

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 16 NOVEMBER 2022 AT 10:30 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 DECLARATIONS OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 APOLOGIES

To receive any apologies.

<u>3 - 8</u>	4	<u>MINUTES</u>	To confirm and sign the minutes of the last meeting held on 21 September 2022.
<u>9 - 16</u>	5	<u>REGULATING THE COMMONWEALTH GAMES 2022 REPORT</u>	The report of Director of Regulation & Enforcement - Paul Lankester
<u>17 - 22</u>	6	<u>COMMONWEALTH GAMES LEGIONELLA ASSURANCE REPORT IN HOTEL ACCOMMODATION PREMISES</u>	The report of the Director of Regulation & Enforcement - Mark Croxford
<u>23 - 28</u>	7	<u>UPDATE ON AIR QUALITY REPORT</u>	The report of Director of Regulation & Enforcement - Mark Wolstencroft
<u>29 - 34</u>	8	<u>UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS</u>	The report of the Director of Regulation & Enforcement - Mark Croxford
<u>35 - 104</u>	9	<u>HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REPORT</u>	The report of the Director of Regulation & Enforcement - Sajeela Naseer
<u>105 - 118</u>	10	<u>R&E ACTIVITY REPORT - (QUARTER 2) 2022-23</u>	The report of the Director of Regulation & Enforcement - Sajeela Naseer
<u>119 - 138</u>	11	<u>PROSECUTIONS & CAUTIONS REPORT - AUGUST 2022</u>	The report of the Director of Regulation & Enforcement - Sajeela Naseer
	12	<u>DATE AND TIME OF NEXT MEETING</u>	To note the date and time of the next formal meeting on Wednesday 18 January at 1030 hours.
	13	<u>OTHER URGENT BUSINESS</u>	To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.
	14	<u>AUTHORITY TO CHAIR AND OFFICERS</u>	Chair to move:- 'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 21 SEPTEMBER, 2022

MINUTES OF A MEETING OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE HELD ON WEDNESDAY, 21 SEPTEMBER, 2022 AT 1030 HOURS AT THE COUNCIL HOUSE, BIRMINGHAM B1 1BB

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Diane Donaldson, Barbara Dring, Sam Forsyth,
Adam Higgs, Zafar Iqbal, Ziaul Islam?, Izzy Knowles, Narinder
Kooner, Mary Locke, Simon Morrall and Penny Wagg

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NOTICE OF RECORDING/WEBCAST

1476 The Chair advised that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

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

DECLARATIONS OF INTEREST

1477 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

There were no declarations made.

APOLOGIES

1478 An apology was received from Councillor Julien Pritchard for non-attendance.

MINUTES

- 1479 The minutes of the last meeting held on 29 June, 2022, having been previously circulated were confirmed and signed by the Chair.
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ELECTRIC HACKNEY CARRIAGE VEHICLE CONVERSIONS REPORT

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

(See document no. 1)

Chris Arundel, attended the meeting together with Dr Alex Howard. A proposal had been submitted from a company asking Birmingham City Council to consider the licensing of their fully electric hackney carriage vehicle (HCV) conversion within the Birmingham City Council taxi licensing regime.

During the discussion Members asked questions which were responded to. The Committee was advised that all Hackney Carriage Vehicles must be road worthy. In reply to a query there were a number of car charging points around the City also some cheaper options to allow access to charging points.

The Chairman advised that the views of Councillors regarding the principle of revising the age limits would be referred to the Cabinet Member for Transportation. He could request information on the current status around the Clean Air Zone and access for taxi drivers and suggested a briefing for Members.

It would be ensured that the standard of the black cabs considered for conversions were of a high standard. Members would also need to be advised of the cost for the interior of the cab.

During the discussion the Chairman said that he would discuss any comments and questions raised by the Committee with the Cabinet Member. If the principle of conversions were acceptable then a subsequent decision would be made. If Members supported the conversation in principle, further information would be sought from the Hackney Carriage Policy Review. Sajeela Naseer advised that the Hackney Carriage Policy Review was due to be submitted to the next Committee and this would give Members another opportunity to reflect on the issue.

- 1480 **RESOLVED:-**

That the report is noted and that any specific views are emailed to officers for consideration in the upcoming Hackney Carriage and Private Hire Policy Review.

PSPO FPN - FEES AND CHARGES ADDENDUM REPORT

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

(See document no. 2)

Mark Croxford presented the report to Members. It had been identified that the tariff for fixed penalty notices relating to the failure to comply with a Public Space Protection Order had been omitted from the report brought before the Committee on 9 March 2022.

1481

RESOLVED:-

That the proposed tariff for fixed penalty notices relating to the failure to comply with a Public Space Protection Order is approved to take effect from the 21 September 2022

PROSECUTIONS AND CAUTIONS REPORT – MAY, JUNE, JULY 2022

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

(See document no. 3)

Mark Croxford presented the report. In reply to a comment from Councillor Kooner that it would be useful to share the information as a deterrent for local residents he undertook to share a report with Councillors following the Committee meeting and to include contact details of officers. The Chairman suggested sending the information to the relevant Councillors. Reference was made to some high profile prosecution cases in Birmingham and the difficulties sometimes encountered in securing evidence. Sajeela Naseer suggested that officers should consider how best to share the information.

In reply to a comment from Councillor Izzy Knowles that prosecutions were concentrated in the City Centre rather than locally, Mark Croxford informed that officers were required to witness an offence taking place in order to prosecute. He would be happy to arrange for officers to patrol any hotspots identified by Councillors.

Councillors spoke about littering, the supply of bins and their location. Mark Croxford informed that whilst the supply of bins was not difficult, the servicing of the bins was a problem. Councillor Davis suggested encouraging businesses to take responsibility for bins outside their premises.

In reply to Councillor Kooner noise nuisance must be relevant to the location where you live. Anti Social Behaviour was dealt with by both the police and local authority. New staff were being recruited to deal with ASB.

In reply to a query from Councillor Penny Wagg, Mark Croxford informed that they had been asked take part in a trial for vehicle noise cameras

1482 **RESOLVED:-**

That the report be noted.

REGULATION & ENFORCEMENT ACTIVITY REPORT (QUARTER 1) – 2022/23

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

(See document no. 4)

It was noted that ACG Special Awards had been awarded to CENTSA Regional Investigations Team with special mention of Mohammed Tariq, a Senior Trading Standards Officer from Birmingham Trading Standards who also won the highly commended 'Dave Hankinson Memorial Award for Individual Excellence' in recognition of his specific contributions to anti-counterfeiting enforcement work during 2021/22. The Committee placed on record it's thanks to all the officers involved in this work.

1483 **RESOLVED:-**

That the content of the report be noted

CHAIRS AUTHORITY REPORT – JULY 2022

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

(See document no. 5)

Sajeela Naseer advised that the selective Licensing Scheme for 25 Wards had been approved and this would seek to improve standards of housing and make housing more secure and stable. Licensing had an important role to play in enforcement of the scheme and some new staff had been recruited. Not all the Wards in Birmingham could be included however an additional Licensing Scheme for HMO's had been consulted on and a report would be considered at Cabinet in December 2022 or January 2023. The Chair welcomed the progress made and requested that the Committee be kept informed.

1484 **RESOLVED:-**

That the report be noted

DATE AND TIME OF NEXT MEETING

1485 **RESOLVED:-**

It was noted that the next formal meeting of the Licensing and Public Protection Committee was scheduled to take place on Wednesday, 16 November 2022 with an informal meeting taking place on 26 October 2022.

OTHER URGENT BUSINESS

1486 There was no urgent business.

AUTHORITY TO CHAIRMAN AND OFFICERS

1487 **RESOLVED:-**

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

The meeting ended at 1127 hours.

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CHAIR

BIRMINGHAM CITY COUNCIL

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

18 NOVEMBER 2022
ALL WARDS

REGULATING THE COMMONWEALTH GAMES 2022

1. Summary
 - 1.1 This report provides a resume of the activities that took place in regulating the Commonwealth Games, which took place in late July and early August 2022.
 - 1.2 The purpose of this report is to provide the Committee with information about the scope of the work and the contribution to the legacy from the activities.
2. Recommendation
 - 2.1 That the content of the report be noted.

Originating Officer: Paul Lankester,
Former Interim Director Regulation & Enforcement

Contact Officer Sajeela Naseer
Director of Regulation and Enforcement
Telephone: 0121 675 2495
E-mail: Sajeela.naseer@birmingham.gov.uk

3.0 Background

3.1 The Committee has received two presentations at previous meetings about the nature of the work carried out in preparation for the regulation of the Commonwealth Games. The work not only involved the preparations in relation to the enforcement activities that may be required, but also the co-ordination of the activities of all venue authorities impacted by the provisions of the Birmingham Commonwealth Games Act 2022.

3.2 Preparations over the course of the last three years included the planning of activities, the co-ordination of various national and local regulatory organisations, the use of identified budget, adoption of a revised enforcement policy for the duration of the Games, the provision of mutual aid between host council's and implementing joint teams of enforcement officers. The full range of activities are set out in Appendix 1 to this report.

4. Consultation

4.1 No public consultation has taken place, as this is an information report.

5. Implications for Resources

5.1 The Regulation and Enforcement Division agreed budget requirements, which amounted to £678,000. Of which £92,000 was earmarked in 2021/22 and £586,000 in 2022/23. This sum remained within the City Council's allocation to the Commonwealth Games City Readiness budget, against which costs were recorded.

6. Implications for Policy Priorities

6.1 None

7. Public Sector Equality Duty

7.1 No further equality issues have been identified, as all enforcement activities are carried in accordance with the adopted enforcement policy, which was the subject of an equalities impact assessment.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

THE REGULATION OF THE COMMONWEALTH GAMES 2022

Introduction

This report outlines the actions taken and issues encountered during the Birmingham Commonwealth Games

The report is divided into preparations for the Games and activities during the Games. The final section deals with potential legacy issues, learning from the experience and potential recommendations for any future major events.

Preparing for the Games

In normal circumstances there is eight years notice for the host city for the Commonwealth Games. Due to Durban being unable to fulfil the requirement to be the host City, Birmingham bid for and won the right to host the Games in 2022. This shortened the preparation time by half. Preparations were further hampered in 2020 by the emergence of the Covid pandemic and subsequent lockdowns.

The City Council was actively involved in liaising with the Central Government through the Department for Culture, Media and Sport (DCMS), who were the lead Department for drafting the legislation that regulated activities around Games venues and brand protection for sponsors of the Games. The City Council were able to influence the drafting of the legislation.

While legislation was modelled on previous major sporting events (Commonwealth Games in Manchester and Glasgow and the Olympic Games 2012) there were differences in the legislation. For instance, regulatory arrangements are different in Scotland and relevant legislation has been altered in the time since those events. One aspect omitted was the exemption from the Sunday Trading Act 1994 that was used during the Olympic Games.

