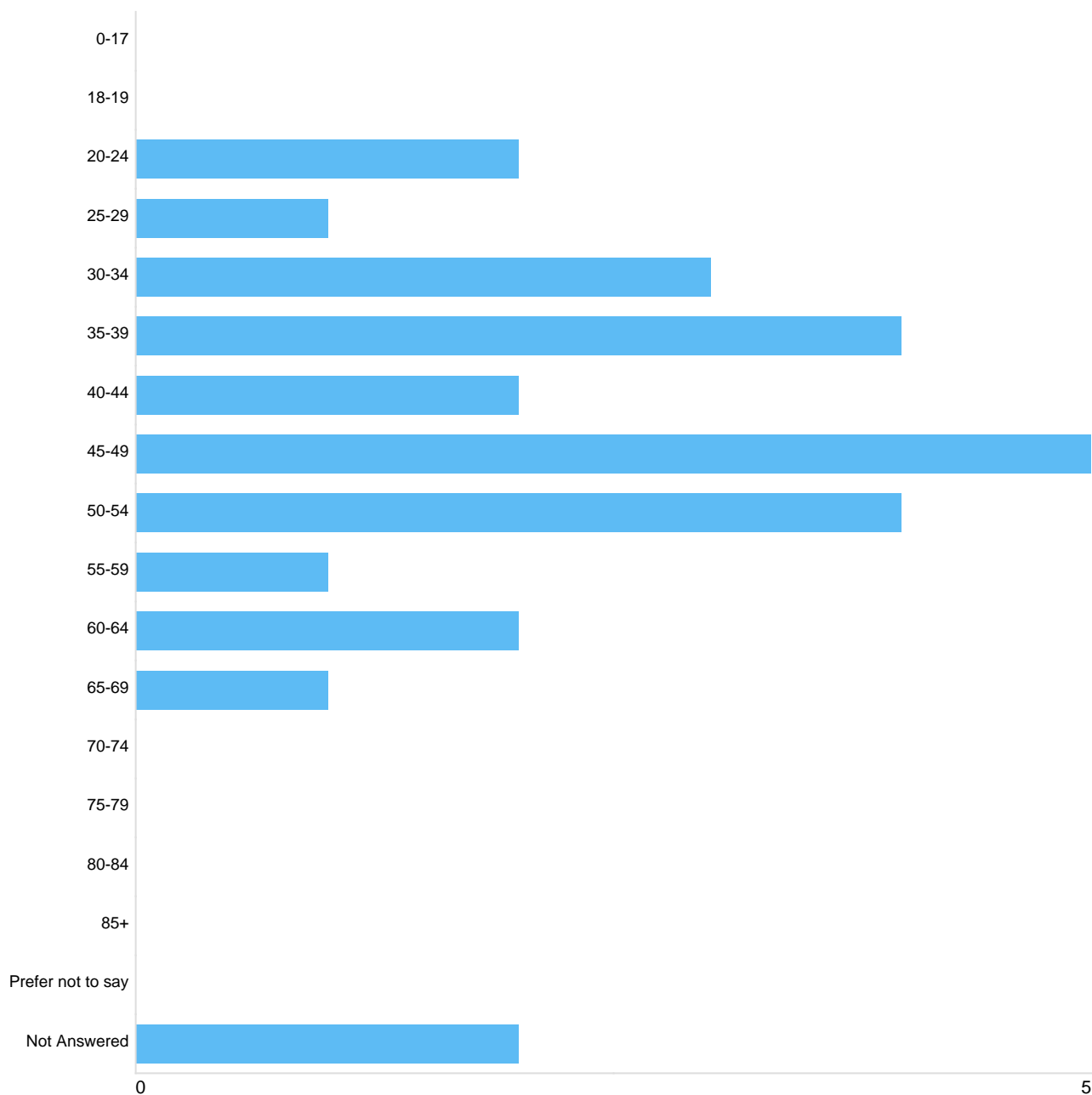
**Question 5: Are you a?****Respondent**



Option	Total	Percent
Licensed Operator	0	0%
Licensed Driver	8	29.63%
Licensed Vehicle Owner	2	7.41%
Member of the Public	17	62.96%
Not Answered	0	0%

### Question 6: How old are you?

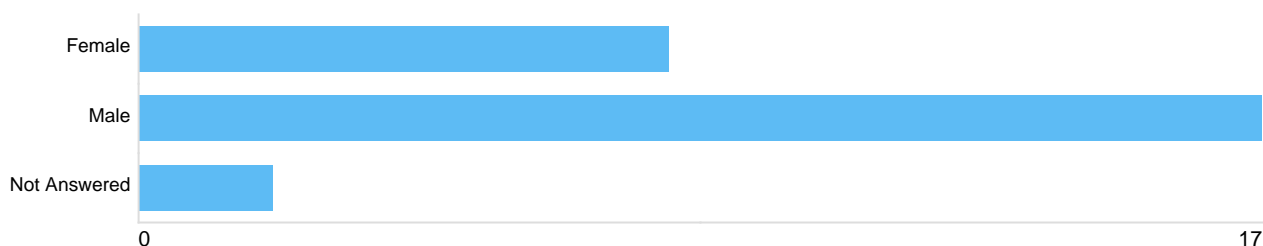
#### Age



Option	Total	Percent
0-17	0	0%
18-19	0	0%
20-24	2	7.41%
25-29	1	3.70%
30-34	3	11.11%
35-39	4	14.81%
40-44	2	7.41%
45-49	5	18.52%
50-54	4	14.81%
55-59	1	3.70%
60-64	2	7.41%
65-69	1	3.70%
70-74	0	0%
75-79	0	0%
80-84	0	0%
85+	0	0%
Prefer not to say	0	0%
Not Answered	2	7.41%

### Question 7: What is your sex?

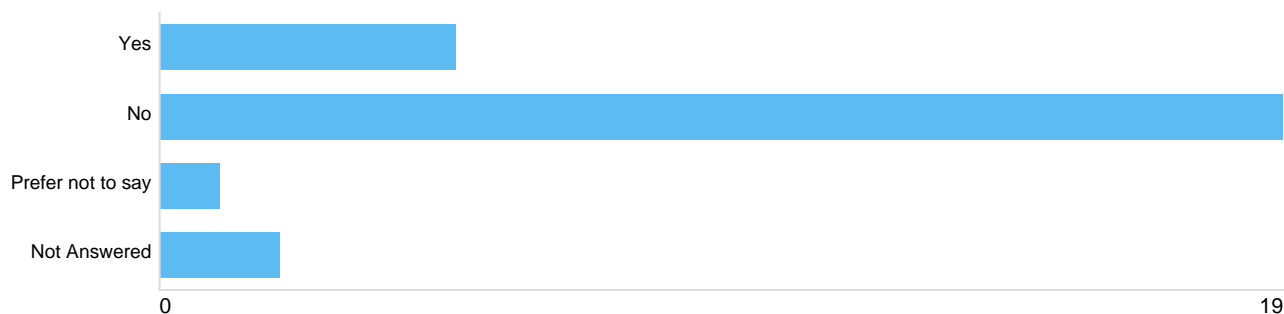
#### Gender



Option	Total	Percent
Female	8	29.63%
Male	17	62.96%
Not Answered	2	7.41%

### Question 8: Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?

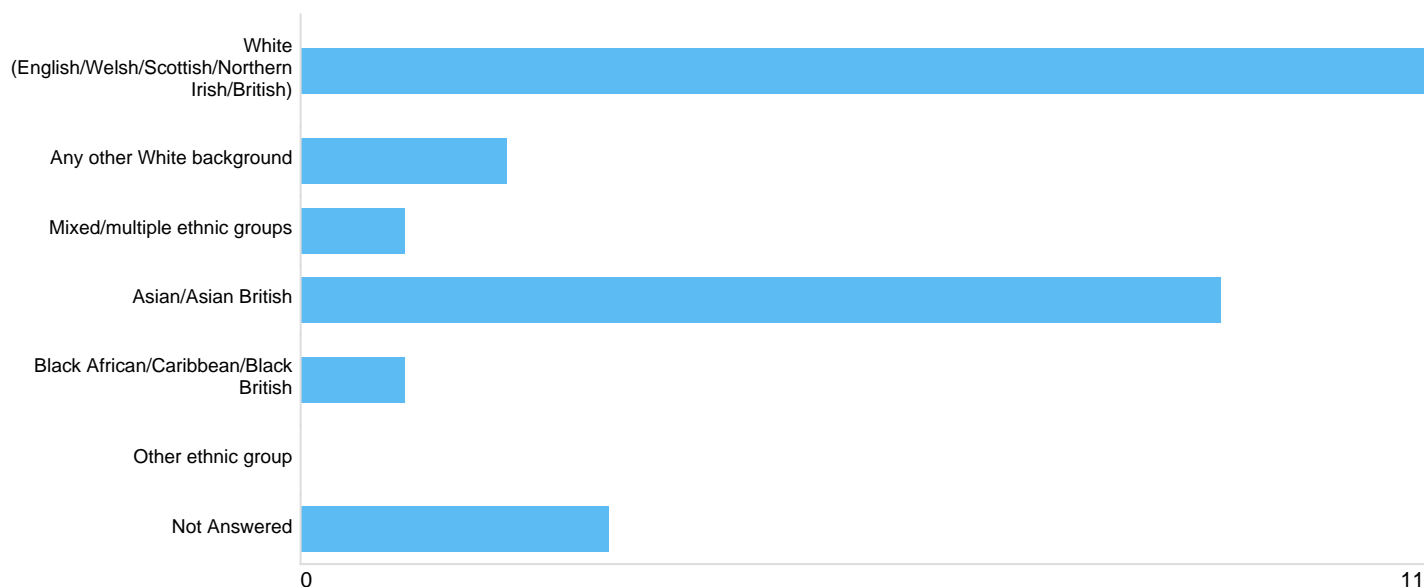
#### Physical or mental health conditions or illnesses



Option	Total	Percent
Yes	5	18.52%
No	19	70.37%
Prefer not to say	1	3.70%
Not Answered	2	7.41%

### Question 9: What is your ethnic group?

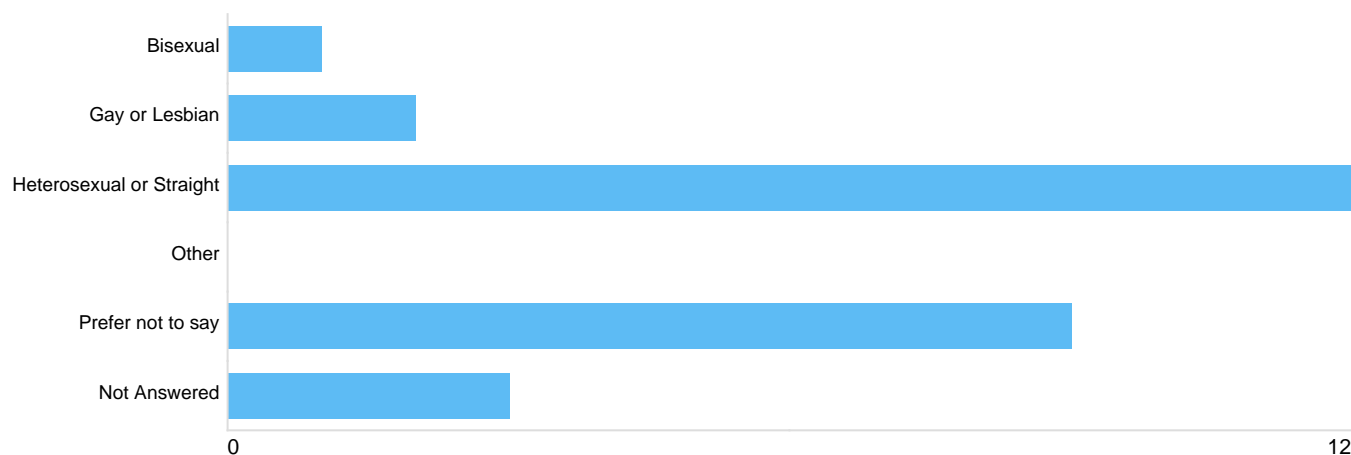
#### Ethnicity



Option	Total	Percent
White (English/Welsh/Scottish/Northern Irish/British)	11	40.74%
Any other White background	2	7.41%
Mixed/multiple ethnic groups	1	3.70%
Asian/Asian British	9	33.33%
Black African/Caribbean/Black British	1	3.70%
Other ethnic group	0	0%
Not Answered	3	11.11%

### Question 10: What is your sexual orientation?

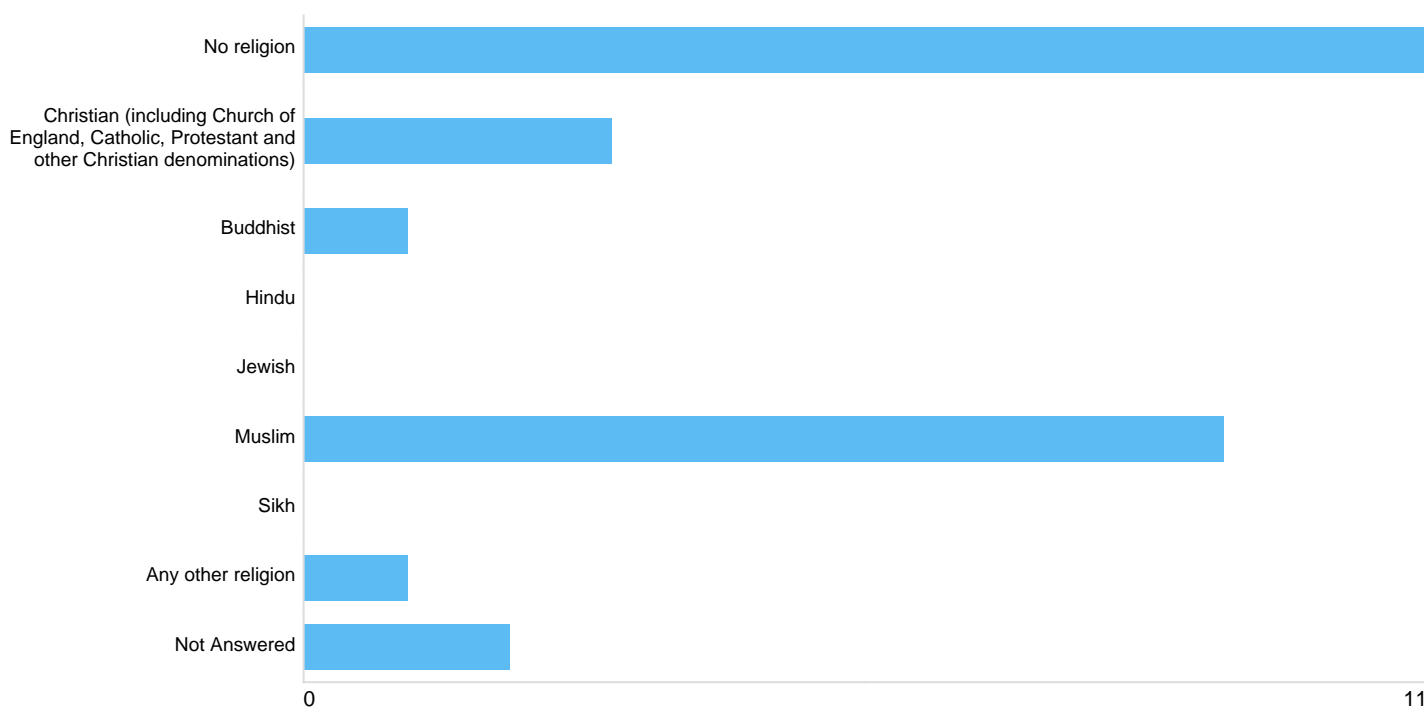
#### Sexual Orientation



Option	Total	Percent
Bisexual	1	3.70%
Gay or Lesbian	2	7.41%
Heterosexual or Straight	12	44.44%
Other	0	0%
Prefer not to say	9	33.33%
Not Answered	3	11.11%

### Question 11: What is your religion or belief?

#### Religion



Option	Total	Percent
No religion	11	40.74%
Christian (including Church of England, Catholic, Protestant and other Christian denominations)	3	11.11%
Buddhist	1	3.70%
Hindu	0	0%
Jewish	0	0%
Muslim	9	33.33%
Sikh	0	0%
Any other religion	1	3.70%
Not Answered	2	7.41%

## **Appendix 2 – Vehicle engine Size Consultation Responses.**

### **Written responses where the answer to Q4 was in agreement**

Need to reduce emissions.
As long car is big enough for passengers I don't see any reason why a smaller engine car should be excluded.
Engines are getting more cleaner and efficient, less co2 and improved air quality.  Car manufacturers are currently making smaller capacity engines.
Because some of vehicle 1.5 pean some Honda and Toyota Prius are 1.4 and 1.5
Car engines are able to output more power from smaller engines. Reading the initial statement, a pure electric vehicle is unable to be used due to this. Whilst they're probably limited in their range, technology advances will change this in the future and should be legislated for now.
I can't see any obvious purpose for the restriction. If the intent is to ensure that a private hire vehicle can carry a certain minimum amount of passengers/luggage, it's better to require that directly. As it is, the restriction rejects alternative (and possibly more environmentally-friendly) methods of meeting the same standard, e.g. via use of a powerful electric engine.
This will help to reduce emissions and air pollution by encouraging the use of smaller engined more fuel-efficient cars and electric cars.
Good for environment. Attract more employees.
Advances in engine technology mean modern engines can save fuel by having high power output from smaller CC, plus the evolving hybrid/electric car.
Rather than encouraging larger combustion engines, our need for clean air requires us to switch to cleaner vehicles (as well as reducing the number of vehicles & vehicle miles overall).
Reducing emissions.
Removal of restrictions can only be of benefit to the economy of the city, which the City Council does not often do much to support.
Smaller cars = less pollution.