Legislation that had emerged in the intervening period since 2014 included the food standards controls relating to the production and sale of food containing specified allergens. This became a specific activity for the service during the Games, to ensure proper labelling to ensure those with allergies are properly informed.

During the latter part of 2019 an action plan was developed and shared and agreed in principle with partner regulators. Actions such as the potential for using the same software, joint training, sharing of relevant policies and production of standard operating processes were identified. Contingency was built into the plan so that if target times for delivery of key aspects of the programme were not met, the situation could be recovered without detriment to the preparations.

Joint Authorities Regulatory Service

Learning from the way regulatory activities were undertaken during the Glasgow Games and the London Olympics, it was decided early on that the regulatory activities would be best served by adopting a co-ordinated approach to enforcement and use of

resources by the venue authorities. A partnership called the Joint Authorities Regulatory Service (JARS) was developed and endorsed by all authorities. Participants in the work included all local authorities impacted by the Games, the Health & Safety Executive (HSE), Business Enterprise and Industrial Strategy Department (BEIS, Central Government), the UK Health Security Agency (UKHSA), West Midlands Police and West Midlands Fire Service. The City Council's Legal Services and City Readiness Team also attended the meetings.

The City Council's Regulation and Enforcement Division entered into a Memorandum of Understanding with the HSE, which provided clarity to the enforcement responsibilities and improved the joint working.

JARS meetings were held monthly, one month with the Organising Committee (OC) and one month without. The OC were an enforcement authority in relation to brand protection under the Commonwealth Games Act, as were JARS members for other matters.

Issues resolved by JARS included:-

- Enforcement Policy during the Games
- The work of the national regulators and agencies in relation to the Games
- The approach to mutual aid between councils
- Resource planning for the Games
- Use of Enforcement Intelligence Databases
- The arrangements for accreditation of staff at venues
- Comments on other issues raised by the OC and DCMS.

As the preparations for the Games continued, the coordination of activities improved, and the joint working became more effective. At the final meeting of the partnership each attending venue authority were able to provide assurance of their preparations and confirm their ability to meet the statutory duties required by the Commonwealth Games Act and supporting regulations.

The City Council's Approach

The Birmingham Commonwealth Games Act 2020 introduced a duty for the City Council to enforce the advertising and trading controls around each venue in a designated area. This was supplemented by additional responsibilities to inform traders and businesses of the provisions and to take action where there was a breach of the provisions- essentially the matters were designed to protect the Commonwealth Games 'brand' and the rights of the main sponsors.

The approach developed to inform traders was a 'three step' one. This entailed writing to all traders in the areas around venues in February/ March 2022, then again in April /May and finally a visit to traders in mid to late June 2022. This enabled traders to make an application to the OC for authorisation to undertake any of the regulated activities. The City Council also made known consented street traders aware of the provisions so they would not inadvertently breach the controls. Buskers were also unable to operate without OC authorisation.

The City Council's approach elicited applications for authorisation, but it was clear the most applications for authorisation resulted from the third step, personal visits.

The Games required a number of licence applications and involved the use of sites designated in respect of the Safety at Sports Grounds Act 1975 as amended. Part of the groundwork put in place for the Games was a review of the existing safety advisory groups (SAG) and transfer of the regulatory arrangements to the Regulation and Enforcement Division.

Each venue, the marathon and the live/festival sites had an individual SAG, which initially were managed through in-house resources. After an initial review of the SAGs it was decided to operate all SAGs involving the OC through an alternative arrangement. This involved bringing in specialised people through a private company and the appointment of an independent chair through mutual aid with the London Borough of Haringey. This Chair and the other person had particular experience of the London Olympics. This arrangement strengthened the arrangements in place and helped to ensure the necessary expertise was available particularly given the new facility at the Alexander Stadium.

Early into the Games preparations it was decided that the City Council would apply for the Alexander Stadium to become a designated sports ground under the terms of the legislation. This designation was approved by the Secretary of State in early 2022.

The City Council had six venues (the Alexander Stadium, Sutton Park, Smithfield, University of Birmingham, Edgbaston and the Indoor Arena), the marathon and the live/festival sites. To optimise the available resource and operational activity the sites were divided into three clusters, the Alexander Stadium and Sutton Park, Edgbaston and University of Birmingham and thirdly the City Centre covering all other sites and the marathon. All sites were operated by the OC for the duration of the Games.

For two days prior to and during the Games shifts were put in place that allocated resources one hour prior to until one hour after the end of a sporting session at the site. To supplement this the Division also provided a senior manager at the City Council's Co-ordinating Centre (BC4).

In each cluster a cross service team of trading standards, environmental health and licensing staff worked together at all times. The 'team' approach proved very successful with services helping each other to deal with issues on site as they arose.

Learning from the approach used during the pandemic, the resourcing model incorporated the use of the enforcement wardens who became the eyes on the ground to try and resolve issues before the need for enforcement action.

Business Continuity

The work for the City Council was planned on the basis that not only would the Commonwealth Games activities be undertaken but business as usual would also be covered. This included inspections of food premises and dealing with service requests. This pool of staff was also available if major issues with the Games required additional resource.

Two weeks prior to the Games there was an increase in Covid 19 cases. As a precaution the service entered into a contract with an agency to provide up to 15

enforcement wardens. This provided cover not only for the City Council but other authorities too.

As mentioned above five authorities entered into a mutual aid agreement. This enabled the sharing of resources as required. Birmingham provided staffing during the Games to Sandwell and Solihull.

Issues Before and During the Games

There were many issues that arose during the Commonwealth Games that required intervention through partnership responses and/or enforcement action. These included:-

- Design and structural issues with designated stadia (the Alexander Stadium and Edgbaston);
- Structural issues with temporary stands at Smithfield;
- Access and egress issues at the Birmingham Arena;
- Unauthorised street trading in controlled zones;
- Unauthorised peddling in controlled areas;
- Unauthorised busking in controlled zones;
- Unauthorised catering activities on properties in controlled zones;
- Unauthorised advertising creating association with the Commonwealth Games;
- Products being given out at the Opening Ceremony that did not comply with the Toy Safety Regulations;
- Structural issues with the egress ramp outside the Games superstore at Centenary Square;
- Unsatisfactory food premises requiring closure;
- Disturbance caused by activities at the venues.

All issues were investigated at the time, with warnings being given on a first occasion of an offence being noticed. Subsequent to that evidence was taken and/or seizures of stock made to ensue compliance with the law. In two cases food premises were closed as a result of the standards being practised.

The potentially serious issue with products being given out at the Opening Ceremony that did not comply with the Toy Safety Regulations was actioned immediately and faulty products removed from the venue prior to the opening ceremony. Negotiations took place to ensure compliance with replacement products and a warning notice in time for the closing ceremony.

No formal complaints were received about the actions of officers during the Games.

Legacy from the Commonwealth Games

The legacy identified prior to the Games was as follows:-

1. Improved capacity through training of officers;
2. Improved joint working across the West Midlands;
3. Potential for closer working between venue authorities after the Games;
4. Sharing of knowledge with other authorities from the holding of the Commonwealth Games

The first two matters have been achieved but it is too early to state whether the latter two will be achieved.

One benefit not previously identified was the much-improved working between the services in Regulation and Enforcement. This manifested itself in the joint enforcement support provided by services to each other as needed. Senior management are seeking to continue this joint working into the future.

Paul Lankester
Former Interim Director Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

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

16th NOVEMBER 2022
ALL WARDS

**Commonwealth Games Legionella Assurance
in Hotel Accommodation Premises**

1. **Summary**

- 1.1 Birmingham was the host City for the 2022 Commonwealth Games (CWG) which ran from 28 July 2022 to 8 August 2022. Many visitors were expected to use overnight accommodation such as hotels, guest houses and B&B establishments during the games period.
- 1.2 The report advises Committee of a project coordinated by the United Kingdom Health Security Agency (UKHSA) undertaken by Councils to ensure that legionella was not likely to be a risk from such accommodation.
- 1.3 The reason for the project was that following the lockdowns necessitated to control covid, many hotels and similar facilities had not been used intensively for a long period of time. As a result, water potentially was not being drawn through taps and showers regularly and the longer these lay dormant the greater the potential for legionella to be present. For this reason, this was a proactive and timely assurance project targeted at preventing the occurrence of legionella from a sudden demand in overnight accommodation.

2. **Recommendations**

- 2.1. That the report is noted.

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Email: Laksmi.Kerrison@birmingham.gov.uk

Contact Officer: Mark Croxford, Head of Environmental Health
Telephone: 0121 303 6350
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3. Background

- 3.1 Legionnaires Disease is a pneumonia which causes serious respiratory illness. It occurs when aerosolised water droplets containing Legionella bacteria are inhaled. Waterborne Legionella pneumophila is the most common causative organism and is associated with outbreaks linked to poorly maintained water systems. Since most cooling systems have moved away from using cooling water, water systems in buildings now provide environments most conducive to the growth and dissemination of Legionella and represent the most likely source of any outbreak.
- 3.2 The infective dose is unknown but assumed to be low, as illness has occurred after short exposures. Mostly legionella is linked to the inhalation of contaminated aerosols, therefore human to human transmission does not occur.
- 3.3 Symptoms include fever, loss of appetite, headache, malaise, lethargy, muscle pain, diarrhoea and confusion. There is usually an initial mild cough, but as many as 50% of patients can present phlegm. Blood-streaked phlegm or hemoptysis occurs in about one-third of the patients. The severity of disease ranges from a mild cough to a rapidly fatal pneumonia. Overall, the death rate is usually within the range of 5–10%.
- 3.4 The Legionella bacteria can naturally enter man made water systems due to its environmental presence. Smaller and newer systems are generally lower risk but prevention is achieved by limiting the growth of legionella bacteria in building water systems. Legionella will often grow where there is no flow of water. These could be old pipes which have been cut off leaving a short pipe which has been capped known as a dead leg. Additionally unused taps and shower heads do not have a flow of water, hence they can have a growth of bacteria overtime. Showers by their very nature produce aerosols and therefore need to be managed when not used for long periods.
- 3.5 There is a duty under the Health and Safety at Work legislation to manage all risks associated with a business and one of these risks, is the management of legionella. The Health and Safety Executive publishes guidance on this. [Legionnaires' disease. The control of legionella bacteria in water systems \(hse.gov.uk\)](https://www.hse.gov.uk/legionnaires/disease/). The powers to enter premises, take samples and require improvements if any failings were found therefore lies with your Committees Environmental Health Officers, duly authorised under the above Act.

4. Overview

- 4.1. The sampling project aimed to obtain assurance that accommodation sites likely to house visitors to the CWG in July/August 2022 had assessed Legionella risks and that water systems were under control. Testing would verify the water management system was effective.
- 4.2. During the pandemic, periods of lockdown forced hotels and other accommodation sites to close. During these periods various guidance was issued to highlight the importance of maintaining water systems. The UKHSA (then PHE) ran a national study to investigate the management of water systems at all types of premises during the pandemic period. An initial analysis of this data showed 6% of samples from non-hotel

venues had unsatisfactory levels of *Legionella* compared with 15% of samples from hotel venues, highlighting the potential risks that are particularly linked to hotel sites.

- 4.3. A study specific assessment questionnaire was undertaken and water samples collected from hotels, guest houses and bed and breakfast premises that may have been used to accommodate visitors to the CWG 2022 and premises identified as being Games Sensitive.
- 4.4. Up to 12 samples were taken from each premises. Microbiological testing constituted the count of *Legionella* species in each 1 litre sample. Water samples were taken at accommodation sites from selected outlets such as: Taps, Showers with efforts being made to identify outlets that had separate Hot and Cold supplies as well as mixer taps/showers.
- 4.5. There was then a complicated paper trail and time & temperature control requirement for all the samples to be couriered to London, York or Porton Laboratories for analysis. Samples that failed the time and temperature requirements would be invalidated. All data from the study was collated by the UKHSA's Food, Water and Environmental (FW&E) Microbiology Laboratories. This was then fed back to your officers and other participating Local Authorities, to advise the samples were fine or to take remedial steps.
- 4.6. Results were interpreted through using the HSE Approved Code of Practice L8: The Control of Legionella Bacteria in Water Systems and its associated technical guidance, HSE 2013 as shown in Table 1. The detection of elevated levels of *Legionella* bacteria was communicated urgently for rectification.

Table 1. Interpretive criteria

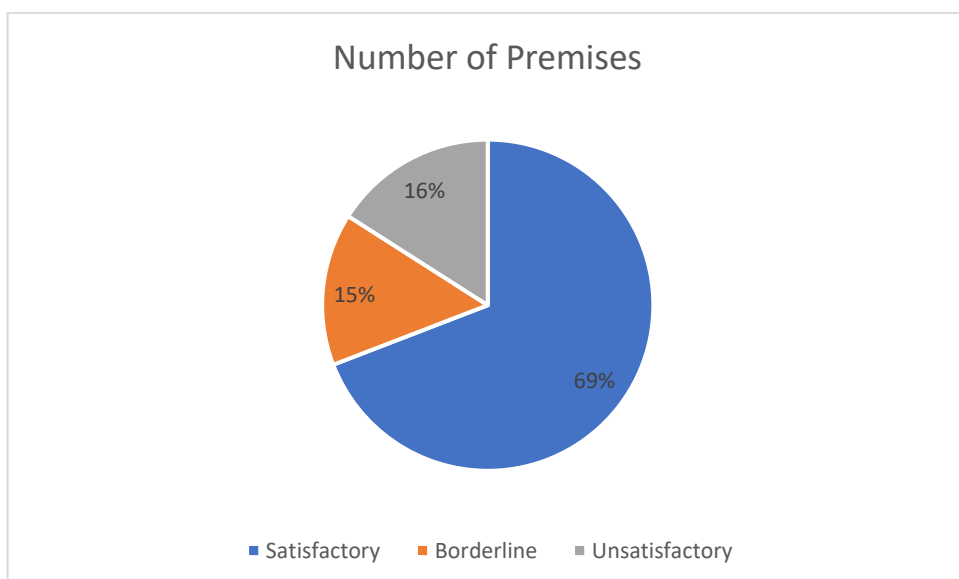
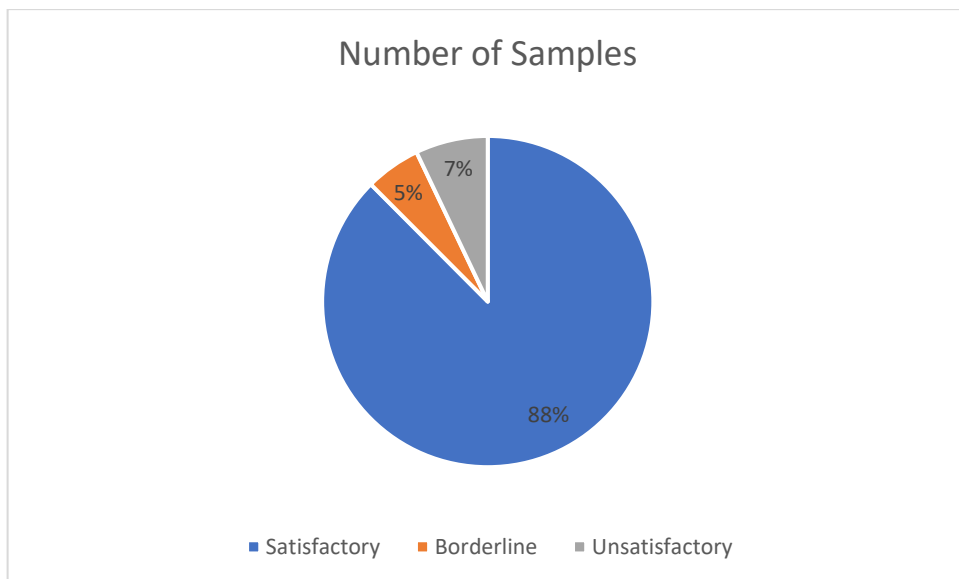
Criterion	Microbiological Result (cfu/l)		
	Satisfactory	Borderline	Unsatisfactory Unacceptable/ potentially hazardous
<i>Legionella species</i>	<100	100-1000	>1000
<i>Recommended Action</i>	-	Consider a system review in accordance with L8	An immediate system review in accordance with L8 is recommended

- 4.7. There are 90 hotels, guest houses and B&Bs registered with Environmental Health. All were included for intervention and legionella sampling. In addition, we also included the four training venues: those being a leisure centre, a stadium, a school and a university sports centre.

5. Results and Analysis

- 5.1. In total 94 premises were subject to intervention with a total of 593 samples being taken. Results are shown below.

Result	Number of Samples	Number of Premises
Satisfactory	519	65
Borderline	32	14
Unsatisfactory	42	15
Total	593	94



5.2. As can be seen in the Pie Charts above:

- 93% of samples were found to be satisfactory or borderline for Legionella sp.
- This comprised 84% of the premises tested.
- 7% of samples were unsatisfactory for Legionella sp.
- This comprised 16% of the premises tested as being unsatisfactory.

5.3. The data is difficult to analyse as different numbers of samples were taken at each premises. However, we have concentrated on the “number of premises” with one or more failed or borderline result. Therefore 65 premises of the 94 tested were advised everything was satisfactory.

5.4. All premises returning a borderline or unsatisfactory results received a written warning advising of their result (29 of 94) and were required to review, amend and update their Risk Assessments and Water Management Plans to reflect these findings.

5.5. Shortly after the warning letters, further samples were taken at the 15 premises that had returned unsatisfactory results. Most were compliant the second time around, and all undertook steps to become compliant. During this retesting phase one premises still had rooms to let, so a Prohibition Notice under the Health and Safety at work Act was served. This Prohibited the use of any rooms on that water supply ring until satisfactory results were obtained.

6. Outcome

6.1. This is the largest known sampling programme for legionella undertaken. As a result, there is no comparable data available nationally to compare the results obtained against. It is not known whether this is a lockdown phenomenon or a long-standing issue which has not previously been investigated.

6.2. The intervention and sampling regime has detected premises (31% of hotels in the city) with legionella and enabled remedial actions to be undertaken to make them safe for visitors and staff. This has potentially prevented large scale legionella outbreaks from occurring in the city, and other participating areas.

6.3. During the remedial works, a number of the premises had specialist contractors to assist them in making safe their premises and to monitor and manage their future controls. Some of these contractors undertook tests prior to advising we should resample as the premises were now free from legionella. On a number of occasions the UKHSA laboratories did detect legionella bacteria in shower samples where private laboratories did not. It is well known legionella is a difficult bacterium to test for but this does reflect the need for some in-depth testing from time to time as well as the need for a large sample size if this is to be undertaken.

6.4. Environmental health will continue to respond to incidents of reported legionella linked to a premises. In addition we will look to work with both UKHSA and our own public Health team to secure resources to repeat the activity in the medium future.

7. Consultation

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

8. Implications for Resources

- 8.1. All the project was funded costs including a seconded officer were funded by the UKHSA. In addition, the increased enforcement costs were funded by monies identified for Regulatory Services to undertake additional work to ensure the safety of the games from our regulatory work.

9. Implications for Policy Priorities

- 9.1. This work supports the Council priorities of Birmingham is a great, clean and green city to live in and Birmingham residents gain the maximum benefit from hosting the Commonwealth Games.
- 9.2. Additionally, it supports Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

10. Public Sector Equality Duty

- 10.1. The regulation of health and safety and control of disease under our public health acts, is important as the most vulnerable members of our society can be disproportionately affected by such illnesses.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers:

Approved Code of Practice and guidance: Legionnaires' disease. The control of legionella bacteria in water systems

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2022
ALL WARDS

UPDATE REPORT ON AIR QUALITY

1. Summary

- 1.1 This report provides Committee with an update on work being undertaken by your officers to address air quality issues across the city within the broad sphere of 'strategic air quality'.
- 1.2 The report may be best viewed as a base line informative report that can lead to more detailed topic specific reports should Committee desire.

2. Recommendations

- 2.1. That the report is noted.

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3. Background

- 3.1 This report is an update on activities taken to address air quality since the launch of the Clean Air Zone (CAZ). The development and delivery of an air quality strategy for Birmingham to deliver compliance with national and pan-national regulations remains a key item on the portfolio for the Cabinet Member for Transport.
- 3.2 Air quality regulation may be viewed as falling into one of three broad categories: strategic regulation; proactive regulation; and reactive regulation.
- Strategic regulation involves air quality monitoring to determine concentrations across a geographical area and the taking of positive steps to tackle any issues found, examples being the local air quality management regime and the City Council's response to the Ministerial Direction through the implementation of the CAZ.
 - Proactive regulation involves the inspection of industries who pollute to atmosphere in a controlled manner, the primary legislation being the Environmental Permitting Regulations.
 - Reactive regulation may be best viewed as smaller scale regulation undertaken in response to complaints, for instance under the Clean Air and Environmental Protection acts.
- 3.3 This report to committee will focus predominantly on updating members on developments in strategic air quality having regards to the city of Birmingham.