Technology should be able to enable smaller engine sizes to haul the same weight as larger vehicles did before.

More smaller cars are with very low CO2 emission.

It will give the drivers more options to buy vehicles which are newer and affordable.

**Written responses where the answer to Q4 was not in agreement**

It must stay regulated to ensure that emissions can be monitored and maintained.

It's not clear why you want it stopping.

It isn't a clear consultation for normal members of the public.

Engines have become more efficient so the same performance can be achieved with smaller displacement. Therefore it seems sensible to remove minimum engine displacement requirements.

In the absence of such a restriction, private hire taxi drivers would then be free to make logical engine choices based, hopefully, on an economical basis.

However the logical economic choice would suggest that diesel engines would be the best solution. This would be counter-intuitive given the introduction of a clean air zone in the near future on which Birmingham City Council is shortly about to consult.

Might it be better to await the outcome of that consultation before making this decision?

Diesel engines are proven to be significantly more polluting than petrol/hybrid/fully electric vehicles. So to be consulting on engine sizes seems premature and misaligned with the overall transport strategy when the discussion should be about limiting pollution and therefore the fuel types allowable.

**BIRMINGHAM CITY COUNCIL**

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

**ALL WARDS**  
**Date 19<sup>th</sup> SEPTEMBER 2018**

**REPORT ON THE CHANGES FOLLOWING THE INTRODUCTION OF THE  
ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS)  
(ENGLAND) REGULATIONS 2018**

1. Summary
  - 1.1 To provide an overview of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which repeals legislation in relation to the licensing of pet shops, boarding kennels, dog breeding establishments, riding establishments, and the certificate of registration in relation to keepers and trainers of performing animals. The Regulations come into force on 1 October 2018.
2. Recommendation
  - 2.1 That the proposed new fees in the appendix are approved and the report be noted.

Contact Officer: Vikki Allwood, Senior Animal Health and Welfare Officer  
Telephone: 0121 303 9918  
E-mail: [vikki.allwood@birmingham.gov.uk](mailto:vikki.allwood@birmingham.gov.uk)

### 3. Background

- 3.1 Local authorities are required by law to issue licences or certificates of registration for certain animal related businesses. This provides for good standards of animal welfare and public safety.
- 3.2 It is an offence to operate without a licence or certificate in place and local authorities must inspect the business to ensure compliance. Some premises also need a veterinary surgeon to carry out this inspection. An applicant may be refused a licence if for instance they have a conviction for animal cruelty. Local authorities may recover the costs of inspection and licensing through a licence fee.
- 3.3 All licences must have conditions attached. Currently model conditions, which are available from the Chartered Institute of Environmental Health, are used. These are produced in conjunction with notable organisations such as the British Veterinary Association and RSPCA. The new regulation contain their own conditions see 4.2 below.
- 3.4 Many of the laws currently in place in relation to these activities are old and do not reflect the modern trading activities, neither are they consistent with new standards of good practice in animal welfare. These laws also lack effective enforcement tools, such as powers to suspend, revoke or vary a licence.
- 3.5 The new Regulations come into force on 1 October 2018, however current and unexpired licences will remain in force for the remainder of the term in accordance with the current legislation in place.

### 4. Changes

- 4.1 The numbers and types of premises in Birmingham affected by the new Regulations are provided below.

- Pet Shops (34)
- Kennels, catteries, home dog boarders and dog day care centres (60)
- Dog breeding establishments (4)
- Riding Establishment (2)
- Performing Animals – People who use animals for stage or television work, or for educational or entertainment purposes (mobile zoos) (6 approx)

The legislation in respect of Dangerous wild animal keepers and Zoos remains unchanged.

- 4.2 The new Regulations include both general and specific conditions relevant to each activity, these must be complied with in order for a licence to be issued. There are a numerous additional requirements, but the more significant changes are;



- A single 'Animal Establishment Licence' will be issued for the activities described. Premises involved in more than one activity, will only have one licence, but they must comply with the specific condition applicable to each activity.
- A dog breeder's licence will be required for any person who breeds 3 or more litters in any 12 month period; this has been reduced from the current licensing requirement when 5 litters or more a year are bred.
- Licences will now be issued at any point in the year and for a fixed 12 month term. Currently any new licences issued for pet shops or boarding establishments expire on the last day in the year in which they were issued, i.e. 31 December, irrespective of when they were issued.
- The current arrangement of a Certificate of Registration for performing animals is changing to a licensing requirement. A licence in these circumstances will last for 3 years.
- The length of a licence has been increased to a maximum of 3 years (currently all licences last for 1 year, except performing animal certificates which last for life). All premises will be risk rated and those businesses that meet higher standards will gain a higher rating and will therefore qualify for a longer licence. All new licences with no compliance history will automatically be given a 1 year licence.
- The licence holder will be required to display their name and licence number on any website used in connection with all the activities described in this report.
- There are new powers for the local authority to suspend, vary or revoke a licence at any time, if the licence conditions are not being complied with.
- Those carrying out inspections of licensed premises must be appropriately qualified (City & Guilds Level 3 Equivalent).
- Requires local authorities to provide information to the Secretary of State in relation to the number and types of licences issued per year and in addition the average fees associated with such licenses.

## 5. Implications for Resources

- 5.1 Officers within the Animal Welfare Team currently carry out inspections of animal related licensed premises and will continue to do so. There may be a slight income loss as a result of an increase in licence length for some premises, however it is expected that additional dog breeders may require licensing.
- 5.2 Officers engaged in inspections will need to obtain a qualification equivalent to the City & Guilds Level 3.

6. Implications for Policy Priorities

- 6.1 The issues surrounding an effective and improved licensing system are consistent with the City Council's policy priorities associated with helping to support small businesses and promote fair trading.

7 Consultation

- 7.1 These matters were consulted and considered by Defra and the wider stakeholders through a governmental consultation prior to the regulations being introduced.

8. Public Sector Equality Duty

- 8.1 No specific issues have been identified.

**SERVICE DIRECTOR REGULATION AND ENFORCEMENT**

Background papers:

**Proposed licence fees – The Animal Welfare  
(Licensing of Activities Involving Animals) (Regulations) 2018.**

Activity	Current New Licence Fee	Current Renewal Fee	Proposed New Licence Fee	Proposed Renewal Licence Fee
Pet shop New Licence	£220	£130	£432.50	£179.75
Dog Breeding	£220	£150	£314.50	£191.75
Commercial Animal Boarding (Kennels, Catteries and dog day care centre)	£220	£150	£314.50	£191.75
Animal Boarding – home dog boarding	£140	£115	£245.50	£134.00
Riding Establishment	£220	£190	£322.50	£230.25
Dangerous Wild Animals	£220	£190	£322.50	£230.25
Performing Animal Licence (Formally Certificate of Registration).	£150	N/A	£245.50	£191.75

**Note 1**

A re-issued existing licence £10.50 (a standard charge under the Licensing Act 2003)

**Note 2**

Under all licence applications where veterinary inspections are required then these will be charged at cost.

**Note 3**

Zoo Licensing remains unchanged at £2,670 for a new and renewal licence.



**BIRMINGHAM CITY COUNCIL**

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

**19 SEPTEMBER 2018**  
**ALL WARDS**

**PENALTY POINTS SYSTEM FOR LICENSED DRIVERS AND VEHICLE  
PROPRIETORS**

1. Summary

- 1.1 Following a report to this committee in February 2018 proposing the introduction of a penalty point scheme in respect of all Birmingham City Council licensed vehicles (Appendix 1).
- 1.2 Committee approved the introduction of the scheme in principal subject to consultation with the trade and the wider public.
- 1.3 The proposed scheme was consulted on in May and June of this year and this report outlines the results of that consultation and makes recommendations regarding the introduction of any such scheme.

2. Recommendation

- 2.1 That Committee approves the introduction of a penalty points system attached at Appendix 1 for licensed drivers and vehicle proprietors.
- 2.2 That the administration of the scheme be delegated to Licensing Enforcement Officers and above as described in 5.4 – 5.8.

Contact Officer: Shawn Woodcock  
Telephone: 0121 303 9922  
E-mail: shawn.woodcock@birmingham.gov.uk

### 3.0 Background

- 3.1 The scheme was originally proposed because during on-going road side compliance checks Licensing Enforcement continues to identify high levels of non-compliance with conditions of vehicle licences particularly regarding required signage and safety issues with licensed vehicles.
- 3.2 The primary objective of the penalty points system is to improve the levels of compliance and help improve standards, safety and ultimately the protection of the travelling public. It is intended to work in conjunction with other enforcement options and provides a formalised stepped enforcement plan.
- 3.3 Other matters identified may significantly impact on the safety of a vehicle and indicate the driver is failing to regularly inspect or maintain a vehicle.
- 3.4 As Licensing Authority the Council need to reinforce compliance with the conditions attached to the licences it issues and to promote the high standards expected of licence holders. We want residents and visitors to the City to feel safe when they use a hackney carriages or private hire vehicles so it is crucial that standards of licensed drivers and vehicles are consistently high.
- 3.5 The proposed penalty points system is intended as a means of recording repeated non-compliance, or activity that is other than in accordance with the standards expected of licensed hackney carriage and private hire drivers.

### 4. Consultation

- 4.1 The initial draft of the proposed scheme was subject to a consultation for 6 weeks from 14/05/2018 – 24/06/2018 by way of a survey on the Birmingham Be Heard website.
- 4.2 There were a total of 46 respondents to the survey; 23 identified as licensed drivers, 6 as vehicle owners and 14 as members of the public. A summary of their responses are attached at Appendix 2 and where a written response to questions were required these are attached at Appendix 3 including where appropriate our responses to those comments.
- 4.3 A separate response was also received from the RMT (Appendix4) and although this was after the deadline it has been considered as part of this report.
- 4.4 A response to points raised by the RMT is included at the end of Appendix 3.
- 4.5 In response to the two questions regarding whether the proposed scheme would drive up vehicle standards and assist in ensuring public safety the results gave an exact 50:50 split on the impact of the proposed scheme.
- 4.6 Those responses in support of the scheme included improvement of the environment and driver standards as well as the need to have high standards

as they represent the City.

- 4.7 Those responses that were against the introduction of the scheme in the main (10 of 18) focused on the fact that this scheme cannot be applied to the large number of out of town drivers that currently operate in the City and could deter drivers from applying to Birmingham and possibly drive them elsewhere.
- 4.8 The RMT letter objects strongly to the introduction of the scheme on behalf of its members; quoting the introduction of double jeopardy, lack of enforcement against out of town drivers and lack of protection of the trade, as well as the introduction of the current emissions policy.
- 4.9 There were also various responses to questions regarding the introduction, removal or amendment of conditions although the majority of the issues raised revolved around Council Policies rather than being condition specific; such as rear loading vehicles; credit card payments; and the use of the front seat for passengers.
- 4.10 There was however a large number of responses again referring to out of town drivers and the lack of enforcement against plying for hire.
- 4.11 Where possible these responses have been addressed by way of further reports to come before this committee; directly to the person on the survey or accommodated where possible.

## 5. Implications for Resources

- 5.1 There is likely to be an initial additional cost resulting from the change to inspection forms and the creation of a recording system.
- 5.2 It is expected that this will be included in the new computer recording system due to be introduced to replace Sopra and so additional costs can be met within the current budget.
- 5.3 It is likely, at least initially, that this scheme will result in more drivers needing to appear before committee and this will have an additional burden on the number and/or frequency of sub-committees and officers that deal with the processing of reports to those committees.
- 5.4 In order to avoid this burden that committee considers delegating the duties under this scheme to Licensing Enforcement Officers and above.
- 5.5 Where a driver has exceeded their points limit within a three year period they will be requested to attend an Officer Review Meeting (ORM). The driver will may be accompanied at the meeting by a representative or solicitor if desired.
- 5.6 At the meeting, the driver will be able to explain and comment upon the matters being considered by the Reviewing Officer in relation to breaches of the Scheme. The Reviewing Officer may also wish to discuss any other relevant information e.g. passenger complaints

5.7 Depending on the individual circumstances of each case the Reviewing Officer will be able to choose from the following actions:

- Take No Action
- Issue a Recorded Warning
- Suspend Licence

With the following recommended penalties

- First breach – 7 days minimum suspension
- Second breach – 14 days minimum suspension
- Third breach – Refer to sub-committee recommending revocation of drivers licence, on the grounds of no longer constituting a fit and proper person

5.8 The driver will be notified in writing of the result of the meeting. Any driver aggrieved by a decision of the Reviewing Officer to suspend, a driver's licence will have the right to appeal to the Magistrates' Court.

## 6. Implications for Policy Priorities

6.1 The contents of this report are consistent with the Regulation and Enforcement Mission Statement - locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.

## 7. Public Sector Equality Duty

7.1 The scheme proposed in this report seeks to improve the standards of vehicles that are used for the transport of the public and it will be applied to all drivers and vehicle proprietors licensed by Birmingham City Council.

7.2 It is however recognized that this may have financial implications on drivers at a time when pressure is being put on them by the introduction of the vehicle emissions policy, the proposed clean air zone and the number of foreign drivers in the City.

7.3 It will not be applied to drivers that are licensed by other local authorities and they will continue to operate in the City.

## **DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: None



## Penalty Points System for Hackney Carriage Driver/Private Hire Vehicle

- Those items marked with an asterisk (\*) are direct contraventions of the Local Government (Miscellaneous Provisions) Act 1976 or other statutory requirement and may result in prosecution or simple caution in addition to any points penalty imposed.
- Ticks (✓) indicate potential recipients of penalty points for infringements. Certain infringements may result in both driver and vehicle proprietor if they are not the same person receiving penalty points.
- An accumulation of 12 or more points in a rolling 12 month period, a driver/vehicle proprietor will be subject to a recommendation that all matters identified be referred to an officer review meeting (ORM) to consider if a suspension of their drivers licence is appropriate given the circumstances, the recommendation would be a suspension of 7 consecutive days.
- If a suspension is served, all points taken into account will be archived and only taken into account if a driver/vehicle proprietor incurs a further 12 points in the subsequent rolling 12 month period. A driver/vehicle proprietor will then be subject to a recommendation that all matters identified be referred to an officer review meeting (ORM) to consider if a suspension of their drivers licence is appropriate given the circumstances, the recommendation would be a suspension of 14 consecutive days
- A driver/vehicle proprietor who accumulates 24 or more points in a rolling 12 month period, will be referred to the Licensing Sub Committee with a recommendation to suspend the drivers licence(s) for a period of 28 consecutive days.
- Vehicle proprietors who rent, lease or hire out licensed vehicles will be subject to the same standards and incur penalty points if their vehicles do not meet required standards. Where they have multiple vehicles the penalty points issued will be looked at collectively and not on an individual vehicle basis. (Officers will need to consider if the vehicle proprietor is at fault – e.g. semi-permanent door signs not being displayed on the vehicle) The onus will be on the vehicle proprietor to produce documents evidencing that at the time the vehicle went out on hire the vehicle was inspected by the hirer and they have signed to confirm it was fully compliant with the conditions attached to the vehicle licence.
- Local Government (Miscellaneous Provisions) Act 1976 section 60(1)

Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke, or (on application therefor under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:—

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
  - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
  - (c) any other reasonable cause.
- All decisions in relation to the matters identified will be determined by a Licensing Sub Committee.
  - Any driver or vehicle proprietor subject to suspension or revocation has a right to appeal to the Magistrates Court against the decision, and suspensions will of course be subject to a 21 day appeals period prior to implementation to allow for the formal appeals process.

	Details of the misconduct	Maximum Points Applicable	Driver	Vehicle Owner
1	Failure to wear driver's badge*	4*	✓	
2	HC disabled ramps not in good order or additional securing belts unclear or not available for use	3	✓	✓
3	Unsatisfactory condition of vehicle, interior or exterior (allowing for weather conditions)	4	✓	✓
4	After manufacture tints applied to the vehicle windows	4		✓
5	Failure to display external/internal licence plate*	4*	✓	✓
	Offence/Breach of Condition Page 109 of 192	Maximum Points Applicable	Driver	Vehicle Owner

6	Failure to display semi-permanent door signs (points per sign)	3	✓	✓
7	Private hire operator door sign not displayed (points per sign)	3	✓	
8	no-smoking signage not being displayed as required*	3*	✓	✓
9	Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle	3	✓	✓
10	driver call signs not being displayed (points per sign)	2	✓	
11	HC taxi meter not sealed or not within approved tolerance* (clock +3 or -5 minutes)	6*	✓	✓
12	Displaying any feature on private hire vehicle that may suggest that it is a taxi (Private Hire)	6		✓
13	PH lights fitted to the vehicle and not in working order (points per light)	2	✓	
14	Failure to provide copy of byelaws/conditions on request	4	✓	
15	Failure to carry legal spare wheel and tools	4	✓	✓
16	A licensed vehicle with a tyre below the legal limit	4 per tyre	✓	✓
17	HC / PH radio or DATA unit unsecured	3	✓	
18	Failure to display a correct fare table (HC)*	3*	✓	✓
19	evidence that smoking is being permitted inside the vehicle	4	✓	
20	Using unlicensed vehicle or vehicle without insurance	12	✓	✓
21	Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer	12	✓	✓
22	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓
23	After examination by a qualified vehicle examiner the vehicle is deemed to be un-safe or un-roadworthy (immediate prohibition notice issued)	12	✓	✓
24	After examination by a qualified vehicle examiner matters are identified which require attention (delayed prohibition notice issued)	6	✓	✓
25	Carrying more passengers than stated on the vehicle licence	6	✓	
26	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle	3	✓	
27	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	12	✓	✓
28	Carrying an offensive weapon in the vehicle	12	✓	

Other potential points for non-compliance

	Offence/Breach of Condition	Maximum* Points	Driver	Vehicle Owner
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		Applicable		
1	Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee (including dishonoured cheques)	6	✓	✓
2	Failure to notify, in writing, the Council of change of address within 7 calendar days	3	✓	✓
3	Refusal to accept hiring without reasonable cause e.g. Drunk or rude customer (may be referred to the Sub-Committee)	1-12	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓	
5	Plying for hire by Private hire drivers	9	✓	✓
6	Failure to produce relevant documents with timescale when requested by an Authorised Officer	4	✓	✓
7	Failure to provide proof of insurance cover when requested	6	✓	
8	Failure to produce Hackney Carriage or Private Hire vehicle for testing when required	4		✓
9	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions	4	✓	✓
10	Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence	4		✓
11	Failure to carry an assistance dog without requisite medical exemption certificate	12	✓	✓
12	Driver not holding a current DVLA licence	12	✓	✓
13	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
14	Unsatisfactory behaviour or conduct of driver (may be referred to Sub-Committee)	1-12	✓	
15	Failure to notify the Council in writing, of any motoring or criminal convictions within 21 days or conviction or cautions during period of current licence	6	✓	✓
16	Failure to give assistance with loading/unloading luggage to or from any building or place (may be referred to the Sub-Committee)	1-12	✓	✓
17	Driving whilst using a mobile phone	9	✓	
18	Unsatisfactory appearance of driver	3	✓	



## Penalty Point Scheme Consultation: Summary report

This report was created on Monday 25 June 2018 at 08:54.

The consultation ran from 14/05/2018 to 24/06/2018.

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### Question 1: What is your name?

#### **Name**

There were **41** responses to this part of the question.

### Question 2: What is your email address?

#### **Email**

There were **35** responses to this part of the question.

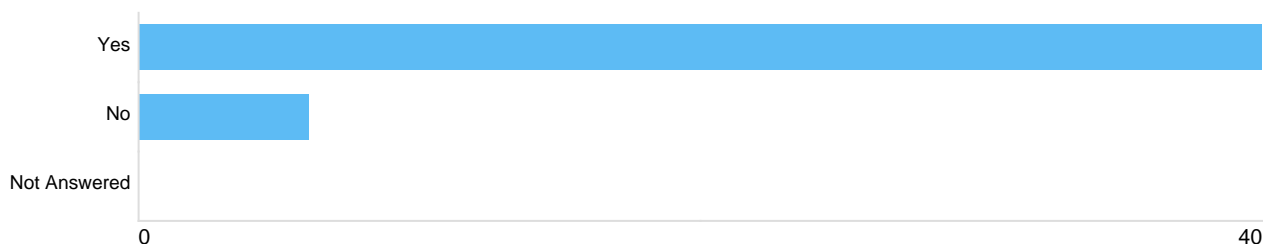
### Question 3: What is your organisation?

#### **Organisation**

There were **30** responses to this part of the question.

**Question 4: Were you aware that Hackney Carriage and Private hire Vehicles had specific conditions attached to their licences?**

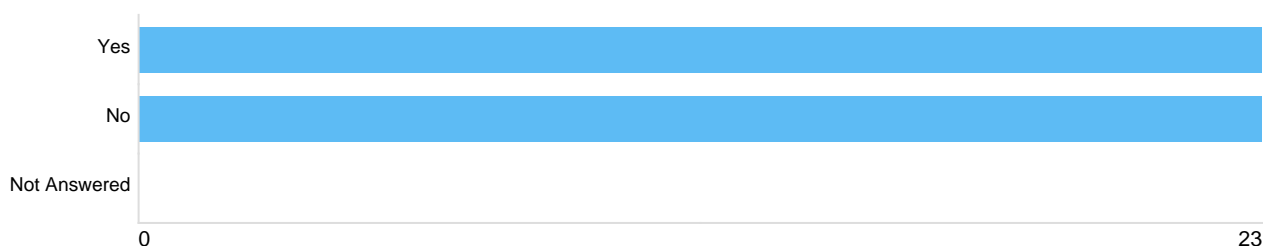
**Awareness of conditions of licence for Hackney Carriage and Private hire Vehicles**



Option	Total	Percent
Yes	40	86.96%
No	6	13.04%
Not Answered	0	0%

**Question 5: Do you think introduction of a penalty point scheme will help drive up standards of drivers and vehicles?**

**Will penalty point scheme drive up standards?**



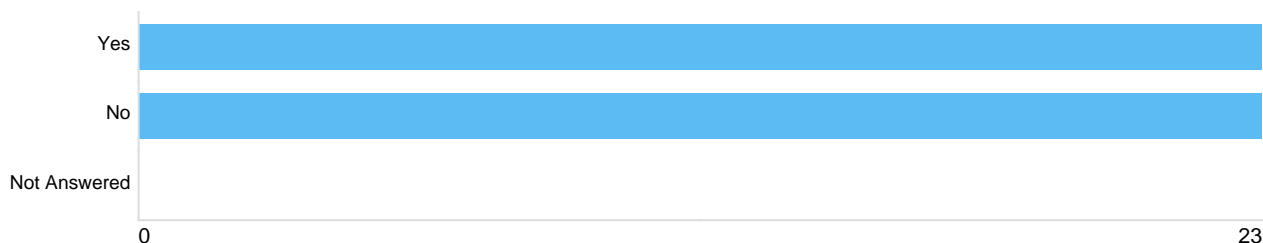
Option	Total	Percent
Yes	23	50.00%
No	23	50.00%
Not Answered	0	0%

**Please give reasons for your answer:**

There were 37 responses to this part of the question.

**Question 6: Do you think the proposed scheme will assist in ensuring the safety of the public?**

**Will proposed scheme assist in ensuring safety of the public**



Option	Total	Percent
Yes	23	50.00%
No	23	50.00%
Not Answered	0	0%

**Question 7: Are there any specific issues you would like to see added?**

**Are there any specific issues you would like to see added**

There were 28 responses to this part of the question.

**Question 8: Are there any specific issues you think should be removed?**

*Are there any specific issues you think should be removed*

There were **19** responses to this part of the question.

**Question 9: Are there any specific issues you think should be amended?**

*Are there any specific issues you think should be amended*

There were **19** responses to this part of the question.

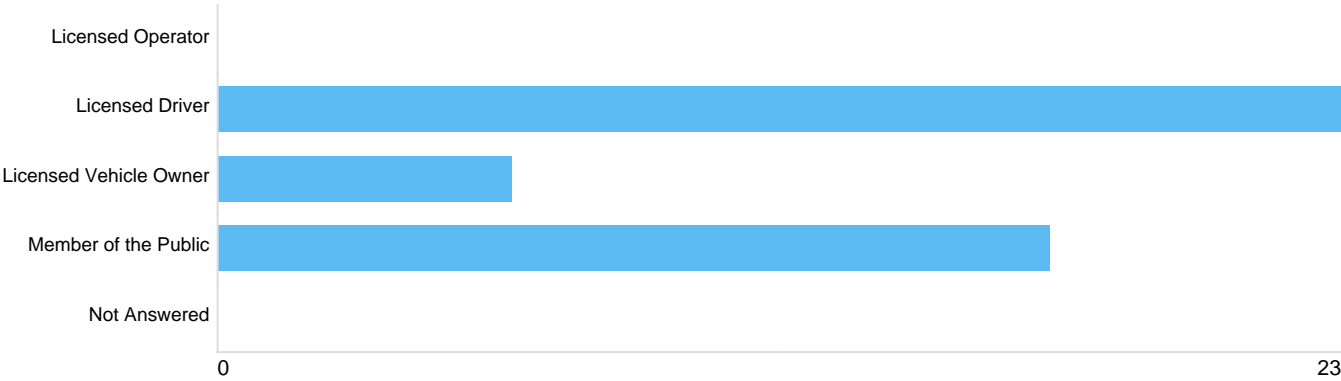
**Question 10: Do you have any further comments you wish to make in regard to the proposed scheme?**

*Further comments regarding proposed scheme*

There were **17** responses to this part of the question.

**Question 11: Are you a**

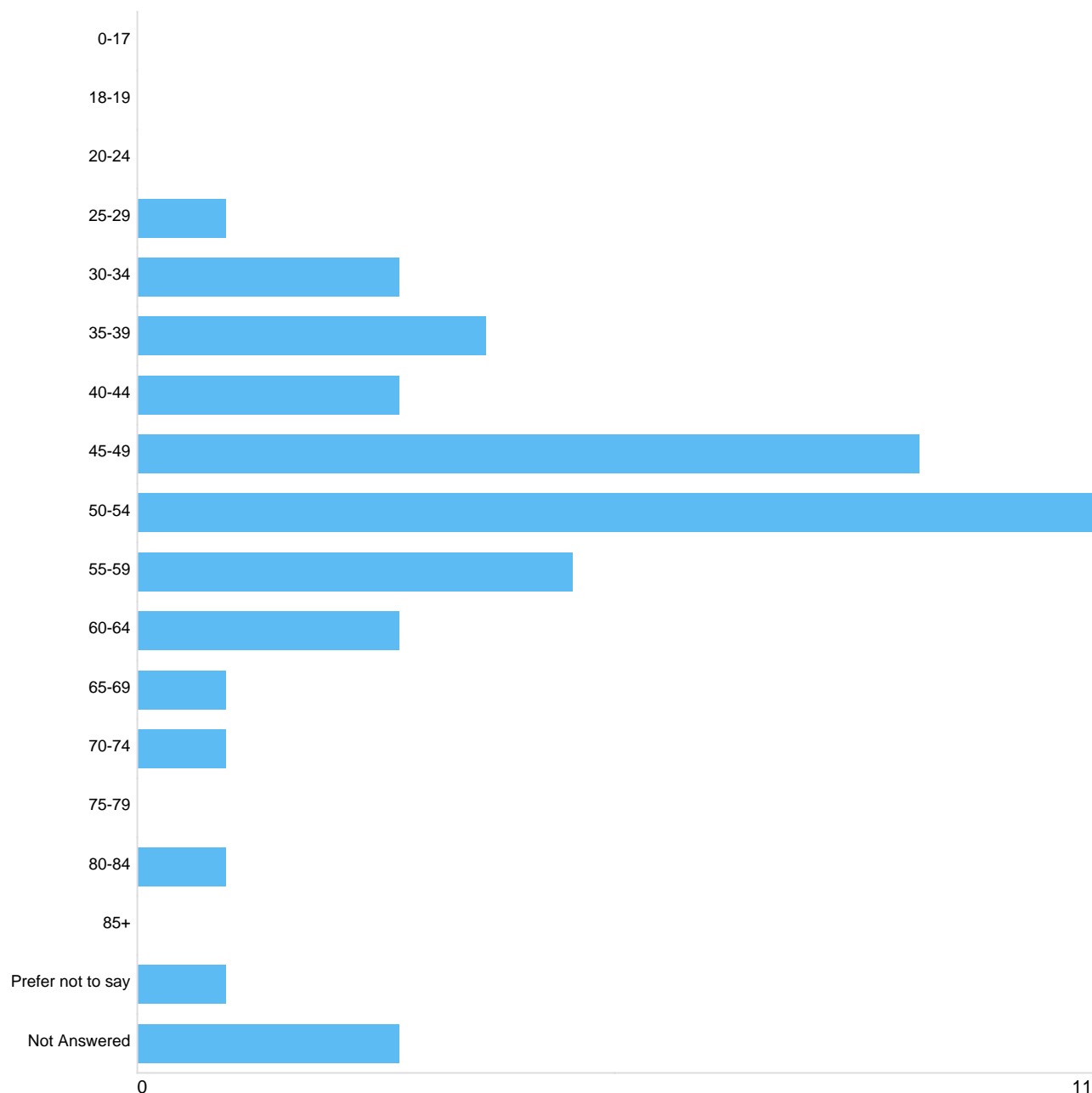
*Respondent*



Option	Total	Percent
Licensed Operator	0	0%
Licensed Driver	23	50.00%
Licensed Vehicle Owner	6	13.04%
Member of the Public	17	36.96%
Not Answered	0	0%

### Question 12: How old are you?

#### Age





Option	Total	Percent
0-17	0	0%
18-19	0	0%
20-24	0	0%
25-29	1	2.17%
30-34	3	6.52%
35-39	4	8.70%
40-44	3	6.52%
45-49	9	19.57%
50-54	11	23.91%
55-59	5	10.87%
60-64	3	6.52%
65-69	1	2.17%
70-74	1	2.17%
75-79	0	0%
80-84	1	2.17%
85+	0	0%
Prefer not to say	1	2.17%
Not Answered	3	6.52%

### Question 13: What is your sex?

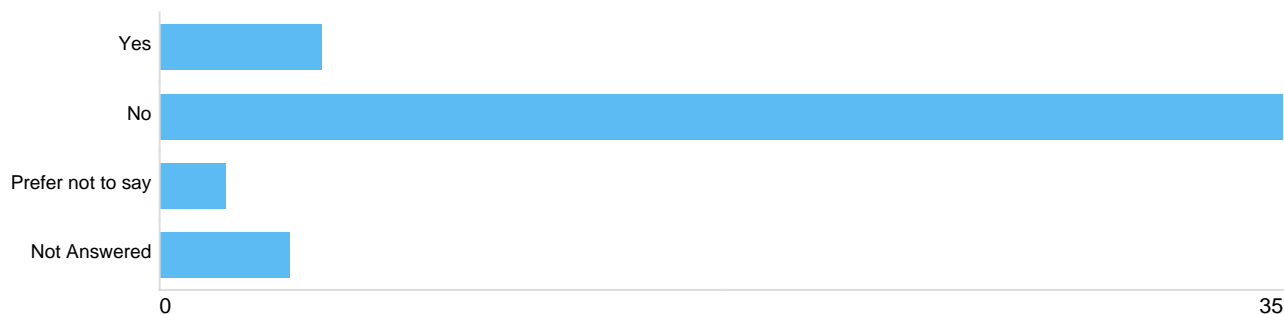
#### Gender



Option	Total	Percent
Female	6	13.04%
Male	37	80.43%
Not Answered	3	6.52%

### Question 14: Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?

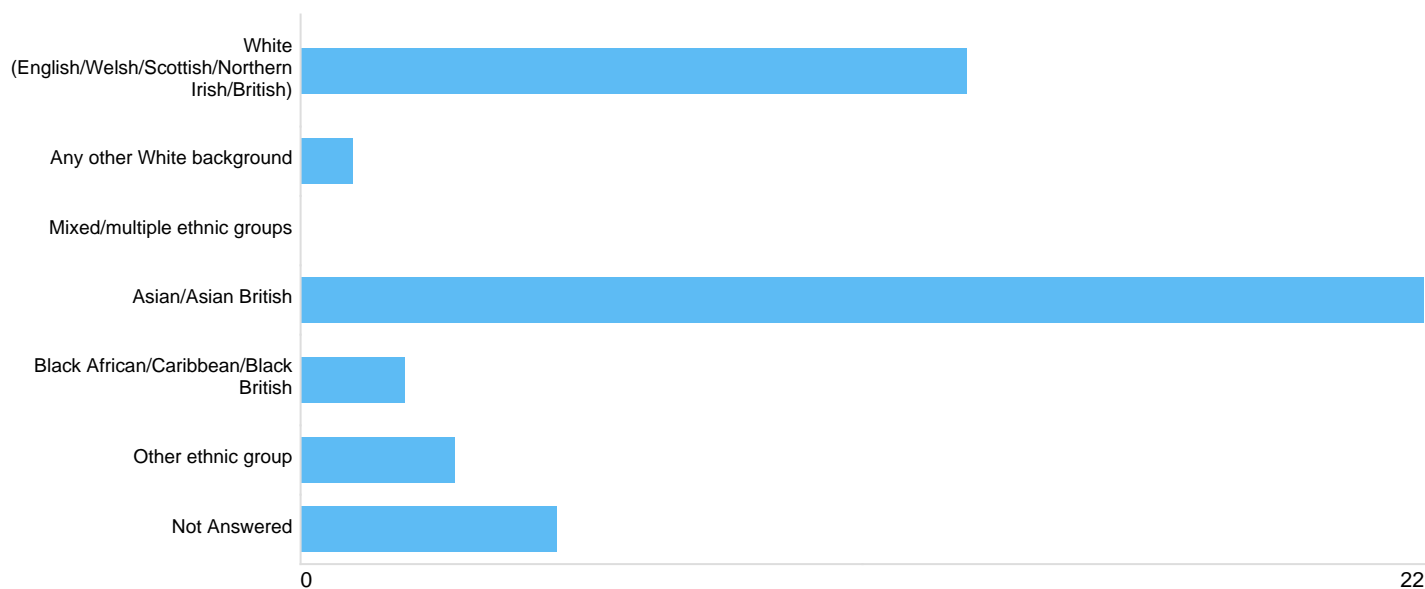
#### Physical or mental health conditions or illnesses



Option	Total	Percent
Yes	5	10.87%
No	35	76.09%
Prefer not to say	2	4.35%
Not Answered	4	8.70%