4. Local Air Quality Management

- 4.1. The Local Air Quality Management (LAQM) regime was introduced in the Environment Act 1995 (the national response to EU Directives) and has remained the overarching regulatory regime for local authorities to monitor and evaluate air quality in their area. The LAQM regime puts a focus on a local authority to identify air pollution hotspots and put in place measures to reduce concentrations to under legal limits.
- 4.2. There is a formal process to follow within LAQM:
- 4.2.1. Monitor and evaluate the quality of the air to identify whether a pollutant limit is being breached
 - 4.2.2. Declare an air quality management area where a pollutant concentration is being breached
 - 4.2.3. Produce an Air Quality Action Plan (AQAP) to direct how that pollutant concentration will be brought back to under legal limits
 - 4.2.4. Continue to monitor the quality of the air to demonstrate any change
 - 4.2.5. Report annually to DEFRA on progress taken in an Annual Status Report (ASR)
- 4.3. Within Birmingham the LAQM regime has identified nitrogen dioxide as the only pollutant which exceeds the legal limit. An air quality management area was declared, and the first AQAP issued in 2006. There have been two subsequent versions of the AQAP, the last being issued in 2021. The primary focus of attention is in the city centre and the mechanism for delivering compliance is the CAZ.

- 4.4. With air quality in the city centre being the focus of the CAZ, the officers involved in monitoring air quality are once more looking at air quality outside the city centre to understand if there have been any negative shift in concentration. The approach being taken is outlined in the AQAP 2021 and involves three tranches of monitoring in areas most likely to be at risk of high pollutant concentrations. Tranche one is underway and will complete at year end and will be reported in the ASR for 2022 whilst tranche two will commence in January 2023.
- 4.5. All reports pertinent to the LAQM process are published at www.birminghamairquality.co.uk.
5. Clean Air Zone (CAZ)
- 5.1. The CAZ launched in June 2021 following extensive consultation. The focus of the CAZ is to deliver air quality concentrations of nitrogen dioxide to below the relevant air quality limits in the shortest possible time and for the City Council to comply with successive Ministerial Directions.
- 5.2. Following the launch of the CAZ monthly factsheets were produced to inform interested persons on changes to vehicles numbers by sector (car, light goods vehicle, heavy good vehicle, etc.) to explain the response to the introduction of the CAZ. These monthly factsheets were superseded by an online data platform that can be interrogated by the user to display the data in many ways. This data platform is available at <https://www.brumbreathes.co.uk/CAZdata>.
- 5.3. Two detailed reports on the performance of the CAZ have been published by the CAZ team supported by your officers. The first a baseline report covering the period in the run up to the launch of the CAZ, the second being a report covering the early phase of operation. A further report is being finalized to explain the impact of the CAZ having regards to further and updated data. The intention is for these successive and future reports to build a narrative to explain how the CAZ is performing in terms of changes in vehicle use and how that is translating into air quality concentrations. The published reports are available for download at <https://www.brumbreathes.co.uk/CAZdata>.
- 5.4. Council officers remain in close working with government departments DEFRA and DfT under the aegis of the Joint Air Quality Unit (JAQU). The Council has to provide regular reports to JAQU on the impacts of the CAZ in terms of road traffic and air quality and receives feedback from JAQU based on their own independent analysis. This data flow will help inform the measure of 'success' i.e. at what point the CAZ will have achieved it's aims and the Ministerial Directions be deemed compliant.
6. Clean Air Strategy
- 6.1. The Clean Air Strategy launched in February 2022 and is designed to go above and beyond the statutory duties of the Air Quality Action Plan. The Clean Air Strategy is centered around five priorities and six pledges, and is available to view at <https://www.brumbreathes.co.uk/downloads/file/197/air-quality-strategy-for-birmingham>

- 6.2. The priorities include, *Improve the vehicle fleet*, by discouraging the most polluting vehicles from our streets. *Improve the flow*, more efficient trips that reduce congestion, which applies to public transport and active travel. *Reduce the volume* of private vehicles. *Reduce sources and exposure of air pollution* for example wood burners. *Empower behaviour change*, enable people to have a choice to be less polluting. These priorities have been used to structure assessments and decision making, for example in highway projects.
- 6.3. The pledges comprise of: *Collaboration* with partner organisations, for example Transport for West midlands and WM-Air. *Clean air for schools*, to reduce air pollution around our schools. *Inclusivity and protecting the vulnerable* making sure that air quality improvements in one area is not to the detriment of other communities. Planning for the future, making sure our strategic decisions are for the long-term benefit of air quality. *Clean Air Zone* which is aimed at discouraging the most polluting vehicles from the city. *Measuring progress*, making sure that good quality data is collected and shared, from air quality to active travel and road traffic.
- 6.4. With regards to the pledge - Clean air for schools, the council has recently been successful in installing over 50 air quality sensors in schools across the city and we aim to have 70 sensors installed by the end of year. The sensors have been supplied by a company called Airly, the data being freely available at <https://airly.org/map/en/>.
- 6.5. This is a collaborative project between Environmental Health, the CAZ Team, Public Health and Travel Demand. The approach is to offer the monitors alongside educational resources to support awareness and engagement with the issues created through poor air quality and some of the possible solutions for addressing some of the issues such as safe school streets, mode shift STARS etc.
- 6.6. To make understanding of air quality as easily accessible as possible, the sensors have been designed with a coloured light that indicates the level of air pollution in real time. The light changes colour from green through to purple depending on the level of air pollution. The sensors have been installed with an information board that explains a little about air pollution and what the sensor light means. For more information see <https://airly.org/en/brum-breathes/> and <https://airly.org/en/case-studies/birmingham-city-council/>
7. Partnership Working
- 7.1. Officers from the local authority are involved in a number of regional partnerships which involves air quality and often generate usable outputs in the form of reports and / or tools.

- 7.2. At a regional level officers participate in the West Midlands Environmental Protection Group (WMEPG) which is a west midlands wide group comprising environmental protection specialists from all seven regional local authorities¹. Whilst the group does not directly focus solely on air quality this does remain a significant portion of the group's professional interest. Also present on the WMEPG are members from the Combined Authority and the WM-Air programme (see below).
- 7.3. Linked into the WMEPG are the West Midlands Combined Authority (WMCA) and the WMEPG members work closely with the WMCA, inputting into regional strategy documents and undertaking joint funding opportunities.
- 7.4. The City Council are members of the West Midlands Air Quality Improvement Programme (WM-Air) which is led by the University of Birmingham and includes a range of partner organizations. WM-Air is an initiative to support the improvement of air quality, and associated health, environment and economic benefits, in the West Midlands. WM-Air has supported the Council on air quality matters by bringing its derived expertise to produce a range of outputs including further air quality monitoring data, a new west midlands wide air quality model, an air quality & health tool as well as bespoke reports which were used to help inform around the impact of Covid. Information on the programme can be found at <https://wm-air.org.uk/>.

8. Consultation

- 8.1. The report is for information and, therefore, no wider consultation has been undertaken other than that specified below.
- 8.2. The Cabinet Member for Transport has been advised as to the content of this report.
- 8.3. Appropriate consultation was undertaken for the relevant policies in advance of their implementation e.g. CAZ, Clean Air Strategy, Air Quality Action Plan.

9. Implications for Resources

- 9.1. Regulation and Enforcement is responsible for elements of the LAQM functions of the local authority, mainly around governance and air quality monitoring. Other services and external partners are responsible for delivering discreet air quality improvements e.g. highway network improvements, vehicle upgrades, directing and supporting policy shift.
- 9.2. Regulation and Enforcement are also responsible for regulating industries and dealing with air quality related complaints which both link into LAQM duties.
- 9.3. The funding for Regulation and Enforcement activity is mostly contained within the core Environmental Health budget.

¹ Birmingham City Council, Coventry City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, Walsall Council, City of Wolverhampton Council

- 9.4. Regulation & Enforcement also lead on the monitoring and evaluation of the CAZ with officers funded from the CAZ funding streams reporting to the Operations Manager Environmental Protection.
- 9.5. Your officers also comment on planning applications and one of these comments is about the possible impact the development may have on air quality. This is very much invest to save in the future.
- 10. Implications for Policy Priorities
 - 10.1. This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.
- 11. Public Sector Equality Duty
 - 11.1. The regulation of air quality is important as whilst everyone can be affected by air pollution it is invariably the more inner city wards which are mostly impacted, some of which are home to the poorest and most vulnerable members of our society.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2022
ALL WARDS

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

1. Summary

- 1.1 This report provides Committee with an update on work being undertaken to further manage unauthorised encampments in the city since the last report on the 10 November 2021.

2. Recommendations

- 2.1 That the report is noted.

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

- 3.1 This report is an update on activities since the last report to your Committee on 10 November 2021.
- 3.2 An unauthorised encampment is one which is established on land without the express permission of the landowner. The groups responsible generally comprise elements of Gypsy, Romany, Traveller or other ethnic groupings and are collectively known colloquially as “travellers” or more correctly GRT.
- 3.3 The strategy employed by the City Council to manage unauthorised encampments is contained within a Memorandum of Understanding between the City Council and West Midlands Police (WMP) and is entitled a “Joint Protocol on the Management of Unauthorised Encampments” and is currently at edition 9 dated March 2020. This edition incorporates the presence of the transit sites.