### Question 15: What is your ethnic group?

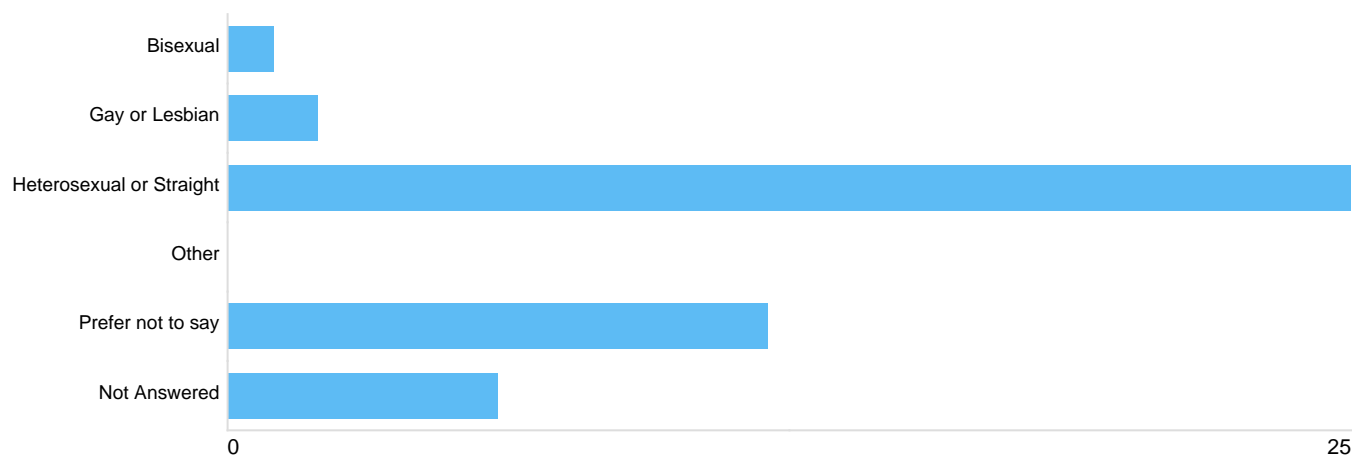
#### Ethnicity



Option	Total	Percent
White (English/Welsh/Scottish/Northern Irish/British)	13	28.26%
Any other White background	1	2.17%
Mixed/multiple ethnic groups	0	0%
Asian/Asian British	22	47.83%
Black African/Caribbean/Black British	2	4.35%
Other ethnic group	3	6.52%
Not Answered	5	10.87%

### Question 16: What is your sexual orientation?

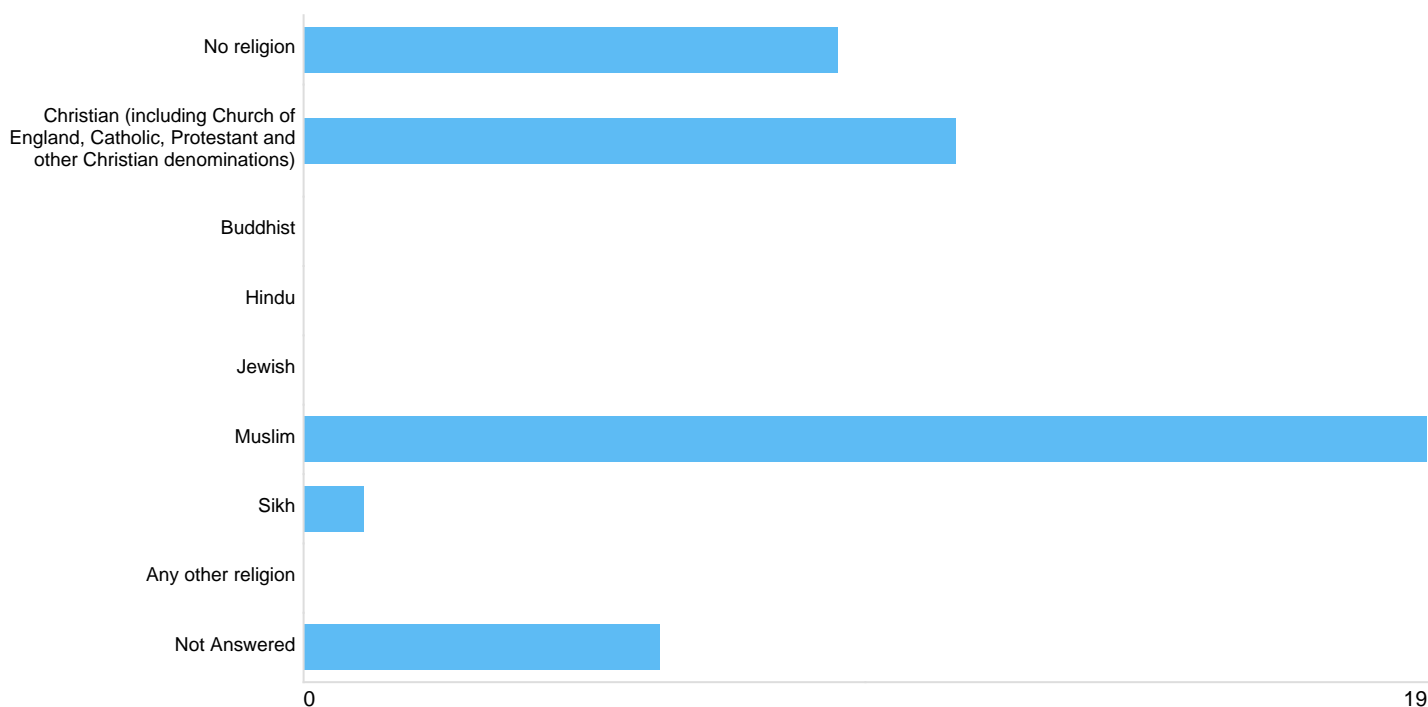
#### Sexual Orientation



Option	Total	Percent
Bisexual	1	2.17%
Gay or Lesbian	2	4.35%
Heterosexual or Straight	25	54.35%
Other	0	0%
Prefer not to say	12	26.09%
Not Answered	6	13.04%

### Question 17: What is your religion or belief?

#### Religion



Option	Total	Percent
No religion	9	19.57%
Christian (including Church of England, Catholic, Protestant and other Christian denominations)	11	23.91%
Buddhist	0	0%
Hindu	0	0%
Jewish	0	0%
Muslim	19	41.30%
Sikh	1	2.17%
Any other religion	0	0%
Not Answered	6	13.04%



Q6: Reasons for supporting the introduction of a penalty point scheme

Of those that answered **YES** to Q5 as to whether the scheme would help drive up standards 19 provided additional information in support of the scheme

The standards have dropped amongst taxi drivers and vehicles I see loads of private hire cars around Sutton with no signage on I think 1 of the reasons is that drivers work for more than 1 firm	
If drivers get penalty points against them it should make them react in the right way and get them to make sure there car is up to the standards required	Hopefully the introduction of the scheme will lead to an improvement of standards
As the drivers are not upholding standards.	
It will improve the environment & driver will keep there cab in better condition	
Judging by the statistics quoted in the introduction it will combat blatant non compliance and ignorance of the regulations.	
There is very little incentive currently for compliance - this needs to change	
Requires an incentive to ensure compliance and the current system is not fit for purpose	
Improved compliance	
We need high standards and currently we are not there. These taxis represent Birmingham -often the first impression that visitors get of Birmingham and there are taxis that are failing us all.	
Yes, I think it would tackle rogue license holders that do not abide by the law. As a passenger in these vehicles I know some of the vehicles do not meet legal requirements and for public safety it needs to be addressed.	
It will weed out the dregs of drivers from other licensed councils who Birmingham companies have working for them. They pay nothing to BCC but are working with no regulation	This Scheme will not apply to drivers that are not licensed by Birmingham City Council as we have no enforcement powers to control them unless they
Drivers will behave in a more professional manner, but at the same time it should apply to any driver working in Bham regardless of licensing authority, as if its only Bham drivers that will make them apply for an out of town badge to avoid Bham licensing conditions!!	
Yes, but only if they are applied to taxi drivers operating in the city.	

A penalty point system will gradually build up a picture of a driver's suitability to be licensed.	commit offences
The infringements can be dealt with as they happen , which helps budgeting for the owner.	
You are enforcing this on drivers obviously this would meet your standards. .not helping them through other means.most drivers over 50 years old .do they really need more conditions enforced upon them.thats my opinion.	
I like the pun. And attitudes need to favour life rather than commerce, cutting corners frowned upon.	
Driver don't like picking up wheelchair user, only a few will pick so I welcome any changes, this will in courage driver to read the re hand book. Driver also don't like card payment they only want cash and this means I have to come out the taxis in my wheelchair to take cash out the bank and I'm not happy about doing this. Has I like to keep a eye on my spending.	We regularly deal with drivers not picking up wheel chair users.  Credit card payments are subject to a separate report
if governance is in place. New books supplied when they are having new license for taxi and ensure they don't get lost.  Its picking up the cars that are not registered that will slip through the net.  good to read what you will have on the list.  I was interested to read that not assisting with luggage is on the list. no tax driver in the last 5 years has offered to put the luggage in the boot - they just open and then I have had to pick up and struggle to get into boot.	We will deal with these as and when they are discovered/reported
As in the attached paper the reasons stated are compelling	

Q6: Reasons for **not** supporting the introduction of a penalty point scheme

Of those that answered **NO** to Q5 as to whether the scheme would help drive up standards 18 provided additional information for why the scheme should not be introduced.

<p>Because there are in proportion more phv and hcv operating in the city of Birmingham from neighboring and as far reaching councils as Nottingham under the cross border flag that this system will and can be challenged as unfair and unrepresentative of the actual on street trade that pick up the people you are trying to safeguard “. We want residents and visitors to the City to feel safe when they use a hackney carriages or private hire vehicles so it is crucial that standards of licensed drivers and vehicles are consistently high“</p> <p>Also does a no smoking sign or a non carriage of a fare card compromise safety???</p>	<p>This Scheme will not apply to drivers that are not licensed by Birmingham City Council as we have no enforcement powers to control them unless they commit offences.</p>
<p>If a penalty system gets introduced drivers will get a licence from another borough and continue to work here instead of penalizing drivers council should help the drivers</p>	<p>However just because drivers could get a badge/plate elsewhere is not a reason to not expect high standards from our drivers.</p>
<p>I would be more concerned about the out of town drivers ! If it comes in I will get plated in Walsall or Wolverhampton where you have no jurysrtiction and carry on working in Birmingham and Birmingham city council loses yet more money !!!</p>	
<p>Drivers can easily license vehicle with another council.</p>	
<p>There are outside drivers in Birmingham without there conditions of licence so what's the point of having conditions of licence its joke</p>	
<p>There are drivers from other boroughs working on Birmingham without conditions of licence pirating and flooded Birmingham and you are thinking points what a joke</p>	
<p>There are far too many out of town plated cars operating in Birmingham for this to have any effect on the standards of vehicles and drivers. For the council to bring this in maybe seen as a slur on Birmingham plated vehicles when you will have no control on vehicles plated in Solihull, Wolverhampton, Sandwell, Walsall who are freely working for Birmingham registered private hire company's, not to mention out of town Hackney Carriage vehicles working in the private hire sector. If Uber wasn't enough now we have to put up with greedy Operators cashing in by opening dummy offices in out of town areas. No problem with Birmingham registered Uber, but I do think that they should be Uber and Uber alone, not working 30 hours for Uber and then working 30 hours for a private hire company.</p>	
<p>To many out of area cars plated working in brim which you have no</p>	

authority over	
I think, instead of putting heart and soul into this, BCC should have teams out 24 hrs looking for and prosecuting pirates and touts. Many have no identity stickers. Their plates are propped in rear window and many are smoking in their vehicles. I believe the general public are far more at risk travelling in unlicensed, uninsured vehicles, driven by only God knows who. BCC although meaning we'll, should get their priorities right.	This would require lots of extra resource/staff which the drivers would ultimately pay for
Having stickers missing fRon the screen or door Stickers missing from the side doors Door plate missing Bulb blown Badge missing DOES NOT improve passenger safety The majority of the items found are minor infractions and accumulating 12 points on minor infractions doesn't make you and unsafe driver focus instead on drivers knowing English to communicate with passengers Driver hygiene Quality of driving Age of car	Whilst we agree they might be minor, they do give an indication of the drivers attitude to maintaining his vehicle
I cannot comment as there has been no clarification on how many points would be penalised exactly and for what point... this is very vague and lacks detail. Too harsh point system can affect livelihood shouldn't result in such a harsh outcome	
I believe existing standards and legislation is effective in taking defective vehicles off the road.	This is not evidenced by the vehicles we are stopping during exercises
As private hire driver view the competition for work is higher than usual and that will push the drivers them self to keep up with a standard Level of drivers and vehicles. And I can see that many drivers are changing thier cars to a better one in order to give better service for customers .	
What difference will it make. They already have conditions they should adhere to.	
You are phasing out older cabs soon anyway ; so this is unnecessary work that council wants to create for itself and hence waste of extra resources. Stringent MOT testing and random checks are doing the	



job. So please keep it that way.	
Not at all. The drivers are already professional people. We deal with the elderly and disabled. We also deal with drunken people, violent and abusive customers all the time. Why does the council want to treat us like spoiled kids. My son is 24 years old we as drivers are mature people.	
To police this you would have to go back to the old system when if you had a Birmingham office you only have Birmingham plated driver not a number of other council plated drivers working from same office because the base has operators licences in other council dummy offices	Unfortunately we cannot amend the legislation that allows this.
Some drivers. Wear. Shorts. Sandals. Trainers tee shirts. Some drivers. Look dirty. Their cabs are dirty. I always wear Shoes. As clean shirt. Every day and trousers the council should go round the ranks. And check. At times the council is too PCs at times	

Q8: Are there any specific issues you would like to see added? - Are there any specific issues you would like to see added

<p>Yes make it enforceable over every single authority vehicle that operates in Birmingham.</p> <p>Also all BCC enforcement officers should have an approved and accredited VOSA qualification to give them the authority</p> <p>Also every council has its own standard regards livery and other compliance materials therefore how will you educate the public as you conveniently use as the drive behind this initiative</p> <p>Lastly where will the admin staff come from as current staff numbers are insufficient to cope with current systems in place</p>	<p>This Scheme will not apply to drivers that are not licensed by Birmingham City Council as we have no enforcement powers to control them unless they commit offences. Unfortunately we cannot amend the legislation that</p>
There should be no out of town vehicles working in Birmingham full stop	
Out of area vehicles shouldn't be allowed to work in Birmingham	
It's been a nightmare. Looking in city centre. All the taxi working. Are from Wolverhampton. How come Birmingham City Council. Can't do	

anything.	allows this. However just because drivers could get a badge/plate elsewhere is not a reason to not expect high standards from our drivers.
Out of town drivers should drive and behave in the same professional manner as @bcc licensed drivers. Many of non Bham drivers dont know how to follow the highway code and i will provide evidence if necessary	
Yes there is, I would like a return to how it used to be when Birmingham private hire companies hired Birmingham registered vehicles to work in their area who have a vast knowledge of the environment that they serve. Really fed up of customers telling me that their last driver didn't have any knowledge of the area he was working. You know as well as I do that customer satisfaction is the number one priority, and I strongly feel that the number of out of town vehicles operating for Birmingham private hire companies is bringing down the once highly regarded private hire service that we provide, and also in the bigger picture makes Birmingham Licensing look bad. Ask anybody who uses out of town Uber or non Birmingham registered vehicles their number one complaint it would be that they don't know where they're going. Is this how Birmingham Licensing wants to be represented. Please remember that when someone gets into a vehicle late at night they want to feel confident that the driver knows where he's going, which also makes the passenger feel safer. Sorry to rant on but the points I have raised are personal to me because they are affecting my standard of living, it's a tough environment that we operate in and I as would many others would applaud you if you could fight our corner with everything in your power. We pay good money to licensing, they don't. I work for Star Cars who in my eyes rub my face in the mire every time I pay my rent, they have so many out of town vehicles taking money which I think should for Birmingham registered vehicles.	
As above standards have dropped due to bases with other council licenses so called dommy offices where phones are diverted drivers not working in there licensed council working in birmngham	
To many out of town driver working in Birmingham look on face book other social media about bad drivers other council ie Wolverhampton And many more Uber have not done trade any good you all should know this it makes me wonder have you got your finger on the pulse	
Proper and meaningful enforcement on the streets.	Extra enforcement to tackle plying for hire is
Stop pirating and then focus on other things	
Put pressure on pirating and other issues example drivers parking on	

zig zag on broad street where is a public safety if I park on red rout on Stratford rd I'll get ticket which I had in past so I guess I'm easy target	being considered but this will inevitably have cost implications.
Most taxis ply for hire and don't care if they get caught	
As above	
Stronger penalties for non compliance	We think the proposed penalties are strong enough
None, current stop checks are effective.	
Uniform should be compulsory for private hire as well as Hackney Carriage.	The City Council has no intention of introducing uniform for drivers
In fact there is . Yes it is essential that the safety of puplic is important in this matter But I didn't see any thing been done to the safety of the drivers. ...	We agree that driver safety is important
Yes why don't you put a system in place to help the hard working taxi drivers and provide help to all the drivers who suffer daily problems on the road from customers. Just this week a driver was sprayed with some substance on his face but hey to the council this is ok let drivers suffer more.	
Standards to cleanliness	This is covered
Assuming that there is, or will be, active community Speedwatch groups providing reports to the police that such reports should be taken into account by the licensing authority.  This is of importance given the current roll out of 20MPH in the City.	We feel the police are best placed to deal with speeding.
Yes - poor parking and poor driving should also be added to this scheme... there is a particular problem with Hackney Carriages and Private Hire vehicles stopping in Mandatory cycle lanes which is illegal and should be enforced.	Parking enforcement deals with these issues, but we do

	<p>speaking with drivers following complaints from the public.</p>
<p>The proposed expiry of penalty points after 1 year is overly lenient</p>	
<p>Courtesy, decency, common sense, and safety to be encouraged; supportive legislation, e.g. some converse Awards scheme? Versus incomes in a tough, aggressive market; go figure.</p>	
<p>Read answer in question 5, above for more information</p>	
<p>I think that license holders should carry documentation about the vehicle they drive to collect passengers if passengers requested such documentation.</p>	<p>We cannot see what benefit this would provide to passengers</p>
<p>I think you have covered everything I can think of.</p>	
<p>'Customer complaints upheld,' I have had reason to complain about a driver (albeit one licensed by Solihull) but received no notification of an outcome. I think drivers' standards of customer service would be improved if there were minor penalty points attached to customer complaints.</p> <p>If cash payments are expected then drivers should carry an appropriate float of change. I have had a journey end with me having to pay £10 to a driver for a £5 journey as he had no change. Since that time I have only used Uber taxis.</p>	<p>We generally notify our customers of the outcome of their complaints, we cannot comment on Solihull's procedures.</p>

Q9: Are there any specific issues you think should be removed?

There were 19 responses to this question, however 8 of those responded with "no".

<p>Yes all of it the current system works just fine</p>	<p>If the current system worked then we would not have considered this</p>
---	--

<p>The door stick on door plates are overkill as you CANNOT mistake a private hire car for a private car with the plates on the rear and also as most companies now use the same system as UBER where by the passenger has details of the car and driver sent them beforehand technology has made the side plates obsolete</p> <p>Also the fact most other councils that now operate within Birmingham DO NOT display or have side plates</p>	Signage was subject to separate consultation
<p>I agree that there should be some monitoring taking place but needs to be thought through more carefully. As this could affect some very good drivers who are on the whole dedicated and who generally abide by rules and may accidentally have made an error.</p>	Those drivers that comply and only make an odd error would not be penalised
<p>Stop checks should be carried out on all vehicles on the roads, as there are a huge amount of vehicles without insurance, tax and MOT.</p> <p>We should be focusing on all road users without singling out public transport.</p>	This is not within our remit
Private Hire vehicles from different city councils should not be allowed to operate in Birmingham.	See above responses regarding out of town vehicles
All the cross border should be stop <input type="checkbox"/> .	
<p>If my other concerns are not addressed it is victimisation of Birmingham drivers</p> <p>This also applies to the emissions problem how can Birmingham police it with all out of town drivers in Birmingham greasy bases cashing in not looking at quality just money Birmingham needs to get a grip</p>	
Out of town cars	
Pirating parking on taxi ranks no one cares what's happening in city	These are areas we concentrate our enforcement on
Drivers queuing up on Broad street for longer than 10 minutes on double yellow lines or anywhere in city centre for more than 10 minutes	
No, quite impressed really. I imagine policing it will be fun.	
No I think the proposals are along the right path.	
Read answer in question 5, for more information	

Q10: Are there any specific issues you think should be amended?

There were 19 responses to this question however 6 responded with “no”.

Points should not be accumulated to affect license that's not right as could destroy families! This is about people's livelihood... especially as not directly rising from harm to society or customers... Maybe introduce a reward system for those that always do the right thing instead and get more motivated and these would be incentives....	
Yes pirating and touting outside clubs	We already target these areas, but have no control over the penalties issued by the courts
Tougher sentence on piratin	
Out of town drivers should have to undergo a practical driving test if working in Birmingham and should be able to speak basic English	We cannot enforce this
Drivers should not be allowed to have an Uber pad and a private hire pda	We believe this would be a restriction on trade
The proposed expiry of penalty points after 1 year is overly leanient	
ditto.	
not taking part in certain training e.g. cse training  if training is a requirement by law they should attend	
Needs to go back to the old system and the points system would work As it is we all might as well go and get Wolverhampton badge and plate and all these rules will not apply to us then	
Driver driving pass wheelchair users, A : because the don't want to get out the sit and B: because they say wheelchair user mean they have to get all their safety seatbelt out and the don't have them that	We deal with all complaints about this and

day as they forgot to put them back in there taxis. And C; because wheelchair user take longer to get into their taxis.	take appropriate whenever possible
As above	
The points given in some instances are very harsh and should be reduced.	

Q11: Do you have any further comments you wish to make in regard to the proposed scheme?

There were 17 responses to this question, two had nothing further to add.

Waste of time eradicate pirating before you do anything else waste of tax payers money this proposal	
The scheme is a total waste of time and should be scrapped.	
I would like to know why you are doing this I think it's a great idea however you can only enforce it on Birmingham licenced vehicle s and not the hundreds of other vehicles that are licenced els where	See answers above
Birmingham council should be responsible for Birmingham drivers so how can you enforce this scheme on outside plated drivers working for Birmingham companies??	
Bases should be birmingham plated only no dummy office set up in councils where phones are diverted to Birmingham office where other plated drivers don't work in there licensed council Just work in Birmingham and don't pay any money to birmingham council crazy	
Penalising birmingham drivers	
All drivers working in Bham should be able to speak English and should be able to follow the highway code regardless of licensing authority	We already test our drivers but cannot comment on other authority's procedures.
I appreciate the initiative.	

<p>Admirable start, heart's in the right place, unusually well written for BCC (couple of typos), but administratively unproven and variable in practice; reactionary rather than progressive, because unsupported by clear long-term public transport policy.</p> <p>I must declare an interest, I appreciate the rare car and travel by bicycle.</p>	
<p>Every hackney Carriage should prominently display a number for text complaints and an email address for email complaints to License Enforcement for use by passengers and members of the public. These complaints should be investigated by monitoring staff</p>	<p>We are looking at ways to do this inside the vehicle; All complaints are investigated</p>
<p>Driving offences should also lead to penalty points in this scheme - this would drive up driving standards amongst drivers who are on the road for much of the day improving road safety. This is because there would be an increased incentive to drive legally and safely.</p>	<p>Driving offences must be notified to the Licensing Office</p>
<p>Please read question 9, and question 5 you will then read all my comments.</p>	
<p>I drive a x reg taxi. Manual. I spent. £2500. On it last year. It is a tx1. A great taxi I will spend anther. £2500 this year. People. Love the tx cab they hate vans. You,should. Be keeping. All the. Tx. On the road</p>	
<p>will the records be electronic rather than paper - so the breaches can be added to the right driver/taxi. maybe an app for their phones and a sticky label tick - to be put in the front window if passed.</p>	<p>Yes the records will be electronic</p>
<p>No mention is made of a timetable of inspection or enforcement targets. The consultation mentions that, "since April 2017...approximately 30% of private hire vehicles and 70% of Hackney Carriage vehicles are fully compliant with the conditions of licence during stop check exercises". Hopefully 100% compliance is the aim and it would be great if the public could see the Licensing section publish results of enforcement published regularly rather than see 'bad news articles' in the press.</p> <p>Public transport and logistics companies publish safety statistics and maintain management reporting to show standards of driving including infringement of legal and company standards. PHV and HC driver statistics should be available to the public.</p>	<p>100% compliance is the aim.</p> <p>We will consider publishing the results of</p>



<p>This would go some way to improving transparency and standards.</p> <p>Regarding transparency, Birmingham licensing chief Chris Neville, recently mentioned in the Birmingham Mail that the Licensing section is, “currently looking at some aspects of [the] taxi-licensing policy including recommending that councillors should not be able to give references for taxi drivers.” If this means that Councillors are interfering or applying unfair pressure in the Licensing sub-committee, then this erodes confidence in the entire system - existing and proposed.</p> <p>In questions 5 and 6 of this survey, the answer options are “yes” or “no”, there should be a “maybe” or partially option, too. Birmingham should be cleaning up its act not just because we are the second city but because we will be welcoming many thousands of visitors from all over the world for the Commonwealth games in 2022. Our transport infrastructure needs to be up to scratch including the provision of taxis.</p> <p>Putting penalty point system as a step in the right direction, but it is not a holistic approach when the rules will only apply to a subset of taxi drivers operating in this city and public confidence in enforcement is lacking.</p> <p>It could be said that there is a lack of credibility around enforcement when it was recently widely reported (<a href="https://tinyurl.com/y88xh954">https://tinyurl.com/y88xh954</a>) that more than 100 HC and PHV drivers are licensed to operate in Birmingham despite having convictions for crimes including speeding, driving without insurance and drug dealing. This figure is likely very conservative given the number of taxi drivers operating in Birmingham with licences issued in, say, Wolverhampton.</p> <p>In autumn 2016, a Governmental working group was set up to look at issues, including child grooming and sexual abuse and the involvement of taxi drivers. I do not know what the eventual outcome of that work was but Birmingham City Council should be leading the way in working with other councils to standardise any taxi licensing requirements/standards/penalty schemes.</p> <p>If common ground is not found with another council, then drivers with licences issued by that council should not be able to drive in our city.</p>	<p>enforcement exercises</p> <p>We cannot legislate for the courts allowing applications that we have refused.</p> <p>Unfortunately we cannot prevent this</p>
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enforcement  
exercises

### **Response to RMT letter of objection.**

We do not believe there is any double jeopardy in the introduction of this scheme. It is right that drivers are penalised for offences, but the role of the committee is to consider the drivers fitness, not reconsider those offences.

It cannot be assumed that because of difficulties experienced in Leicester that the same will happen in Birmingham. The scheme is not the same and whilst there may have been difficulties in Leicester following the introduction of the scheme, it is still in place.

It is not the Councils' remit to protect the trade. Our remit is to licence the trade and protect the public through that licensing process. It is agreed that there have been a number of issues within the trade recently; these are likely only to be solved through national legislation, which at present is not on the horizon.

Enforcement exercises could be increased but this would require investing in more staff to be on the streets for longer hours, the cost of which would ultimately be passed onto drivers through increased licensing fees.

Finally we do not believe the demands on drivers by the introduction of this scheme are either unattainable or overly burdensome. Drivers should maintain the vehicles they carry the public around in; they also agree to certain conditions when issued with a licence, but regular exercises indicate that neither of this is not the case.

This scheme will encourage those drivers that choose not to comply to change their behaviour, while at the same time not impacting on those drivers that already take a pride in their vehicles and its maintenance.



Chris Neville  
Birmingham City Council  
Licensing Section  
PO Box 17013  
Birmingham B6 9ES

Raja Amin JP MBE  
20 Hallam Street  
Balsall Heath  
Birmingham B12 9PR

29th June 2018

Dear Chris

### **Taxis – Points based systems – Proposals**

RMT organises and represents hundreds of taxi drivers in Birmingham and Solihull. I am secretary of the RMT Birmingham Rail branch and President of the RMT Midlands regional council – I write to you in those capacities.

It has come to our attention as the RMT that the Birmingham City Council wants to introduce a points based system to monitor drivers, which system will be used to prosecute drivers. We as an organisation of negotiation, categorically reject this intended change.

There are a number of points the RMT would like to raise. Firstly; the points system is double jeopardy. Drivers will be penalised twice for any infringements. Once a person is penalised for any violation, they cannot be penalised again for a similar offence for which a legal recourse has been taken. The council is burdening drivers with guilt and threats to haul drivers before the Committee and to prosecute them or even cost them their livelihoods.

This system of points was experimented with in Leicester and was the cause of the running skirmishes between the mayor and the hackney drivers fraternity. It would be foolhardy to introduce a change with potential to be the source of unrest in the city.

Secondly, the Birmingham City Council has continued to introduce measures that make drivers' lives difficult. Despite the Council's failure to introduce corresponding goodwill changes to protect the trade. Pirating is rampant in the city. Enforcement has failed dismally to keep up with the growing brazen disregard for the City bye laws by taxi drivers from outside the Borough and even local drivers. This is great hypocrisy as the demand for professionalism seems to flow one way. Drivers are penalised willy-nilly but the City Council's failure to keep their end of the bargain is not put under scrutiny. Enforcement exercises that are carried out are tick box activities with no real impact. The real trouble pirating times are avoided despite numerous protestations from drivers about various trouble spots and times. If the Council is failing in its professional role it sure has lost the right to make demands on drivers for higher professionalism which it has resoundingly failed to achieve.

The council has continued to fail to protect the taxi trade, it is strange when it is quick to make value judgements and demands on drivers in turn. This ties in closely with the demand that is being made on drivers to buy new cabs by 2020. The same cavalier attitude of expecting others to do things that the Council itself cannot achieve is not lost to the observant eye. But again the drivers are being penalised for something the Council itself cannot sustain.

With these double standards in mind, we strongly believe the Birmingham City Council needs to start by cleaning its own house first before making unattainable demands and expectations on drivers.

Many thanks  
Yours Truly

A handwritten signature in black ink, appearing to read 'Ramin', with a horizontal line underneath.

Raja Amin JP MBE  
President RMT Midland Regional Council.  
Birmingham Rail Branch Secretary.  
Mobile: 07968 186238

**BIRMINGHAM CITY COUNCIL**

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

**19 SEPTEMBER 2018**  
**ALL WARDS**

**PROSECUTIONS AND CAUTIONS – MAY, JUNE AND JULY 2018**

1. Summary
  - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of May, June and July 2018.
2. Recommendation
  - 2.1 That the report be noted.

Contact Officer: Chris Neville, Acting Service Director Regulation and Enforcement  
Telephone: 0121 303 6111  
E-Mail: [Chris.Neville@birmingham.gov.uk](mailto:Chris.Neville@birmingham.gov.uk)

### 3. Results

3.1 During the months of May, June and July 2018 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 16 Licensing cases was finalised resulting in fines of £7,595 and prosecution costs of £7,691. 88 penalty points were issued. 28 simple cautions were administered as set out in Appendix 1.
- 238 Environmental Health cases resulted in fines of £125,312, a 12 month community order and prosecution costs of £59,797 were awarded. Compensation for clean-up costs in the sum of £321 was awarded. Two simple cautions were administered as set out in Appendix 2.
- Three Trading Standards cases were finalised resulting in a 12 month community order, fines of £1,130 and prosecution costs of £2,000. No simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in May, June and July 2018 and cases finalised by district April – July 2018.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team in April - June 2018.

### 4. Consultation

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

### 5. Implications for Resources

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

5.2 For the year April 2018 to July 2018 the following costs have been requested and awarded:

#### Licensing

£10,066 has been requested with £8,459 being awarded (84%).

#### Environmental Health

£120,400 has been requested with £81,922 being awarded (68%).

#### Trading Standards

£5,476 has been requested with £4,425 being awarded (81%).

- 5.3 For the months of May, June and July 2018 the following costs have been requested and awarded:

Licensing

£9,084 has been requested with £7,691 being awarded (85%).

Environmental Health

£91,439 has been requested with £59,797 being awarded (65%).

Trading Standards

£3,051 has been requested with £2,000 being awarded (66%).