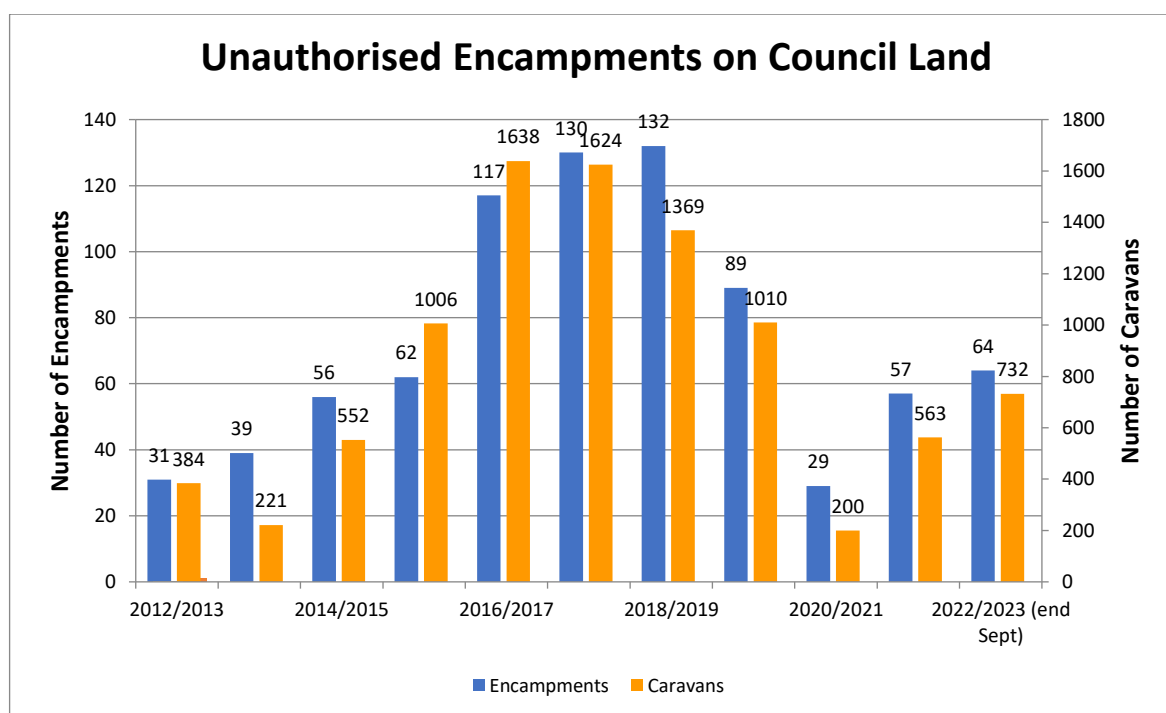
4. Transit Sites

- 4.1. As previously reported, colleagues in Housing and the Inclusive Growth Directorate have applied for capital funding to develop the two transit sites identified in the Birmingham Development Plan (BDP).
- 4.2. Proctor Street transit site has been operational since 1st November 2020 and has seen almost constant use. Prior to the advent of the pandemic that use was normalised with a small number of families occupying the site and adhering to the conditions of occupancy.
- 4.3. During the Covid pandemic, the generalized lockdown and the requirement not to undertake evictions, saw the transit site under constant use. This also led to problems where non-compliance with the site usage rules e.g. where payments were not received or antisocial behaviour became prevalent, the Council could not evict from the site. Those on the site became unauthorised encampments whilst on the transit site.
- 4.4. During this time, the site has suffered significant damage to the toilet block and drainage system requiring the site to be closed whilst repairs were undertaken. During this closure several forced entries were made, preventing repairs and causing further damage to the partially repaired toilet block. Court orders had to be obtained to recover possession of the site each time, following which increased protection was added to the site to prevent further occupation but unfortunately this failed and further court orders were required.
- 4.5. The incidents around maintaining the sites in a usable condition have clearly shown the need for better day to day management of the sites. Your officers (1.8 FTE but also undertake other roles within environmental Health) are very much focused on the legal process of recovering land from unauthorised encampments. This is very different from managing the tenancy and daily needs of a transit site.

- 4.6. It has been clarified that the identification and approval of transit sites lies with colleagues in the Inclusive Growth Directorate. The details of the GRT need for both settled and transit site provision is contained within the Birmingham Development Plan and the GRT needs assessment within that. The operational provision of site(s) and the day-to-day services/operations is a housing function and is to be delivered by the Housing Department. This will leave your officers to focus on recovery of land.
- 4.7. The site at Aston Brook Street is presently vacant awaiting development. There is no update from housing on this.
- 4.8. Legal advice on Tameside Drive site has been requested but cannot be reported. as the matter remains with legal services.

5. Unauthorised Encampments

- 5.1. The number of incursions is recorded in the graph below. This shows the trend data for total encampments per year since 2008 with the data for 2022/2023 being up to the end of September 2022.



- 5.2. Although the number of encampments on Council land has dropped since the transit site opened in 2019 it should be borne in mind that this also covers the period encapsulated by the pandemic and as such the actual benefit arising from the transit site cannot be clearly realized as the circumstances have not been 'normal'.

- 5.3. It should also be noted that the use of the transit site has done much to alleviate some of the pressures on open spaces and nearby settled residents. It is however also true that the use of solely Proctor Street Transit Site has led to increased pressure on that neighbourhood and both EH and WM Police have attended a ward forum in September as part of a reassurance and engagement piece. Having additional Transit sites would enable some pressures being alleviated in and around Proctor Street.

6. Strategic Management of Unauthorised Encampments

- 6.1. As noted in the background the strategic approach to managing unauthorised encampments is contained within a joint protocol between BCC and WMP. This protocol presently relies on the use by WMP of powers under the Criminal Justice and Public Order Act 1994 to direct groups to the transit site where their stay in the city can be 'managed'.
- 6.2. As well as the regulatory aspect, colleagues in Housing are leading on devising a mechanism for management of occupancy on the transit site, having regards to fee collection and the issuing of occupancy agreements.
- 6.3. Furthermore, colleagues in Planning are working on delivering the outputs specified in the most recent Gypsy and Traveller Accommodation Assessment (GTAA) from February 2019 which sought to identify need for the community in terms of permanent and transit pitch provision.
- 6.4. The GTAA identified the need for 20 additional permanent pitches up to 2033 with the spread by year show in the table below.

Years	0-5	6-10	11-13	13-15	Total
	2018-2023	2023-2028	2028-2031	2031-2033	
	15	1	1	2	19

- 6.5. With regards to transit pitches the GTAA identified that the proposed provision of sites (Proctor Street, Aston Brook Street and Tameside Drive) "should be sufficient to either deal with smaller groups of Travellers stopping off in Birmingham or as a means of requiring households to leave Birmingham." Furthermore the GTAA recommended that for larger groups that "the Council consider establishing a larger overspill transit site(s)" that can be used in a similar vein to the smaller sites for smaller groups.

7. Consultation

- 7.1. The report is for information and, therefore, no consultation has been undertaken.
- 7.2. Information continues to be made available to MPs and elected members to offer support in reducing the impact on communities that unauthorised encampments have and to reduce the burden on land owning departments.

8. Implications for Resources

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

9. Implications for Policy Priorities

- 9.1. The work to provide a good quality transit site provision meets with the statutory duties the council has for all residents of Birmingham, which includes the travelling community. It also means that Birmingham is an entrepreneurial city to learn, work and invest in.
- 9.2. This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

10. Public Sector Equality Duty

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

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2022
ALL WARDS

Hackney Carriage and Private Hire Policy

1 Summary

- 1.1 In July 2020 the Department for Transport published the Statutory Taxi and Private Hire Vehicle Standards document, issued by the Secretary of State for Transport under powers conferred by the Policing and Crime Act 2017
- 1.2 The guidance seeks to provide common core minimum standards to better regulate the taxi and private hire sector.
- 1.3 The guidance requires a comprehensive standalone overarching policy document for hackney carriage and private hire matters.
- 1.4 This policy will be referred for Cabinet approval on 14 February 2023.

2. Recommendations

- 2.1 Members are invited to make any suggestions or comments regarding the policy which will be considered for inclusion prior to being put forward for consideration by Cabinet.
- 2.2 The report be noted and commended to the Cabinet.

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3. Background

- 3.1 In July 2020 the Department for Transport published the Statutory Taxi and Private Hire Vehicle Standards document.
- 3.2 The Guidance sets out certain standards which Licensing Authorities are expected to comply with. These standards have been drawn up as a result of discussions with the trade, regulators and safety campaign groups. They focus on protecting children and vulnerable adults.
- 3.3 Paragraph 1.3 of the document clearly states: “The Department...expects these recommendations to be implemented unless there is a compelling reason not to do so.” (emphasis added)
- 3.4 One of the main recommendations is the implementation of a standalone policy document which can be subject to regular review. Other recommendations have required a change in internal processes within the licensing service and others will require amendments to licence conditions.
- 3.5 In previous years, policies regarding hackney carriage and private hire have been incorporated into the body of the Policies Procedures and Delegations report, which is presented to your committee annually.

4. The Policy

- 4.1 This draft Policy (Appendix 1) has been produced by consolidating the pre-existing policies into a single document, incorporating links to the relevant web pages and other information to provide a practical and useful means of demonstrating the Council's approach to the licensing of the hackney carriage and private hire trade.
- 4.2 The draft Policy makes the necessary updates to ensure compliance with the statutory guidance, recent legislation and to reflect the new licensing system.
- 4.3 Incorporating this information into a single document allows for greater transparency and clarity for the trade and the public. The final Policy, once agreed will be published on the website and will be subject to regular review.
- 4.4 Following the “Request for Policy Amendments to Facilitate the Licensing of Fully Electric Hackney Carriage Vehicle Conversions” report presented to your committee on 21 September 2022, an additional paragraph to section 3.11 of the policy is proposed to address these issues:
TX type hackney carriage full conversions (complete power-train replacement to fully electric) will be licensed up to a maximum of 18 years from the date of conversion (rather than date of first registration)

- 4.5 This is proposed in recognition of the significant cost incurred, and the inherent longevity of design of the vehicles, in cases where a purpose built (TX type) hackney carriage vehicle has had a complete replacement power-train to become a fully electric vehicle, the vehicle age will be taken to be that of its conversion rather than the date of first registration.
- 4.6 The MOT and supplementary tests are designed to address any issues concerning mechanical and cosmetic standards.
- 4.7 The supplementary test includes (but is not limited to) the following reasons for failure in relation to internal and external appearance:
- Corrosion or damage to the vehicle body or structure, which adversely affects the appearance and / or safety of the vehicle.
 - Generally poor damaged paintwork to the vehicle.
 - Two-tone paintwork, which is not to manufacturers specification.
 - Paintwork dirty/dull/ /faded/mismatched/crazed/
 - Peeling or badly re-sprayed
 - Visible rust/bubbled paintwork
 - Visible dents/creasing/scratches
 - Unrepaired, or poorly repaired damage
 - Exterior trim missing, damaged or mismatched
 - Upholstery dirty/stained/badly worn
 - Upholstery holed/ripped/poorly repaired
 - Carpets/mats improperly fitted/loose/danger of trip hazard
 - Carpets/mats dirty/stained/ badly worn
 - Carpets/mats holed/ripped/poorly repaired
 - Headlining holed/ripped/poorly repaired
 - Headlining dirty/stained
 - Arm rests missing/damaged/mismatched
 - Interior trim/door panels missing/damaged/mismatched
 - Evidence of damp or strong, or unpleasant odours
 - Faulty interior light fitting, faulty interior light switch, or faulty door switch
- 4.8 As this amendment relates to a fully electric replacement power train it will have no detrimental impact on the Clean Air Zone.
- 4.9 The final version of the Policy will be formatted in a manner suitable for online publication, with appropriate links to appendices rather than reproducing the documents in their entirety within the document.
5. Comments
- 5.1 The Policy will be presented to Cabinet in February 2023. Members are invited to make any suggestions or comments regarding the policy which can be included within the final version to be considered by Cabinet.

6. Consultation

- 6.1 As stated above, the draft policy consolidates existing policies and makes the necessary updates to ensure compliance with the statutory guidance, recent legislation.
- 6.2 In Spring 2022 a consultation was carried out via Be Heard on the changes required to bring policies in line with the DfT Statutory Guidance. This consultation presented no compelling reasons to deviate from the statutory requirements.
- 6.3 As the proposal at 4.4 is a permissive change which will not have a detrimental impact on the trade or the public, it was not deemed necessary to consult on the change.
- 6.4 Future amendments will require further reports to be brought before the Committee, Cabinet Member or to City Council and will be subject to appropriate consultation.