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

## **DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil

**LICENSING CASES****APPENDIX 1**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	10/5/18	Tayyab Hanif Dar Slough	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire in Broad Street, Birmingham and one of consequently having invalid insurance.	£350 – No Insurance  + 6 penalty points  No separate penalty for plying  £200 costs (£491 requested)	Out of area	Ladywood
2	30/5/18	Tariq Alam Walsall	Equalities Act 2010  Pleaded guilty to one offence of failing to carry out a booking accepted by his operator as the customer was accompanied by an assistance dog.	£495  £500 costs (£1,279 requested)	Out of area	Ladywood
3	7/6/18	Muhammed Akram Hodge Hill Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire in Bromsgrove Street, Birmingham and one of consequently having invalid insurance.	£515 – Plying  No separate penalty for no Insurance.  + 8 penalty points  £464 costs (£464 requested)	Bromford & Hodge Hill	Ladywood



4	7/6/18	Mehar Adeel Sparkbrook Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Found guilty in his absence of two offences: one of plying for hire in Bristol Road, Birmingham and one of consequently having invalid insurance.	£770 – Plying  No separate financial penalty for the no Insurance.  + 8 penalty points  £641 costs (£641 requested)	Sparkbrook & Balsall Heath East	Bournbrook & Selly Park
5	18/6/18	Harkamal Sumbal Little Aston Staffordshire	Licensing Act 2003  Found guilty in his absence of two offences; one offence of carrying on a licensable activity, namely the supply of alcohol at PJ's Express, 111 The Parade, Sutton Coldfield, Birmingham and failing to produce staff training records when requested by an authorised officer and one offence of failing to notify the Local Authority of any change of address as stated in a personal licence.	£1,500 (£1,000 – offence 1 £500 – offence 2)  Personal licence suspended for 3 months (Magistrates suspended the effect of this decision for 14 days to allow time for him to appeal)  £984 costs (£984 requested)	Out of area	Sutton Trinity
6	21/6/18	Ahmed Hamid Nour Bordesley Green Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire in Broad Street, Birmingham and one of consequently having invalid insurance.	£140 – no insurance  + 6 penalty points  No separate penalty for plying.  £300 costs (£523 requested)	Bordesley Green	Ladywood

7	21/6/18	Mohammed Akhlaq Handsworth Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire in Broad Street, Birmingham and one of consequently having invalid insurance.	£210 – no insurance  + 6 penalty points  No separate penalty for plying  £300 (£400 requested)	Handsworth	Ladywood
8	5/7/18	Abdul Zahid Smethwick	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire in Bennetts Hill, Birmingham and one of consequently having invalid insurance.	£40 – Plying  £120 – No insurance  + 6 penalty points  £493 costs (£493 requested)	Out of area	Ladywood
9	5/7/18	Naseer Ahmed Hodge Hill Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire in Broad Street, Birmingham and one of consequently having invalid insurance.	£295 – Plying  £440 – No Insurance  + 6 penalty points  £452 costs (£452 requested)	Bromford & Hodge Hill	Ladywood
10	5/7/18	Saleem Shazad Moseley Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire in Bristol Road, Birmingham and one of consequently having invalid insurance.	£40 – Plying  £120 – No Insurance  + 6 penalty points  £452 costs (£452 requested)	Sparkhill	Bournbrook & Selly Park

11	5/7/18	Abdul Rahim Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire in Bennetts Hill, Birmingham and one of consequently having invalid insurance.	£40 – Plying  £120 – No Insurance  + 6 penalty points  £400 costs (£400 requested)	Heartlands	Ladywood
12	19/7/18	Humayun Kabir Chowdhury Small Heath Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire in Bristol Road, Birmingham and one of consequently having invalid insurance.	£400 (£200 x 2)  + 6 penalty points  £472 costs (£472 requested)	Bordesley Green	Bournbrook & Selly Park
13	19/7/18	Aslam Ahmed West Bromwich	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire in Bristol Road, Birmingham and one of consequently having invalid insurance.	£600 (£300 x 2)  + 6 penalty points  £462 costs (£462 requested)	Out of area	Bournbrook & Selly Park
14	19/7/18	Asad Sajjad Walsall	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire in Suffolk Street Queensway, Birmingham and one of consequently having invalid insurance.	£400 (£200 x 2)  + 6 penalty points  £493 costs (£493 requested)	Out of area	Ladywood
15	19/7/18	Shakwan Faieq Abdullah Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire in Stephenson Street, Birmingham and one of consequently having invalid insurance.	£400 (£200 x 2)  + 6 penalty points  £544 costs (£544 requested)	Lozells	Ladywood

16	19/7/18	Khalid Muhmud Rasab Hall Green Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire in Ladywell Walk, Birmingham and one of consequently having invalid insurance.	£600 (£200 x 2)  + 6 penalty points  £534 costs (£534 requested)	Acocks Green	Ladywood
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#### APPEAL AGAINST CONVICTION

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	27/7/18 at Birmingham Crown Court	Mohammed Nawaz Moseley Birmingham	Equalities Act 2010  Appeal against conviction imposed on 26.2.18 following trial relating to one offence of being the driver of a Hackney Carriage and failing to carry out a booking as the disabled customer was accompanied by an assistance dog.	Appeal dismissed  Sentence imposed at Birmingham Magistrates Court on 26.2.18 stands  £350 fine £1,318 costs  + Costs of the Appeal £853	Moseley & Kings Heath	Ladywood

## **LICENSING SIMPLE CAUTIONS**

During the period of May, June & July 2018, 28 simple cautions have been administered

### **Local Government (Miscellaneous Provisions) Act 1976**

**Section 44(3) & 46(1)** One caution was issued for allowing a person to act as a private hire driver without a current licence and allowing a vehicle to operate without the driver having a current licence.

**Section 48(6)** 16 cautions were issued for failing to display a private hire vehicle licence plate

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

**Section 56(3)** One caution was issued for failing to produce records

**Section 64(3)** Two cautions were issued for waiting on a Hackney Carriage stand without being licensed as Hackney Carriage

### **Town Police Clauses Act 1847 & Road Traffic Act 1988**

**Section 45 & Section 143** One caution was issued for plying for hire and driving without insurance

### **Criminal Justices and Public Order Act 1994**

**Section 167(1)** Two cautions were issued for soliciting persons to hire a vehicle, to carry them as passengers.

**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, by an authorised officer, a copy of the Hackney Carriage Byelaws for perusal and inspection.

**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 display a fare table in a manner as to be plainly and distinctly visible

### **Licensing Act 2003**

**Section 136(1)(a)** Two cautions were issued for carrying on a licensable activity otherwise than in accordance with an authorisation

**ENVIRONMENTAL HEALTH CASES**

**WASTE OFFENCES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	2/5/18	Focus 4 Learning Ltd Suite 208 Wolverley House 18 Digbeth Birmingham B5 6BJ  Alton Fuller Birmingham	Environmental Protection Act 1990  The Company and Director both pleaded <u>not guilty</u> to two offences of failing to comply with notices requiring written information of how waste from the business at Focus 4 Learning Ltd, Wolverley House, 18 Digbeth, Birmingham was disposed of within 7 days.  Found guilty after trial.	Total £300 (Each fined £150)  £1,984 costs (£992 each)  (£1,984 requested)	Bordesley & Highgate	Bordesley & Highgate
2	10/5/18	SNK Retails Ltd 15-17 Idmiston Croft Birmingham B14 5NJ	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Lifestyle Express, 15-17 Idmiston Croft, Birmingham was disposed of within 7 days.	£835  £440 costs (£440 requested)	Druids Heath & Monyhull	Druids Heath & Monyhull
3	10/5/18	Shannon McGrath Stirchley Birmingham	Environmental Protection Act 1990  Pleaded guilty to six offences; 3 offences of knowingly causing or permitting controlled waste to be deposited on land at Warstock Lane, on two occasions and Moseley Bog Car park, Yardley Wood Road. The waste consisted of 46 black bags of rubbish. One offence of failing to provide details of the person in control of the vehicle on the dates of offence, one offence of driving without a licence and one offence of driving without insurance.	£140 - No Insurance offence + 6 penalty points  No separate penalty for remaining offences.  £60 costs (£1,749 requested) £321 clean-up costs	Stirchley	Moseley

4	14/5/18	Mohammed Yamin Castle Bromwich Birmingham	Environmental Protection Act 1990  Pleaded guilty to two offences; one of knowingly causing or permitting controlled waste, namely a broken sofa, to be deposited on land on Baker Street, Nechells, Birmingham and one offence of failing to provide details of the person in control of the vehicle on the date of offence.	£1,080 – offence 1  No separate penalty for offence 2  £1,500 costs (£2,000 requested)	Out of area	Sparkhill
5	6/6/18	Daniel Lefter Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to take all measures to prevent a contravention in that waste from the business Barber and Beauty Salon, 612 Washwood Heath Road, was found in a bin designated for domestic waste.	£153  £1,339 costs (£1,339 requested)	Ward End	Ward End
6	7/6/18	Marsha Lee Whilby Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Unique Diva, 516 Birchfield Road, Birmingham was disposed of within 7 days.	£305  £65 costs (£495 requested)	Gravelly Hill	Perry Barr
7	7/6/18	Bartosz Czubacki Stockland Green Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of instructing a person to collect and dispose of waste from 504 Slade Road without ensuring that the person was authorised for the transfer of waste.	£45  No costs awarded (£358 requested)	Stockland Green	Perry Barr

8	18/6/18	A2Z DIY Hardware, Plumbing & Heating Merchant Ltd 98 Bromford Lane Erdington Birmingham B24 8BY	Environmental Protection Act 1990  Pleaded guilty to two offences; one offence of failing to prevent controlled waste from being fly tipped in that the company had a policy to allow cardboard waste and general waste to be collected and removed by an unknown person and one offence of failing to supply written information as to how the business at A2Z DIY Hardware, Plumbing & Heating Merchant Ltd, 98 Bromford Lane, Birmingham disposes of its waste.	£10,500 (£10,000 – offence 1 £500 – offence 2)  £2,528 costs (£2,528 requested)	Pype Hayes	Pype Hayes
9	18/6/18	Mr Signz Ltd 248 Dudley Road Birmingham B18 4HN	Environmental Protection Act 1990  Found guilty in their absence of one offence of failing to comply with a notice requiring written information of how waste from the business at Mr Signz, 248 Dudley Road, Birmingham was disposed of within 7 days.	£1,000  £520 costs (£520 requested)	North Edgbaston	North Edgbaston
10	18/6/18	Seelan Indra UK Ltd 2 Wheleys Road Birmingham B15 2LD	Environmental Protection Act 1990  Found guilty in their absence of one offence of failing to comply with a notice requiring written information of how waste from the business at Select Xpress, 209 Hagley Road, Birmingham was disposed of within 7 days.	£1,000  £560 costs (£560 requested)	Edgbaston	North Edgbaston
11	18/6/18	Al Shifa Eyecare Ltd 521 Green Lane Birmingham B9 5PT	Environmental Protection Act 1990  Found guilty in their absence of one offence of failing to comply with a notice requiring written information of how waste from the business at Al Shifa Opticians, 176 Alum Rock Road, Birmingham was disposed of within 7 days.	£1,000  £588 costs (£588 requested)	Bordesley Green	Alum Rock



12	21/6/18	A&S Supermarket (PAL) Ltd Unit 1 73 Milton Street Walsall WS1 4LA	Environmental Protection Act 1990  Pleaded guilty to three offences; one offence of instructing an unknown person to collect and dispose of waste from A&S Supermarket (PAL) Ltd, Unit 1, 73 Milton Street, Walsall without ensuring that he was an authorised person to transfer waste and two offences of failing to provide written information as to how waste is disposed of from the business within 7 days	£2,500 – offence 1  No separate penalty for remaining offences  £1,789 costs (£1,789 requested)	Out of area	Out of area
13	21/6/18	Vapin Ltd 1088 Stratford Road Hall Green Birmingham B28 8AD	Environmental Protection Act 1990  Found guilty in their absence of three offences; one offence of causing or permitting controlled waste, namely documents and packaging relating to the business at Vapin Ltd, 1088 Stratford Road, Birmingham, to be deposited by a lamp post near 1088 Stratford Road, one offence of failing to take measures to prevent a contravention in that employees were instructed to deposit waste on the pavement outside the business and one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.	£500 – offence 1  No separate penalty for remaining offences  £1,500 costs (£1,500 requested)	Hall Green North	Hall Green North
14	21/6/18	Craiova Ltd 149 Dudley Road Birmingham B18 7QY	Environmental Protection Act 1990  Found guilty in their absence of one offence of failing to comply with a notice requiring written information of how waste from the business at Craiova, 149 Dudley Road, Birmingham was disposed of within 7 days.	£300  £610 costs (£610 requested)	North Edgbaston	North Edgbaston

15	21/6/18	Abdul Mohammed Gapper Birmingham	Environmental Protection Act 1990  Pleaded guilty to two offences; one of failing to take all reasonable measures to prevent the escape of waste in that waste from Raznur Café, 553 Coventry Road, Birmingham was found on Coventry Road and one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.	£1,020 – offence 1  No separate penalty for remaining offences  £812 costs (£812 requested)	Small Heath	Small Heath
16	21/6/18	Gurjinder Kaur Ghatour Acocks Green Birmingham	Environmental Protection Act 1990  Pleaded guilty to two offences; one of depositing controlled waste, namely one black bin bag, on the pavement in Westley Road, Acocks Green, Birmingham and one offence of failing to comply with a notice requiring written information of how waste from Dimples Beauty, 14 Westley Road, was disposed of within 7 days.	£320 – offence 1  No separate penalty for offence 2  £200 costs (£599 requested)	Acocks Green	Acocks Green
17	21/6/18	Junaid Akhtar Birmingham	Environmental Protection Act 1990  Pleaded guilty to three offences; one offence of causing controlled waste, namely black sacks, to be deposited on land in Brunswick Road, one offence of failing to take measures to prevent a contravention by their employees in that there were no adequate procedures in place and no legitimate means of waste disposal and one offence of failing to comply with a notice requiring written information of how waste from the business at Sheikh Hameed and Sons, 248 Ladypool Road, was disposed of within 7 days.	£640 – offence 1  No separate penalty for remaining offence  £567 costs (£567 requested)	Sparkbrook & Balsall Heath East	Sparkbrook & Balsall Heath East

18	21/6/18	Mohammed Younis Birmingham	Environmental Protection Act 1990  Pleaded guilty to four offences; two offences of knowingly permitting controlled waste, namely 7 black bags of waste from Recom Phones, 95 High Street, Kings Heath, Birmingham to be deposited, on two separate dates, on land at 95 High Street, Kings Heath and two offences of failing to comply with notices requiring written information of how waste from the business was disposed of within 7 days.	£375 – offence 1  No separate penalty for remaining offences  £765 costs (£1,165 requested)	Alum Rock	Brandwood & Kings Heath
19	5/7/18	Rock General Store Ltd 88 Alum Rock Road Birmingham B8 1HZ	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Saida Store, 88 Alum Rock Road, Birmingham was disposed of within 7 days.	£200  £481 costs (£481 requested)	Alum Rock	Alum Rock
20	5/7/18	Liberty Luwaca Hockley Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of depositing controlled waste, namely a quantity of black bags, from a Mercedes Sprinter Van on land on Monument Road, Birmingham.	£640  £1,113 costs (£1,113 requested)	Lozells	Ladywood
21	5/7/18	R & A Carpets Ltd 175-177 Alum Rock Road Birmingham B8 1NU	Environmental Protection Act 1990  Pleaded guilty to two offences of failing to comply with notices requiring written information of how waste from the business at National Carpets, 175-177 Alum Rock Road, Birmingham was disposed of within 7 days.	£175 – offence 1  No separate penalty for offence 2  £415 costs (£415 requested)	Alum Rock	Alum Rock

22	5/7/18	Kym Rees Maypole Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of depositing controlled waste, namely envelopes, plastic packaging, pieces of ribbon and fabric, on land outside 28 Station Road, Acocks Green, Birmingham.	£130  £460 costs (£581 requested)	Highter's Heath	Acocks Green
23	5/7/18	Aaron Crutchley Kings Heath Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of depositing controlled waste, namely plastic, wood and cardboard boxes, on land on Tunnel Lane, Kings Norton, Birmingham.	£320  £1,232 costs (£1,232 requested)	Brandwood & Kings Heath	Druids Heath & Monyhull
24	9/7/18	Dylan James Reed Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written details as to the driver and/or person in charge of a Ford Transit vehicle which was used to deposit waste on land in Dee Grove, Kings Norton, Birmingham within 14 days.  Originally listed for trial	£265  £100 costs (£4,000 requested)	Bartley Green	Bartley Green
25	16/7/18	Justin Williams Yardley Birmingham	Environmental Protection Act 1990  Pleaded guilty to seven offences; one of depositing controlled waste, namely a large amount of laminate flooring planks, on land at Poolway, Stechford, Birmingham and six offences of knowingly causing or permitting controlled waste, namely fridges, freezers, sofas, beds, building waste and timber, to be deposited from two Ford Panel vans, on land in Arthur Road, South Yardley, Radleys Walk, Sheldon and Poundland car park in Coventry Road, Yardley.  Originally listed for trial	12 month community order 200 hours unpaid work  Both vehicles forfeited  £500 costs (£2,872 requested)	Yardley East	Garretts Green

26	19/7/18	Aidan Patrick Shenstone Lichfield	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Aidan Patric Hairdressers, 7 Little Sutton Road, Sutton Coldfield was disposed of within 7 days.	£300  £475 costs (£475 requested)	Out of area	Sutton Roughley
27	19/7/18	Rabia & Sons Ltd 131 Lozells Road Birmingham B19 2TR	Environmental Protection Act 1990  Found guilty in their absence of one offence of failing to comply with a notice requiring written information of how waste from the business at Pound Plus, 131 Lozells Road, Birmingham was disposed of within 7 days.	£300  £489 costs (£489 requested)	Lozells	Lozells
28	19/7/18	Northway Links Ltd 1026 Coventry Road South Yardley Birmingham B25 8DP	Environmental Protection Act 1990  Found guilty in their absence of one offence of failing to comply with a notice requiring written information of how waste from the business at Phone Shop, 1026 Coventry Road, Birmingham was disposed of within 7 days.	£300  £431 costs (£431 requested)	Tyseley & Hay Mills	Tyseley & Hay Mills
29	19/7/18	Jolly News Ltd 308 Tessall Lane Birmingham B31 5EN	Environmental Protection Act 1990  Found guilty in their absence of three offences; one offence of knowingly causing controlled waste, namely 10 bags of waste from Jolly News to be deposited on land at the junction of Tessall Lane and Fernan Road, one offence of failing to have in place a suitable system to dispose of waste and one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.	£1,500 (£500 x 3)  £576 costs (£576 requested)	Frankley Great Park	Frankley Great Park

30	19/7/18	Sufyan Ahmed Birmingham	Environmental Protection Act 1990  Pleaded guilty to two offences; one offence of depositing 10 bags of wall plaster and render on the grass near Molliet Park in Dugdale Street and one offence of depositing six bags of wall plaster, render and metal strips on the side of the road in Abberley Street, Birmingham.	£600 (£300 x 2)  Costs £400 (£1,197 requested)	North Edgbaston	North Edgbaston
31	23/7/18	Dudley Road Fast Food Ltd 249 Dudley Road Birmingham B18 4HB	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Dixy Chicken, 349 Dudley Road, Birmingham was disposed of within 7 days.  Originally listed for trial.	£500  £1,311 costs (£1,311 requested)	North Edgbaston	North Edgbaston
32	30/07/18	Shehnai.UK (Birmingham) Ltd 18-22 Stoney Lane South Yardley Birmingham B25 8YP	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Shehnai.UK, 66 Alum Rock Road, Birmingham was disposed of within 7 days.	£1,000  £995 costs (£1,995)	Yardley East	Alum Rock

**ANIMAL WELFARE OFFENCES – SINGLE JUSTICE PROCEDURE**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	11/5/18	Petru Sulintan Birmingham	The Microchipping of Dogs (England) Regulations 2015  Found guilty in his absence of one offence of being the keeper of a Shih-Tzu dog and failing to comply with a notice requiring the dog to be microchipped within 21 days.	£220  £85 costs (£175 requested)	North Edgbaston	North Edgbaston
2	29/5/18	Mark Andrew Price Sutton Coldfield	Dogs on Leads Order 2017  Found guilty in his absence of one offence of being a person in charge of a dog and failing to keep it on a lead on public roads, verges and pathways on Carhampton Road, Birmingham.	£220  £80 costs (£175 requested)	Sutton Reddicap	Sutton Reddicap

## **FOOD HYGIENE OFFENCES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	10/5/18	Roti & Curry Junction Original Ltd 80 Stoney Lane Sparkbrook Birmingham B12 8AF	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to three offences relating to conditions at Roti & Curry Junction, 80-82 Stoney Lane, Sparkbrook, Birmingham. There was evidence of mouse activity throughout the premises. The premises was not kept clean and maintained in good condition, there was a build-up of grease underneath equipment, the drainage gulley was dirty and a shower head used to clean equipment had signs of mould. A white chopping board used to cut cucumber had signs of mould growth and dirt. There was food debris and liquid at the bottom of a fridge.	£4,000  £700 costs (£700 requested)	Sparkbrook & Balsall Heath East	Sparkbrook & Balsall Heath East
2	10/5/18	Pizza Italiano Ltd Unit 3 Lawford Close Birmingham B7 4HJ	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to three offences relating to conditions at Pizza Italiano, Unit 3 Lawford Close, Birmingham. There was evidence of mouse activity throughout the premises. Mouse droppings were found on container lids, ready to eat onions and on surfaces. The kitchen floor was littered with mouse droppings. There was an accumulation of grease and dirt on equipment and surfaces.	£1,800  £1,575 costs (£1,575 requested)	Nechells	Nechells



3	10/5/18	Mohammed Jamil Alum Rock Birmingham	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to three offences relating to conditions at Pelham Halal Meat and Poultry Centre, 832 Alum Rock Road, Birmingham. There was evidence of mouse activity throughout the premises. The premises was not clean, the floors were littered with mouse droppings and there was an accumulation of dirt and grease on equipment, surfaces in ridge units, the walk in chiller and underneath preparation surfaces. There was a lack of pest proofing.	£1,400  £1,254 costs (£1,254 requested)	Alum Rock	Washwood Heath
4	18/5/18	Raja Trading Ltd 244 High Street Erdington Birmingham B23 6SN	Food Safety and Hygiene (England) Regulations 2013  Found guilty in their absence of three offences relating to conditions at Attock, 244 High Street, Erdington, Birmingham. No adequate procedures were in place to control pests, mouse droppings were found throughout the premises and ready to eat foods had been gnawed by mice. The premises were not kept clean and food had not been protected against contamination.	£12,000 (£4,000 x 3)  £2,731 costs (£2,731 requested)	Erdington	Erdington

5	4/6/18	Maheer Gamoom Birmingham	<p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Pleaded guilty to seven offences relating to conditions at Pastry House, 207 Soho Road, Birmingham. There were no adequate procedures in place to control pests and the premises were not kept clean. Floors, shelving, boxes, a chair and a work surface were dirty with mouse droppings. There were gaps around the sink waste pipe going into the wall which could allow the ingress of mice. Chopping boards were heavily scored and unable to be effectively cleaned. A dirty fryer was stored in a box with mouse droppings. Plastic fruit bags and carrier bags were contaminated by mouse droppings and there were mouse droppings on an open box storing onions and peppers.</p>	<p>£690 (£230 x 3)</p> <p>No separate penalty for remaining offences</p> <p>£3,000 costs (£3,273 requested)</p>	North Edgbaston	Soho & Jewellery Quarter
6	7/6/18	Gmall Yafai Birmingham	<p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Pleaded guilty to seven offences relating to conditions at Le Codfather, 95-97 Baker Street, Birmingham on three separate occasions. Walls and cladding were damaged and could not be effectively cleaned. The premises were in a dirty condition and chopping boards were scored and mouldy. The oven drained directly onto the floor in the food preparation room. There were no procedures based on HACCP and no working light in a tall freezer.</p>	<p>£800 – offence 1</p> <p>No separate penalty for remaining offences</p> <p>£1,735 costs (£1,735 requested)</p>	Bordesley & Highgate	Sparkhill

7	18/6/18	Xian Zhong Li Hall Green Birmingham	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to two offences of failing to comply with two improvement notices served relating to conditions at Ruby Garden, 311 Highfield Road, Birmingham. The notices required procedures based on HACCP to be put in place, mouldy grout behind the wash sinks to be removed and replaced, a lobby space between the kitchen and the toilet to be installed, cleaning materials to the wash hand basins to be provided, carpet to be removed and a damaged tile to be replaced and peeling and loose paint from the ceiling in the rear hallway to be removed.	£6,000 – offence 1  No separate penalty for offence 2.  £930 costs (£930 requested)	Hall Green South	Hall Green South
8	9/7/18	Shy Group Ltd 93 Durham Road Birmingham B11 4LH	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to four offences relating to conditions at Huan Gate, 151 Hurst Street, Birmingham. There were no procedures in place to control pests; mouse droppings were found on surfaces and shelving and in the kitchen storeroom. The kitchen was dirty and shelving in the fridge was covered in food debris and grease. Mouse droppings were in direct contact with the meat sliver and pots and pans were dirty. An adequate number of wash basins were not provided.	£8,000  £1,143 costs (£1,143 requested)	Sparkhill	Bordesley & Highgate

9	18/7/18	Rohan Kumar Food Ltd Alexander House 60 Tenby Street North Birmingham B1 3EG	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to 27 offences relating to conditions at Rohan Kumar Foods, 9a Queens Head Road, Birmingham during two separate inspections. The premises was not kept clean and in a dirty condition, there were holes around pipework and around the base and top of the roller shutter doors in the manufacturing area which allowed pest entry. Part of the floor in the mixing area was bare concrete and not easily cleaned. Part of the wall in the mixing room was not easy to clean as it was damaged with holes, bare plaster and bare wooden struts exposed. The door frame to the samosa room was damaged in places with flaking paint. Cardboard was being used to line the surface of equipment and shelves. There were no adequate facilities for cleaning large equipment as pans were being cleaned in the rear yard. Equipment was rusty and the ceiling, walls and floors to the walk in chiller were in poor repair with flaking paint and rust. Rubbish was overflowing from bins in the rear yard. Raw materials and ingredients were not kept in appropriate conditions. There were no adequate procedures in place to control pests, mouse droppings were found in the staff changing area, on top of a box behind paperwork, underneath stairs and there was a gnawed plastic bag in the staff toilet.	£18,000  (£8,000 – March 2017 offences & £10,000 – May 2017 offences)  £3,610 costs (£3,610 requested)	Soho & Jewellery Quarter	Soho & Jewellery Quarter
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## **HEALTH & SAFETY OFFENCES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	20/06/18	Rodroj Fish & Chips Limited 25-27 Smallbrook Queensway Birmingham B5 4HE	Health & Safety at Work etc Act 1974  Pleaded guilty to three offences of failing to ensure the health and safety of employees at Rodroj Fish & Chips, 30 Smallbrook Queensway, Birmingham by failing to provide a guard to a pizza dough roller preventing access to the running nip at the powered moving dough rollers and two offences of failing to comply with notices prohibiting the use of the pizza dough roller until effective guarding was in place.	£3,000  £1,319 costs  (£1,319 requested)	Bordesley & Highgate	Bordesley & Highgate

## **NOISE NUISANCE OFFENCES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	27/6/18	Otis Glendon Sharpe Birmingham	Environmental Protection Act 1990  Found guilty in his absence of five offences of failing to comply with an Abatement Notice and causing a noise nuisance from the playing of amplified music at Flat 2 Olton Boulevard West, Birmingham.	£500 (£100 x 5)  £500 costs (£2,273 requested)	Tyseley & Hay Mills	Tyseley & Hay Mills

**LITTERING OFFENCES (NON SJP)**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	10/5/18	Fiona Wilkinson Wolverhampton	Environmental Protection Act 1990  Attended and made a statutory declaration. Matter originally proved in absence of 8 <sup>th</sup> September 2017. Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£50  No costs awarded (£175 requested)	Out of area	Ladywood
2	25/5/18	John Hayfield Hall Green Birmingham	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£120  £170 costs (£175 requested)	Hall Green North	Ladywood
3	21/6/18	Brendan Caddy Par Cornwall	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
4	21/6/18	Artur Wilkoszewski Brierley Hill	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
5	5/7/18	Stephen Wilson Flat 4 Handsworth Birmingham	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Cherry Street, Birmingham.	£80  £50 costs (£175 requested)	Birchfield	Ladywood

## **LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE**

<b>Date Cases Heard</b>	<b>Total Number of Cases</b>	<b>Total Fines imposed</b>	<b>Total Costs awarded</b>	<b>Total Costs requested</b>
11/5/18	34	£7,185	£2,890	£5,950
29/5/18	19	£4,180	£1,520	£3,325
8/6/18	30	£6,018	£2,550	£5,250
22/6/18	55	£11,546	£4,620	£9,625
13/7/18	29	£6,200	£2,395	£5,075
27/7/18	21	£4,620	£1,785	£3,675

## **ENVIRONMENTAL HEALTH SIMPLE CAUTIONS**

Three simple cautions were administered during May, June and July 2018.

### **Food Safety and Hygiene (England) Regulations 2013**

Three cautions were issued for failing to comply with Food Hygiene Regulations

**TRADING STANDARDS CASES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	10/5/18	Cell Solutions (West Midlands) Ltd 1Barr Street Hockley Birmingham B19 3EH	Equipment (Safety) Regulations 2016, Trade Marks Act 1994  Pleaded guilty to nine offences; one offence of failing to ensure that before placing electrical equipment on the market, namely a Samsung AC/DC Adaptor, that it was labelled with a postal address of the manufacturer, that it was accompanied with instructions and safety information in English and that the plug in device conformed to BS1363. Eight offences of having in possession, custody or control in the course of a business at Cell Solutions, 1 Barr Street, Hockley, Birmingham, items, Namely two 'Samsung' batteries, six 'Samsung' Ear Pods, two 'Samsung' AC/DC adaptors, one 'Samsung' mobile phone case, seven 'Samsung' mobile phone screens, 1 'Apple' magnetic cable, 16 'Apple' ear pods and six 'Apple' and 'Spigeon' phone cases which bore signs identical to or likely to be mistaken for the registered trademarks, Apple and Samsung, without the consent of the trade mark holders	£1,030  £1,500 costs (£1,903 requested)	Newtown	Newtown



2	11/6/18 at Birmingham Crown Court	Mastu Tarin Birmingham	<p>Tobacco and Related Products Regs 2016 Trade Marks Act 1994</p> <p>Four offences: 2 offences of supplying 112 packets of cigarettes of various brands, 25 pouches of hand rolling tobacco and 111 packets of snuff from Murad Superstore, 347-349 Ladypool Road, Birmingham, which did not carry the required health warnings and two offences relating to the possession of 16 packets of Mayfair cigarettes and 9 pouches of hand rolling tobacco which bore registered trademarks without the consent of the trade mark holders.</p>	<p>Community Order x 12 months + 80 hours unpaid work</p> <p>POCA timetable set</p>	Sparkhill	Sparkbrook & Balsall Heath East
3	21/6/18	Clair Shaughnessy Balsall Heath Birmingham	<p>The Licensing Act 2003</p> <p>Found guilty in her absence of one offence of being the designated premises supervisor, licence holder and owner of Just Drinks, 9 Faraday Avenue, Quinton, Birmingham, an employee sold alcohol, namely a bottle of WKD, to a person under the age of 18.</p>	<p>£100</p> <p>Licence to be forfeited</p> <p>£500 costs (£1,148 requested)</p>	Balsall Heath West	Quinton

### **TRADING STANDARDS SIMPLE CAUTIONS**

No simple cautions were administered during May, June and July 2018

**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – MAY 2018**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	2	0	0	0	0	0	0	<b>2</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	55	0	0	0	0	0	0	<b>55</b>
Environmental Health (non FPNs)	0	1	3	1	3	0	0	1	1	0	0	<b>10</b>
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	<b>1</b>

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	0	0	0	0	0	0	2	<b>2</b>
Environmental Health (FPNs) Not paid and prosecuted	1	0	6	4	9	2	0	3	0	1	29	<b>55</b>
Environmental Health (non FPNs)	0	1	1	1	3	0	0	2	1	0	1	<b>10</b>
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	<b>1</b>

### CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – JUNE 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	3	0	0	1	1	0	0	<b>5</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	87	0	0	0	0	0	0	<b>87</b>
Environmental Health (non FPNs)	1	2	5	2	4	0	1	0	0	3	1	<b>19</b>
Trading Standards	1	0	1	0	0	0	0	0	0	0	0	<b>2</b>

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	1	2	0	0	1	0	0	0	1	<b>5</b>
Environmental Health (FPNs) Not paid and prosecuted	3	2	5	4	16	6	7	2	1	1	40	<b>87</b>
Environmental Health (non FPNs)	1	3	3	4	5	0	0	0	0	2	1	<b>19</b>
Trading Standards	0	0	2	0	0	0	0	0	0	0	0	<b>2</b>

**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – JULY 2018**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	6	0	0	3	0	0	0	<b>9</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	51	0	0	0	0	0	0	<b>51</b>
Environmental Health (non FPNs)	1	0	0	3	5	1	1	1	1	3	0	<b>16</b>
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	1	2	1	0	1		0	1	3	<b>9</b>
Environmental Health (FPNs) Not paid and prosecuted	0	2	1	4	8	4	2	1	1	4	24	<b>51</b>
Environmental Health (non FPNs)	1	0	1	2	3	1	2	2	0	3	1	<b>16</b>
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	13	0	0	4	1	0	0	<b>18</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	254	0	0	0	0	0	0	<b>254</b>
Environmental Health (non FPNs)	2	7	10	9	19	1	2	3	1	8	1	<b>63</b>
Trading Standards	1	1	1	1	1	0	0	0	0	0	0	<b>5</b>

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	2	5	1	0	2	0	0	1	7	<b>18</b>
Environmental Health (FPNs) Not paid and prosecuted	8	7	15	16	39	15	19	7	3	8	117	<b>254</b>
Environmental Health (non FPNs)	2	5	9	9	15	1	2	5	1	6	8	<b>63</b>
Trading Standards	0	1	2	1	1	0	0	0	0	0	0	<b>5</b>

**WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY**  
**APRIL 2018 – MARCH 2019**

	Apr-18	May-18	Jun-18	Total 2018/2019
<b>Waste Investigation Outcomes</b>				
Duty of Care inspections into the waste disposal arrangements of commercial premises	125	120	157	<b>402</b>
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	105	102	122	<b>329</b>
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	30	41	50	<b>121</b>
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	0	2	0	<b>2</b>
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400)	4	5	3	<b>12</b>
<b>Prosecutions</b>				
Number of prosecution files submitted to legal services (number produced quarterly)			43	<b>43</b>

**BIRMINGHAM CITY COUNCIL**

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

**19 September 2018**  
**ALL WARDS**

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:**  
**June-July 2018**

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

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### 3. Summary of Appeal Hearings for June & July 2018

	Magistrates'	Crown
Total	10	
Allowed	2	
Dismissed	5	
Appeal lodged at Crown		n/a
Upheld in part	2	
Withdrawn pre-Court	1	

### 4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In June and July 2018 costs have been requested to the sum of £1553.90 so far with reimbursement of £1553.90 so far (100%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2018 to July 2018, costs associated to appeal hearings have been requested to the sum of £2183.30 so far with reimbursement of £2053.90 so far (94.1%) ordered by the Courts.
- 4.4 For the fiscal year thus far, April 2018 to July 2018, costs contra Birmingham City Council associated to appeal hearings have been requested and awarded in excess of £7750.

### 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.

## **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	Kabir Hussain	18.06.2018	Dismissed	£250	£250	On 31 January 2018, as the result of a complaint that a private hire driver, identified as Mr Hussain, had parked in a residential area then urinated in a bottle and thrown the contents out of his window on to the road, Committee considered and resolved to refuse the renewal of the licence. The bench took into account current and previous complaints made against Mr Hussain, together with the contradictory evidence given in court today, which calls his credibility into question. The Court was satisfied that the Licensing Sub-Committee had acted appropriately.
2	George Leroy Blake	25.06.2018	Allowed in part	£0 (contra BCC)	£0 (contra BCC)	On 13 February 2018, as the result of endorsements for 3 offences of speeding, all of which had been committed within a period of 3 days, Committee considered and also took into consideration an appearance before the Sub Committee in 2010 for offences of speeding, which had resulted in a warning letter to the appellant regarding his future conduct, and resolved to suspend the licence for a period of 6 months. The Court stated that the decision on 13 February 2018 to suspend the licence was not wrong due to the speeding offences committed in 2010 and 2017. However, the Court was of the view that the length of the suspension imposed was excessive and disproportionate due to the gap in offending and Mr Blake's low culpability. The Court stated a 2 month suspension was appropriate.