7. Implications for Resources

- 7.1 The cost of administering the licensing service is recovered in full, from licence fees.
- 7.2 It is not therefore expected to have any significant effect on income or expenditure.

8. Implications for Policy Priorities

- 8.1 The content of this report Birmingham is compatible with the Council Priorities:
 - Birmingham, an entrepreneurial city to work and invest in
 - Birmingham, a great city to live in
 - Birmingham a city that takes a leading role in tackling climate change

9. Public Sector Equality Duty

- 9.1 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.

- 9.2 The recommendations contained in this report will not have any effect on any of our duties under the Equality Act 2010. Any future changes to policy will be subject to separate consideration of this duty.
- 9.3 For the reasons set out in paragraph 4, it is considered an initial Equality Analysis is not deemed appropriate or necessary.

DIRECTOR OF REGULATION AND ENFORCEMENT

(Draft) Hackney Carriage and Private Hire Licensing Policy.

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DRAFT

0.1. Purpose and scope

As the Licensing Authority Birmingham City Council is responsible for regulating the hackney carriage and private hire trades ('the trade') operating in the district under both the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

Over the years the council has developed various bylaws, policies, conditions and guidelines all relating to these subject areas. The purpose of this document is to unify all elements relating to the hackney carriage and private hire trade into a single document.

Subjects covered by this document include: the suitability of applicants (vehicles and people); the application process; requirements such as training and medicals; licence conditions and bylaws; the expectations we have in terms of the standards demonstrated by licence holders and dealing with any matters arising during the course of the licence.

This policy does not seek to replicate or supersede the primary or secondary legislation, it has been devised with reference to existing policies conditions and bylaws as well as the applicable statutory guidance and other best practise guidance available.

The primary objective of the licensing authority is to ensure public safety. By consistent, fair, and transparent procedures and processes, the licensing authority endeavours to ensure that the public can feel confident and safe when using either a hackney carriage or a private hire vehicle.

Every application every decision and every decision regarding enforcement action will be considered on its own merits.

The licensing authority may depart from the policy but only following careful consideration of the circumstances and will provide clear and detailed reasons for any such departure.

Decisions of the licensing authority are made on the balance of probability, and in accordance with the Scheme of Delegations at Annex A.

This policy relates to the following licence types:

- Private hire driver
- Private hire vehicle
- Private hire operator
- Hackney carriage driver
- Hackney carriage vehicle

This Policy is the Council's Hackney Carriage and Private Hire of Licensing Policy. It will be reviewed, updated and modified as and when the Council considers appropriate.

Technical amendments to correct errors brought about by legislative or other administrative change (such as change of address details or references to Guidance), and to update document links will be effected by officers of the Licensing and Public Protection Committee and tracked by way of version control.

0.2. Consultation

This initial document seeks to amalgamate a number of pre-existing policies and incorporate them into a single document. At this time no wider consultation has been carried out. However, when considering the implementation of future policies the licensing authority will seek to carry out meaningful consultation with interested parties. The question of who would be considered an interested party may vary according to the subject in issue. Those consulted would not be limited to licence holders but may also include representatives from customers the night-time economy disability access groups etc. Consultations will be posted on [BeHeard¹](http://www.birminghambeheard.org.uk/), the Council's consultation hub.

0.3. The Licensing Function.

The licensing function of Birmingham City Council is delegated to the Licensing and Public Protection Committee through the constitution. The licensing and public protection committee comprises 15 members. The constitution delegates certain functions to the committee and also to the officers of the licensing service.

0.4. Public Sector Equality Duty.

Under this Duty, the council must, in exercising our functions, have due regard to the need to:

1. Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Act.
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is important that the council considers how its decisions advance equality, inclusion, and diversity by removing or minimising disadvantages experienced by people because of their protected characteristics.

The protected characteristics covered by the Equality Act 2010 are: age, race, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion, or belief (including lack of belief), sex, sexual orientation.

1. Information Sharing

1.2 Sharing information - with the trade.

The licensing service has recently procured a new software system which will facilitate communications with licence holders and applicants via email, although it will take some time before email addresses are on file for all.

The email address an applicant/licence holder provides on their application will be used to communicate with them about all aspects of their licence/application. Those who do not have their own email address are advised to look at the many providers who can provide a free account such as

¹ www.birminghambeheard.org.uk/

Gmail, Outlook, AOL, or Yahoo. Applicants/ licence holders who change email address MUST let the licensing service know as soon as possible including their new and previous email addresses to enable the records to be updated.

The licensing service has a 'blog' page on the website, where updates and useful information can be found, [Taxi and private hire bulletin](#)² as well as a twitter account @BCCLicensing

1.3 Sharing information – Privacy Notice

The Council is the Data Controller of the information provided as part of the licence process and we have a statutory duty to collect and process this information to be compliant with the Local Government (Miscellaneous Provisions) Act 1976. This is as part of our obligations as a Local Authority to ensure whether a person is 'fit & proper' to hold a taxi and/ or private hire licence. This also includes processing information on medical checks, DBS checks and DVLA and HMRC checks etc. If necessary, the Council may pass details to the Home Office in order to make further enquiries regarding your immigration status and right to work in the UK. In addition, the Home Office may request that we supply them with copies of your documentation in relation to immigration and right to work enquiries. Applicants who cannot produce the necessary evidence should be aware that their details may be passed to the Home Office and that the Home Office may also pass your details to other Government bodies such as the DVLA in relation to immigration matters. We may also share information with other third parties where required by law for the detection and prevention of crime. The personal information you provide will be held for the duration of your licence from the date of receipt, after which it will be securely destroyed 6 years after the expiry, surrender or revocation of your final licence, in line with our retention policy (except in the event of an appeal or judicial inquiry, in which case it will be retained for as long as is required to determine these matters). The Council's [corporate privacy notice](#)³, includes details of the authority's Data Protection Officer, and your Information Rights.

Certain information is required by law to be published in a PUBLIC REGISTER. The registers will be available either by publication online, or upon request. The public registers can be found [online](#)⁴.

1.4 Sharing information – disclosures by the applicant/licensee

The application process requires the applicant to make disclosures concerning previous convictions, cautions or fixed penalty notices, as well as demonstrating their medical fitness, right to work, tax compliance and evidence of suitably completing certain pre-requisite tests.

The purpose of these declarations is to assist the licensing authority in their duty to ensure any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee.

All existing licence holders shall notify the licensing authority of any motoring or criminal convictions or cautions received during their licence period by submitting a report within 72 hours.

² www.birmingham.gov.uk/blog/tph-bulletin

³ www.birmingham.gov.uk/privacy

⁴ <https://licensing.birmingham.gov.uk/>

Failure to inform the licensing authority of any convictions, cautions and fixed penalty notices during the licensing period may result in suspension or revocation of the licence.

2 People (Drivers and Operators)

2.1 Previous convictions/relevant information

In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children, and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. To achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence. ([DfT Statutory Taxi and Private Hire and Vehicle Standards 2020](#)⁵, para 5.15)

Licensing authorities must make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction. (DfT Statutory Taxi and Private Hire and Vehicle Standards 2020, para 5.15)

The Rehabilitation of Offenders Act 1974 (as amended) does not apply to hackney carriage and private hire drivers in terms of considering offences to be 'spent'. However, there will be certain offences which will become 'protected' convictions. These include certain older or minor offences.

Protected convictions cannot be considered by the Licensing Authority when determining suitability. Further information on protected convictions can be found on [gov.uk](#)⁶

Existence of a conviction or other information does not automatically lead to a determination an applicant is not 'fit and proper'. The Licensing Authority must be satisfied that a person is fit and proper – but, similarly, there must be a justifiable reason as to why someone would be determined unsuitable. If a person fails to provide satisfactory evidence they are 'a fit and proper person' or if there is good reason to question or doubt the evidence provided, then this can amount to good reason to refuse, revoke, or suspend a licence.

Where a licence is revoked, suspended or refused renewal, the licensing service will inform any Operator of this change in status. The REASON for any status change will NOT be disclosed.

The licensing authority may share personal information internally (including the Birmingham Children's Trust) and to check the information an individual provides for accuracy and to detect

⁵ www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards

⁶ www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide.gov.uk

criminal activity. The licensing authority may share personal information with other statutory/regulated authorities or if it is required by law. Other parties may include the Department for Work and Pensions, Home Office, Police, National Crime Agency, DVLA, HM Revenues and Customs, and other local authorities.

The licensing authority reserve the right to use any information available to assist in reaching a decision whether to grant or renew a licence, this includes previous complaints or concerns as to conduct dealt with by the enforcement team.

The convictions policy is attached at Appendix 1

2.2 National Register of Refusals and Revocations (NR3)

NR3 was commissioned by the Local Government Association (LGA) as a voluntary register. Licensing authorities are responsible for adding basic details of drivers who have had applications for a licence either refused, revoked, or suspended.

When a licensing authority receives an application for a licence, the applicant's details will be checked on the register to confirm that there is no record of them having been revoked or refused elsewhere. Details contained on the register will be limited to information that will help to identify an individual to a certain degree of accuracy but will not give a reason why actions were taken. It will be up to individual authorities to follow up on any searches they make which come back with a match.

Birmingham City Council Licensing Service is committed to engaging with the NR3 system (subject to relevant data protection considerations). Information received through this system will be considered as part of an applicant/licence holder's suitability determination.

2.3 Police Disclosures – Common Law Police Disclosures (CLPD)

Where the police determine there is a 'pressing social need' they will disclose information to a licensing authority. This may be information relating to an arrest, a charge, conviction, or any other information deemed to be relevant for the consideration of the person's fitness to hold a licence.

Upon receipt of this information, the Licensing Authority will take urgent steps to ensure the information is followed up appropriately.

2.4 Disclosure and Barring Service Checks (DBS) etc

Hackney carriage and private hire drivers (and applicants) are required to have an ENHANCED DBS, carried out against the 'OTHER WORKFORCE taxi/ private hire driver' workforce, including the CHILD and ADULT barred lists.

We cannot accept DBS checks carried out for any other purpose (such as those against the 'CHILD workforce'.

These disclosures include, not only all relevant convictions (live and spent - - subject to protected status as stated above) but also other non-conviction data as provided by the police.

An applicant for the grant of or renewal of an operator's licence will be asked to disclose details of any (non-protected) previous convictions and to provide a basic DBS. Applicants for the grant of an

operator's licence will also be asked for details of any previous experience working within the private hire industry including any other licences held, either currently or previously and whether any such licence has ever been revoked, refused, or suspended for any reason.

All applicants must subscribe to the DBS update service. The cost of subscribing is the responsibility of the applicant.

The licence holder must give permission for the licensing authority to undertake checks of their DBS status should the licensing authority consider it necessary to do so. The licensing authority uses the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full enhanced DBS check will be required before a licence is renewed.

Applicants who do not have the correct enhanced certificate that is less than 3 months old, or an automatic update certificate must [go online](#)⁷ to complete the DBS application:

and click on Start Application, enter ORGANISATION REFERENCE...PHTAXIDRIVERS and ORGANISATION CODE taxi2017

All new applicants who have been resident abroad as adults must produce evidence of good conduct in that country or the equivalent of a DBS disclosure before their application can be considered. Any matters revealed will be dealt with in the same way as any revealed by the DBS check.

Information on how to obtain an overseas criminal record check can be found [here](#)⁸:

An applicant who has fled an oppressive regime or has other reasonable grounds to believe that obtaining such documentation would be impossible or dangerous may apply for an exemption and should support that application with a Statutory Declaration and a verifiable character reference from an individual employed in a Prominent 'Regulated Occupation'. Further details in this respect are available on request. [Statutory Declaration List](#)⁹

2.5 Driver and Vehicle Licensing Agency (DVLA)

The applicant must be authorised to drive a car in the UK (e.g., held a full driving licence issued by a state in the European Economic Area) for a minimum of two years.

Consideration of penalty points and driving offences will be made in accordance with the relevance of convictions/cautions in relation to current licensing policy. See Appendix 1.

As part of the grant and renewal application officers of the licensing authority will undertake an online DVLA check for the applicant's status and any endorsements. To this end, at application and on renewal, applicants are required produce their (valid) photocard AND a check code issued by DVLA. www.gov.uk/view-driving-licence¹⁰

⁷ <https://disclosure.capitarvs.co.uk/schoolshr/>

⁸

www.cpni.gov.uk/system/files/documents/71/a2/How_To_Obtain_An_Overseas_Criminal_Record_Check_May_2018.pdf

⁹ www.birmingham.gov.uk/downloads/file/4215/statutory_declaration_list

¹⁰ www.gov.uk/view-driving-licence

The licensing authority can request an additional DVLA check is performed at any point during the lifetime of the licence and failure to provide this permission may result in enforcement action being taken.

2.6 Right to Work

All applicants are required to produce a current UK or EU passport, a UK or EU birth certificate/identity card, or a valid certificate showing their status issued by the UK Border Agency.

They must also produce documentation to prove their National Insurance number.

Any document produced must be an original in an undamaged and unaltered condition.

2.7 Tax Compliance

Since April 2022 applicants for hackney carriage driver, private hire driver, or private hire operator licences must show they are aware of their tax responsibilities if a brand-new applicant or complete a tax check where they are renewing an existing licence or applying for an additional licence with another authority.

New applicants must [confirm they are aware of their tax responsibilities](#)¹¹ when they apply for a taxi driver, private hire driver, private hire vehicle operator licence for the first time.

Applicants must complete a [tax check](#)¹² when renewing their hackney carriage, private hire or operator licence, or to apply for the same type of licence with a different licensing authority.

A licence will not be granted/renewed without this requirement being satisfied.

2.8 Medicals

All drivers are required to undergo regular medical checks to ensure that they are safe to drive in what can sometimes be tiring and stressful conditions.

Birmingham City Council sets the standard as required by drivers of large goods and passenger carrying vehicles. This is known as [Group 2](#)¹³ test.

A medical is required at first application, and then in accordance with the Group 2 frequency, in that, they must be renewed every 5 years or at age 45, whichever is the earlier, until the age of 65 when they are renewed annually without an upper age limit. Shorter licences may be issued for medical reasons.

In some circumstances, the medical examiner may require the applicant to undergo extra tests and or produce documentation about their condition from a consultant. This is done at the applicant's cost and is not included in the cost of the screening medical.

¹¹ www.gov.uk/view-driving-licenceuk

¹² www.gov.uk/view-driving-licence.UK

¹³ www.gov.uk/guidance/general-information-assessing-fitness-to-drive

Qualified doctors at the council's occupational health department conduct all medical examinations. Applicants are advised not to pay for an independent examination or certificate unless specifically requested by a council official.

Further information on how to [book a medical](#)¹⁴:

2.9 Training

Appropriate training is essential to ensure drivers are up to date with relevant legislative changes and to serve as a regular reminder to drivers of their role and responsibilities with respect to the carriage of passengers with disabilities. Training will also ensure drivers understand their responsibilities with respect to safeguarding children and vulnerable adults, as well as making them aware of current issues.

All new applicants for the grant of a driver's licence must undergo the **initial** training appropriate to their licence type.

Fees covering the cost of all training are payable by the applicant to the training provider.

2.9.1 Driving test:

Applicants for a hackney carriage or private hire driver's licence must pass the approved driving test before a licence can be granted. The current test is arranged and conducted by qualified examiners based at the Birmingham City Council driving school. The driving test is only required for initial grant applications, but licence holders can be required to repeat the test in the event of concerns regarding their driving standards.

2.9.2 Knowledge tests:

The knowledge tests ensure any prospective driver can communicate in English to a reasonable standard and is aware of the rules governing how licensed drivers work.

Hackney Carriage: applicants for a new hackney carriage (dual) driver licence must pass the Hackney Carriage Knowledge Test. See Appendix 2

To book a hackney carriage test email licensing@birmingham.gov.uk

Private hire: applicants for a private hire driver licence must pass the Private Hire Suitability Test (formerly known as the private hire knowledge test) See Appendix 3

To book a private hire test – email birminghamcityprivatehire@ttc-uk.com

2.9.3 Disability and Safeguarding:

Applicants for a hackney carriage or private hire driver's licence must pass the approved Disability and Safeguarding Training before a licence can be granted.

[Booking Form - Private Hire Disability Awareness Training](#)¹⁵

¹⁴ www.birmingham.gov.uk/xfp/form/728

¹⁵ www.birmingham.gov.uk/downloads/file/826/booking_form_-_private_hire_disability_awareness_training

2.10 Applying for a different type of licence

If a driver already holding a private hire driver's licence applies for a dual hackney carriage and private hire driver's licence (dual licence), this is an application for a NEW licence, and as such the applicant must undergo all the relevant tests and checks, which were either not applicable, not in force, or which have been updated since the first licence was granted.

Where a medical or DBS check on the original licence is more than 12 months old, an applicant will be required to undertake another, the new check becoming current for both licences. This is the issue of a new licence under a different Act and the Licensing Service must take the appropriate steps to ensure the applicant is fit and proper to hold the licence.

2.11 Applicant/Licence Holder Conduct

Applicants (for both grant and renewal) are expected to comply fully with all aspects of the application process- completing forms, satisfying training requirements etc and making all relevant disclosures with absolute honesty.

Applicants found to be withholding information or providing misinformation will call into question their suitability to hold a licence.

Deliberately withholding or providing false information as part of the licence process may be a criminal offence, and any instances discovered will be referred to the Enforcement Team for investigation and consideration. (see also – compliance & enforcement section later)

2.12 Conditions attached to private hire driver licences

The licensing authority is empowered to impose such conditions as considered reasonably necessary in relation to the granting of a Private Hire Drivers licence. These are set out in Appendix 4 [Private Hire Combined Driver & Vehicle Licence Conditions](#)¹⁶

2.13 Hackney Carriage byelaws

Birmingham City Council has also made byelaws that are specifically applicable to hackney carriage drivers and or proprietors. The existing Hackney Carriage byelaws are set out in Appendix 5 [Hackney Carriage Byelaws](#)¹⁷

2.14 Grant of licences

This licensing authority issues both Dual (Hackney Carriage and Private Hire) Or Private Hire Only driver licences. These licences are issued for a standard period of **3 years**, although the licensing authority can grant licences for a lesser period if deemed appropriate. Driver licences and badges remain the property of the licensing authority and must not be transferred to another person.

¹⁶

www.birmingham.gov.uk/downloads/file/821/private_hire_combined_driver_and_vehicle_licence_conditions

¹⁷ www.birmingham.gov.uk/downloads/file/818/hackney_carriage_byelaws

Applications for driver licences shall be made on the prescribed form, together with the appropriate fee.

It is the licence holder's responsibility to ensure all elements of their application are completed correctly and in good time.

If a driver licence expires before renewal, they will be unlicensed and cannot work as a licensed driver or drive a licensed vehicle.

If a licence has expired, a new application will be required, and all relevant tests, standards and fees for a new licence application must be met.

3. Vehicles

Licensing authorities have a wide range of discretion over the types of vehicle that they licence as hackney carriage or private hire vehicles. Upon both new and renewal applications for vehicles, proprietors will be expected to show that a vehicle meets the relevant requirements used by this authority and permitted by the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. Applications for vehicle licences shall be made on the prescribed form, together with the appropriate fee.

3.1 Vehicle Types:

Applicants must ensure any vehicle can meet the requirements **BEFORE** purchasing or attempting to licence a vehicle. There are a number of similar looking vehicles which have different specifications. Applicants should not assume a vehicle is suitable without having checked the specifications carefully.

Specific information relating to the type and specification of suitable vehicle and associated conditions can be found here:

- [Approved Vehicle Types for Private Hire¹⁸](#) (Appendix 6)
- [Approved Vehicle Types for Hackney Carriage¹⁹](#) (Appendix 7)
- [Hackney Carriage Vehicle Licence Conditions²⁰](#) (Appendix 8)
- [Private Hire Combined Driver & Vehicle Licence Conditions²¹](#) (Appendix 4)

3.2 Private Hire Signage

All private hire vehicles must comply with the Signage Policy. (see Appendix 9)

3.3 Advertising

Restrictions on the type of advertising and the manner of display are set out in the relevant conditions. These must be checked before entering into any advertising agreements.

3.4 Grant of Vehicle Licences

A vehicle licence can only be granted for a maximum of 12 months.

¹⁸ www.birmingham.gov.uk/downloads/file/817/approved_vehicle_types_for_private_hire

¹⁹ www.birmingham.gov.uk/downloads/file/13692/approved_vehicle_types_for_hackney_carriage

²⁰ www.birmingham.gov.uk/downloads/file/820/hackney_carriage_vehicle_licence_conditions

²¹ www.birmingham.gov.uk/downloads/file/821/private_hire_combined_driver_and_vehicle_licence_conditions

Incomplete applications will not be accepted. All the necessary information must be provided at the time of application. Applications for renewal must be submitted in plenty of time to ensure the transaction can be completed prior to the expiry of the licence. Failure to submit a complete application, or late submission of an application may result in a licence expiring before renewal can be completed.