3	Shazad Mehrban	18.06.2018	Allowed	£750 (contra BCC)	£750 (contra BCC)	On 1 March 2018, as the result of a complaint that a private hire driver, identified as Mr Mehrban, had acted in a highly inappropriate manner towards a female passenger, in consultation with the Chair of your Committee the licence was revoked with immediate effect as this course of action was deemed necessary in the interests of public safety. The District Judge held that Mr Mehrban is a fit and proper person to hold a licence. She recognised the importance of public protection, especially in relation to taxis, but felt that on the balance of probabilities, Mr Mehrban did not act as alleged. The DJ reversed the decision to revoke, and held the licence is to be reinstated.
4	Umar Zada	Listed 09.07.2018	Withdrawn Pre-Court	0	0	On 9 February 2018, as the result of information received from West Midlands Police that the appellant had been charged with offences of violence against the person, in consultation with the Chair of your Committee the licence was revoked with immediate effect as this course of action was deemed necessary in the interests of public safety. On 4 July 2018 information was received that the appellant had been convicted and was withdrawing his appeal. The appellant has been sentenced to a total of 6 months' imprisonment, suspended for 12 months, together with up to 20 days' rehabilitation activity.

5	Shukri Shafi Hassan	11.07.2018	Allowed in part		0	On 6 March 2018, as the result of a complaint from a member of the public that the appellant “had overcharged her and didn’t know where he was going”, Committee considered and resolved to revoke the licence. After hearing submissions on behalf of both parties and oral evidence from the appellant, the magistrates came to the decision that the appeal be upheld in part: the magistrates accepted the findings of the Committee and did not find that their decision was wrong. However the magistrates changed the penalty imposed from revocation of the licence to suspension for a period of 6 months. An application was made for costs on the basis that the appeal was only part upheld, however, the court made no order as to costs.
6	Manjit Singh	16.07.2018	Allowed		0 Contra BCC	On 19 April 2018, as the result of information received from WMP alleging sexual misconduct on the part of the appellant, in consultation with the Chair of your Committee the licence was revoked with immediate effect as this course of action was deemed necessary in the interests of public safety. On or about 29 May 2018 information was received stating that no further action was being taken by WMP as insufficient evidence existed for a realistic possibility of prosecution. The Magistrates heard the background to the case and the information from the Police that there was insufficient evidence to charge Mr Singh in respect of the allegation. In light of the developments since the original decision to immediately revoke on 19 April 2018, the Court upheld Mr Singh’s appeal but accepted that the decision made by the Council was reasonable and justified when it was made on 19 April 2018. On that basis the court made no order as to costs.

7 & 8	Tanvir Hussain & t/a Broad Street Cars	23.07.2018	Both dismissed	£878.90	£878.90	On 31 January 2018, as the result of a complaint from members of the public regarding provocative, threatening and abusive on the part of the appellant, in conjunction with a conviction and a caution for breaches of legislation whilst previously licensed as a private hire operator, and earlier complaints regarding threatening, abusive and obstructive behaviour, Committee considered and resolved to revoke both licences. At Court on 23 July after a lengthy hearing which included evidence from both the complainants and the appellant himself, the Court confirmed that the appeals in respect of both licences were dismissed. They considered the totality of the matters including the history of incidents/ various complaints, but in particular the most recent complaint, the pattern of behaviour and his standard of driving. Costs were awarded in full in the sum of £878.90.
9	Mohammed Chowdhry	30.07.2018	Dismissed	£175	£175	On 9 April 2018, as the result convictions recorded against the applicant's name, which had previously resulted in the revocation of his licence, Committee considered and resolved to refuse the grant of a licence. Court dismissed Mr Chowdhury's appeal against the Licensing Sub Committee's refusal to grant him a private hire drivers licence and ordered him to pay costs of £175.
10	Parvez Iqbal	30.07.2018	Dismissed	£250	£250	On 6 March 2018, as the result of convictions recorded against the applicant's name, Committee considered and resolved to refuse the grant of a licence. Court rejected the appeal stating that he did not think Mr Iqbal was a reliable witness and was not telling the truth.

#### **MAGISTRATES' COURT – PRIVATE HIRE OPERATOR'S LICENCE**

See 7 & 8 above

**BIRMINGHAM CITY COUNCIL**

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

**19 September 2018**  
**ALL WARDS**

**ACTION TAKEN BY THE CHAIR OF THE LICENSING  
& PUBLIC PROTECTION COMMITTEE:**  
**August 2018**

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

Contact Officer: Emma Rohomon, Acting Head of Licensing  
Telephone: 0121 303 6103  
E-mail: [emma.rohomon@birmingham.gov.uk](mailto:emma.rohomon@birmingham.gov.uk)

### 3. Background Information

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

### 4. Summary of Action Taken for August 2018

- 4.1 On 14 August 2018 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 6619. On 14 August 2018 the Licensing Enforcement Section received information from West Midlands Police: on 18 July 2018 it is alleged driver reference 6619 used a knife to slash someone across the abdomen area causing bleeding and held them against their will between 18 July 2018 and 7 August 2018. The driver has been released on bail.
- 4.2 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 14 August 2018 notice was hand delivered personally to driver 6619's home address, advising that his private hire driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.3 On 23 August 2018 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 26780. On 23 August 2018 the Licensing Enforcement Section received information from West Midlands Police: on 30 June 2018 it is alleged driver reference 26780 inappropriately touched a female passenger, the matter is still under investigation.
- 4.4 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 23 August 2018 notice was given to driver 26780, advising that his private hire driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

### 5. Implications for Resources

- 5.1 No specific implications have been identified; however, drivers retain the right to appeal through a Magistrates' Court, which may result in the imposition of costs either to or against the City Council.

6. Implications for Policy Priorities

- 6.1 The contents of the report contribute to the City Council's published policy priority of improving the standards of licensed vehicles, people and premises in the City.

7. Implications for Equality and Diversity

- 7.1 The actions identified in this report were taken in accordance with the Regulatory Services enforcement policy, which ensures that equality issues have been addressed.

**DIRECTOR OF REGULATION AND ENFORCEMENT**





**BIRMINGHAM CITY COUNCIL**

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

**19 SEPTEMBER 2018**  
**ALL WARDS**

**FIXED PENALTY NOTICES ISSUED MAY TO JULY 2018**

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

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

### 3. Background

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

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

<u>Month</u>	<u>Fixed Penalty Notices Issued</u>
April 2004 – March 2005	382
April 2005 – March 2006	209
April 2006 – March 2007	650
April 2007 – March 2008	682
April 2008 – March 2009	1,147
April 2009 – March 2010	1,043
April 2010 – March 2011	827
April 2011 – March 2012	2,053
April 2012 – March 2013	1,763
April 2013 – March 2014	1,984
April 2014 – March 2015	4,985
April 2015 – March 2016	5,855
April 2016 – March 2017	6,306
April 2017 – March 2018	5,873

### 4. Enforcement Considerations and Rationale

4.1 The attached appendix shows the wards where FPNs were issued during the months of May to July 2018.

4.2 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 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 2

Wards where FPN's are issued

Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Acocks Green	8												
Allens Cross													
Alum Rock													
Aston	3												
Balsall Heath West													
Bartley Green	1												
Billesley	3												
Birchfield	1												
Bordelsey & Highgate													
Bordesley Green													
Bournbrook & Selly Park													
Bournville & Cotteridge	1												
Brandwood & Kings Heath													
Bromford & Hodge Hill													
Castle Vale													
Druids Heath and Monyhull													
Edgbaston													
Erdington	2												
Frankley Great Park													
Garretts Green													
Glebe Farm & Tile Cross	4												
Gravelly Hill													
Hall Green North													
Hall Green South													
Handsworth Wood													
Handsworth	1												
Harborne	1												
Heartlands	1												
Highters Heath													
Holyhead	1												
Kings Norton North	1												
Kings Norton South													
Kingstanding	1												
Ladywood	734												
Longbridge & West Heath													
Lozells	1												
Moseley													
Nechells													
Newtown													
North Edgbaston	1												

Northfield													
Oscott													
Perry Barr	1												
Perry Common													
Pype Hayes	2												
Quinton													
Rubery & Rednal	1												
Shard End													
Sheldon													
Small Heath	2												
Soho & Jewellery Quarter	1												
South Yardley	1												
Sparkbrook & Balsall Heath East													
Sparkhill	1												
Stirchley													
Stockland Green													
Sutton Four Oaks													
Sutton Mere Green													
Sutton Reddicap													
Sutton Roughley													
Sutton Trinity													
Sutton Vesey													
Sutton Walmley & Minworth													
Sutton Wylde Green													
Tyseley & Hay Mills													
Ward End													
Weoley & Selly Oak	1												
Yardley East													
Yardley West & Strechford													
	775	0	0	0	0	0	0	0	0	0	0	0	775

## APPENDIX 1

Wards where FPN's are issued

Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Acocks Green	8	0	0	0									
Allens Cross	0	0	0	0									
Alum Rock	0	0	1	1									
Aston	3	3	0	0									
Balsall Heath West	0	0	2	0									
Bartley Green	1	0	1	0									
Billesley	3	2	3	0									
Birchfield	1	0	0	0									
Bordelsey & Highgate	0	6	1	1									
Bordesley Green	0	2	3	0									
Bournbrook & Selly Park	0	6	0	15									
Bournville & Cotteridge	1	0	0	7									
Brandwood & Kings Heath	0	6	7	6									
Bromford & Hodge Hill	0	0	3	1									
Castle Vale	0	0	0	0									
Druids Heath and Monyhull	0	0	0	0									
Edgbaston	0	0	1	0									
Erdington	2	2	2	6									
Frankley Great Park	0	0	0	0									
Garretts Green	0	0	0	2									
Glebe Farm & Tile Cross	4	0	0	3									
Gravelly Hill	0	0	0	0									
Hall Green North	0	2	0	0									
Hall Green South	0	4	2	1									
Handsworth Wood	0	0	1	1									
Handsworth	1	0	3	0									
Harborne	1	0	1	0									
Heartlands	1	1	0	0									
Highters Heath	0	1	0	0									
Holyhead	1	0	7	1									
Kings Norton North	0	0	0	0									
Kings Norton South	1	0	0	0									
Kingstanding	1	0	1	0									
Ladywood	734	770	463	292									
Longbridge & West Heath	0	0	0	0									
Lozells	1	0	0	0									
Moseley	0	0	0	0									
Nechells	0	0	0	2									
Newtown	0	0	2	0									
North Edgbaston	1	0	0	0									
Northfield	0	0	0	1									

Oscott	0	0	3	0									
Perry Barr	1	1	1	1									
Perry Common	0	0	0	0									
Pype Hayes	2	0	1	0									
Quinton	0	0	0	0									
Rubery & Rednal	1	0	0	0									
Shard End	0	0	0	0									
Sheldon	0	0	0	0									
Small Heath	2	0	1	3									
Soho & Jewellery Quarter	1	1	3	0									
South Yardley	1	2	1	0									
Sparkbrook & Balsall Heath East	0	2	2	0									
Sparkhill	1	0	1	1									
Stirchley	0	0	0	0									
Stockland Green	0	0	0	0									
Sutton Four Oaks	0	0	0	0									
Sutton Mere Green	0	0	0	0									
Sutton Reddicap	0	0	0	0									
Sutton Roughley	0	0	0	0									
Sutton Trinity	0	0	0	0									
Sutton Vesey	0	0	0	0									
Sutton Walmley & Minworth	0	0	0	0									
Sutton Wylde Green	0	0	0	0									
Tyseley & Hay Mills	0	0	1	0									
Ward End	0	0	1	2									
Weoley & Selly Oak	1	0	0	0									
Yardley East	0	0	0	0									
Yardley West & Stretford	0	0	0	0									
	775	811	519	347	0	0	0	0	0	0	0	0	2,452



APPENDIX 1  
Wards where FPN's are issued

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	Bartley Green	0	0	0	0	1	0	0	0	0	0	0	0	1
	Edgbaston	0	0	0	0	3	0	0	0	1	0	0	0	4
	Harborne	0	0	0	0	3	1	0	0	0	0	0	0	4
	Quinton	0	0	0	0	0	0	0	1	0	0	0	0	1
Erdington	Erdington	0	1	0	1	0	0	1	0	1	0	2	0	6
	Kingstanding	0	1	0	0	2	0	1	0	0	1	0	0	5
	Stockland Green	0	0	2	0	1	0	0	0	0	0	0	0	3
	Tyburn	0	1	1	1	0	2	0	0	0	4	0	0	9
Hall Green	Hall Green	0	1	0	0	0	0	0	0	0	0	1	0	2
	Moseley And Kings Heath	3	0	0	0	0	0	0	0	0	0	0	0	3
	Sparkbrook	0	1	1	0	6	0	0	0	0	0	1	0	9
	Springfield	0	0	0	0	0	2	1	0	1	4	1	0	9
Hodge Hill	Bordesley Green	0	0	0	1	1	0	0	1	2	0	0	0	5
	Hodge Hill	0	1	0	0	1	0	0	0	0	0	0	0	2
	Shard End	1	4	0	0	0	0	1	0	0	0	0	0	6
	Washwood Heath	1	0	0	1	7	14	5	2	0	1	0	1	32
Ladywood	Aston	0	2	0	1	1	0	4	0	0	7	10	5	30
	Ladywood	457	436	264	357	400	369	581	707	290	627	478	496	5,462
	Nechells	5	3	0	0	2	6	1	6	1	5	1	1	31
	Soho	5	1	2	12	28	11	3	2	3	6	9	2	84
Northfield	Kings Norton	0	0	3	3	0	0	0	0	0	0	1	0	7
	Longbridge	0	1	0	0	0	0	0	3	0	5	0	0	9
	Northfield	2	0	1	0	0	0	0	0	3	0	0	3	9
	Weoley	2	0	0	0	0	0	0	0	0	0	0	0	2
Perry Barr	Handsworth Wood	0	0	1	0	0	0	0	0	0	1	1	2	5
	Lozells And East Handsworth	0	2	2	0	5	6	0	4	0	0	3	4	26
	Oscott	0	1	1	2	0	0	0	0	0	0	2	1	7
	Perry Barr	1	0	1	0	0	0	0	0	1	4	0	0	7
Selly Oak	Billesley	0	1	0	0	0	0	0	0	1	0	0	2	4
	Bournville	0	0	2	0	0	0	0	1	0	0	0	0	3
	Brandwood	0	0	0	0	2	0	0	0	0	0	0	0	2
	Selly Oak	0	0	1	2	0	0	0	0	0	0	0	0	3
Sutton Coldfield	Sutton Four Oaks	0	0	0	0	0	0	2	6	0	0	0	0	8
	Sutton New Hall	0	0	0	0	0	0	0	0	0	0	0	2	2
	Sutton Trinity	0	0	0	0	0	0	0	2	0	1	0	0	3
	Sutton Vesey	0	0	0	0	3	0	1	0	1	0	0	0	5
Yardley	Acocks Green	6	6	1	0	2	0	0	0	0	1	1	0	17
	Sheldon	0	1	0	0	1	0	0	0	2	3	0	4	11
	South Yardley	3	1	3	0	2	0	2	10	7	2	0	2	32
	Stechford And Yardley North	1	0	1	0	0	0	0	0	0	0	0	1	3
Total		487	465	287	381	471	411	604	744	314	672	511	526	5,873



**BIRMINGHAM CITY COUNCIL**

**LICENSING AND PUBLIC PROTECTION COMMITTEE**

**19 SEPTEMBER 2018**

**SCHEDULE OF OUTSTANDING MINUTES**

<b>MINUTE NO./DATE</b>	<b>SUBJECT MATTER</b>	<b>COMMENTS</b>
916 (iii) 23/10/2017	<b><u>Emissions Policy beyond 31 December 2019</u></b> The Acting Service Director of Regulation and Enforcement be requested to prepare a report for this committee to consider a medium to long-term emissions policy in respect of hackney carriage and private hire vehicles beyond 31st December 2019.	Report due in October 2018
916 (iv) 23/10/2017	<b><u>Absolute Age Policy in respect of Hackney Carriage and Private Hire Vehicles.</u></b> The Acting Service Director of Regulation and Enforcement be requested to prepare a report for this Committee at the earliest opportunity to consider an absolute age policy in respect of hackney carriage and private hire vehicles.	Report due in October 2018
920 23/10/2017	<b><u>Card Payments in Hackney Carriage Vehicles</u></b> The Acting Service Director of Regulation and Enforcement be requested to instruct officers to consult with the wider trade to establish the level of support for all Birmingham Licensed hackney carriages to be equipped to take credit card payments; amongst other drivers and trade organisations and report back to this Committee	See agenda item No. 7. Minute to be discharged
934 (ii) 15/11/2017	<b><u>Update Report on Proposed Strategy for Venues Operating as Shisha premises in Birmingham</u></b> The Acting Service Director of Regulation and Enforcement be requested to instruct officers to undertake a wider consultation with key stakeholders on the adoption of the proposed strategy. Officers to present the outcome of the consultation at a future meeting of Committee, with their recommendations on a finalised Strategy for the Committee's approval.	Report due in October 2018
942 (ii) 15/11/2017	<b><u>Revision of Birmingham City Council Act 1990 Establishments for Massage and/or Special Treatments</u></b> The Acting Service Director of Regulation and Enforcement be requested to provide a report for Committee reviewing the need for the Birmingham City Council Act 1990 and options including delegation of	Report due in October 2018

	hearings to Licensing Sub-Committees.	
976 14/02/2018	<b><u>Update Report On Unauthorised Encampments</u></b> – The Acting Service Director of Regulation and Enforcement be requested to report further in three months' time to update on the various work items contained within the report.	Report due in October 2018
992 14/03/2018	<b><u>Vehicle Engine Sizes</u></b> The Acting Service Director of Regulation and Enforcement be requested to submit a further report to the Committee at the first opportunity to make final recommendations based on the results of the consultation.	See agenda item No. 9. Minute to be discharged