It is the vehicle proprietor's responsibility to ensure all elements of the application are completed correctly and in good time.

If a vehicle licence expires before renewal, the vehicle will be unlicensed and cannot be used for hire and reward.

If a licence has expired, a new application will be required, and all relevant tests, standards and fees for a new licence application must be met.

3.5 Restrictions on Numbers

The main aim of the licensing authority's licensing of hackney carriage and private hire trade is the protection of the public. The licensing authority is aware that the public should have reasonable access to hackney carriage and private hire services because of the part they play in local transport provision. Disabled people are particularly reliant on hackney carriages as a means of transport.

The licensing authority is permitted to restrict the number of hackney carriage licence plates issued if satisfied that there is no significant unmet demand for taxi services in the district.

Historically, there has been a restriction on the issuance of new hackney carriage licences as there was no evidence of any unmet demand. At the time of drafting this report, there was no evidence to support the continuance of any moratorium on the issuing of new hackney carriage licences. The number of licensed hackney carriages has fallen considerably since the previous research survey was carried out.

There is no legal provision by which the number of private hire vehicles can be restricted. This branch of the trade relies on market forces to regulate the numbers.

3.6 Accessibility:

All hackney carriage vehicles are required to be wheelchair accessible. A list of wheelchair accessible vehicles is published on the website: [Wheelchair accessible vehicles listing²²](#)

The licensing authority welcomes applications from private hire vehicle proprietors seeking to licence wheelchair accessible vehicles, although care must be taken to ensure after market modifications to vehicles have been done by a competent body accompanied by the required certification. Anyone seeking to licence a non-standard vehicle is advised to contact the licensing service before making any financial commitments

3.7 Duty to assist:

The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 amends the Equality Act 2010. The legislation extends the duty to carry disabled passengers to all Hackney carriage and private hire drivers, not just those driving a designated vehicle. The new act also places pre booked hackney carriage and private hire drivers under a duty to assist the passenger to identify the vehicle, provided they are aware that a passenger is disabled.

²² www.birmingham.gov.uk/downloads/file/8616/wheelchair_accessible_vehicles_listing

Drivers who are unable to provide mobility assistance for medical reasons will be able to apply for an exemption certificate however the exemption will only relate to the providing of assistance it is not an exemption from carrying a disabled passenger in their vehicle.

Drivers are also able to apply for an exemption certificate if they are unable to carry assistance dogs due to an allergy.

Such medical exemption certificates will be provided upon confirmation from the occupational health service.

3.8 Vehicles registered to another keeper

Where an applicant for a vehicle licence provides a registration document indicating that the registered keeper is another individual, or legal entity, the applicant will be required to provide a letter from the registered keeper indicating that use of the vehicle as a hackney carriage or private hire vehicle by the applicant, is done with their full knowledge and consent.

Where an applicant for a vehicle licence provides a registration document indicating that the registered keeper is another individual, or legal entity, the applicant will be required to provide a letter from the insurers indicating that they are aware of the arrangement and content to provide appropriate insurance cover in those circumstances.

3.9 Vehicles licensed by other licensing authorities.

We will not licence vehicles already holding a licence from another licensing authority (this includes suspended licences). Applicants wishing to licence a vehicle which is already licensed elsewhere will be required to surrender the other licence, and provide evidence, before any will be issued by Birmingham City Council.

3.10 Clean Air Zone (CAZ) and Age Limits

A Clean Air Zone is an area where targeted action is taken to improve air quality, in particular by discouraging the most polluting vehicles from entering the zone. No vehicle is banned in the zone, but vehicles that do not meet the emission standards for the zone are subject to a daily fee. Various funding packages have been made available to encourage the replacement of high emission and high pollution vehicles with ULEVs.

As part of the process of improving the fleet of hackney carriage and private hire vehicles, the age limits for new and renewal licences were reduced, from 1 January 2020.

Imposing an age policy not only improves the emissions profile of the fleet, but also ensures the vehicles are able to maintain an acceptable standard of interior and fittings, ensuring passengers can continue to travel in comfort.

3.11 Age Limits

No hackney carriage vehicle over the age of 15 years will be granted a licence.

No hackney carriage vehicle over the age of 15 years will have its licence renewed

ULEV hackney carriages will be licensed until they are 18 years old (This was agreed in April 2019 with effect from 2020)

TX type hackney carriage full conversions (complete power-train replacement to fully electric) will be licensed up to a maximum of 18 years from the date of conversion (rather than date of first registration)

No private hire vehicle over the age of 8 years will be granted a licence.

No private hire vehicle over the age of 12 years will have its licence renewed

3.12 Hackney Carriage Meters

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.

The current fare table can be found [online](#)²³, and at Appendix 11.

3.13 Vehicle Inspections

All vehicles are subject to a standard MOT test to determine mechanical fitness and a more stringent supplementary test dealing with the vehicle's condition, appearance(internally and externally), and suitability prior to licensing.

An MOT certificate presented for the purpose of licensing a vehicle, or the renewal of a licence must be less than ten weeks old at the time of the transaction. Such time period to be calculated from the date of inspection.

The law provides that a private hire vehicle cannot, in its type, design or identification, lead anyone to believe that it is a hackney carriage.

Proprietors are encouraged to keep vehicles well maintained and serviced throughout the year.

The MOT stations authorised to undertake this testing for hackney carriage and private hire can be found on the [licensing web page](#)²⁴.

Where a licensed vehicle fails an authorised inspection and is deemed unsafe and or unsuitable as a passenger vehicle by the vehicle examiner, the vehicle proprietor or driver may be issued with a suspension notice to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. Statutory legislation permits the licensing authority to inspect a vehicle at most three times in any 12-month period.

3.14 Accidents/ Damage to vehicles

Proprietors and drivers of licensed vehicles must inform this licensing authority as soon as possible, and in any event within 72 hours, of any accident or road collision that causes damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. Failure to report an accident or road collision may result in suspension or revocation of both vehicle and driver licences.

²³ https://www.birmingham.gov.uk/downloads/file/11462/hackney_carriage_fare_table

²⁴

www.birmingham.gov.uk/downloads/file/816/approved_mot_station_list_for_hackney_carriage_and_private_hire

The driver involved in the accident or road collision must provide details to the Licensing service of how, where and when the collision occurred. The damage to the vehicle may be required to be assessed by a vehicle examiner, the vehicle and/or evidence of the damage and/or repair work must be presented to this licensing authority on request. If it is felt necessary, a vehicle suspension notice will be issued.

3.15 Suspension of licences

Once a vehicle licence is granted, the vehicle is deemed to be licensed until such time as it expires, is revoked, or is suspended, and the licence plate must be securely affixed to the vehicle. Only the licensing authority and the police can suspend a vehicle licence.

3.16 CCTV

CCTV in licensed vehicles could act as a deterrent against possible problems and a source of evidence in the case of disputes between drivers and passengers, other incidents, and accidents.

Properly installed and operated CCTV can be a valuable tool in the prevention and detection of crime and can provide valuable evidence.

Drivers, proprietors, and operators are advised to gain the approval of this licensing authority prior to installation of any CCTV system. They **must** be registered with the ICO (Information Commissioners Office) if required and comply with all aspects of data protection and CCTV Codes of Practice, including clear signage that the vehicle uses CCTV.

Further information can be found on the ICO [website²⁵](#)

Internal facing dashcams **CANNOT** be used as a substitute for CCTV.

3.17 Security Screens/ partitions

If drivers wish to install a partition or safety screen, vehicles will need to comply to government and industry regulations and the city council's requirements as the licensing authority. This means home-made screens, non-approved screens and temporary plastic sheeting are not acceptable.

If partitions or screens are used, they should be cleaned regularly, including between passenger journeys and changes of driver. Details of approved installers can be found on the [website²⁶](#). Any alterations to the vehicle by a non approved supplier would require prior approval. Anyone seeking to make **any** modification to their vehicle should seek advice from the licensing team prior to committing to any works or purchases.

²⁵ <https://ico.org.uk/for-organisations/sme-web-hub/whats-new/blogs/installing-cctv-things-you-need-to-do-first/>

²⁶ www.birmingham.gov.uk/blog/tph-bulletin/post/461/security-screens-covid-19

4. Private Hire Operators

Applications for Operator licences shall be made on the prescribed form, together with the appropriate fee. The licensing authority will then decide if the applicant is a 'fit and proper person' to hold an Operator licence.

Standard conditions which relate to the granting of a Private Hire Operator's licence can be found in Appendix 10

This licensing authority will grant Private Hire Operator licences for a period of 5 years, this remains the property of the licensing authority and must not be transferred until the licensing authority is satisfied.

All Birmingham licensed operators must operate from premises within the City boundaries.

Operators' fares are not regulated but each operator is required to ensure that their particular charges are displayed or available on request to each person travelling in a private hire vehicle.

An applicant for the grant of or renewal of an operator's licence will be asked to disclose details of any previous convictions and to provide a basic DBS. Applicants for the grant of an operator's licence will also be asked for details of any previous experience working within the private hire industry including any other licences held, either currently or previously and whether any such licence has ever been revoked, refused or suspended for any reason.

Planning permission must be obtained for the premises where the operation is to be based, unless the applicant can provide confirmation from the Planning Department that such permission is not required.

The records to be maintained include records of all journeys undertaken, and information and documentation relating to the vehicles and drivers operated, together with their "call signs".

The fee payable for an operator's licence reflects the structure of the operation and the number of drivers and vehicles managed, in that it is set according to the officer time afforded to the licence. This fee is payable at the time the application is submitted.

Where a licensed operator increases the size of their fleet to a point where it falls into a new charging bracket, then the operator must contact the licensing service to discuss how to process the variation.

Renewal applications for operator licences must be submitted to the Licensing Office **at least 14** days before expiry, fully completed and with all necessary accompanying paperwork

Failure to comply with this requirement may prevent a new licence from being issued on or before the expiry of the old licence.

4.1 Operator Door Signs

Operators must provide a pair of appropriate door signs for each vehicle operated by their company and take steps to ensure drivers fix the signs in the centre of the front doors of their private hire vehicles, whenever employed on a job or available for dispatch.

Operator Door signs may be of such design as the operator deems appropriate, subject to compliance with the following requirements.

- The sign must include the company name as displayed on the licence certificate.
- The sign must include the phrase BE BOOKED, BE INSURED, in block capital letters using as a minimum 120 point Arial font (30mm in height) in a contrasting colour, so as to be easily seen.
- The sign must not be designed either in colour or style, to mimic the sign used by another operator in Birmingham or any surrounding authority
- Any new sign must be approved by in accordance with the delegations before being issued for use on vehicles. As such it is recommended a draft copy be submitted for approval before signs are printed.
- A sign considered inappropriate by officers, will not be approved, and must not be issued to drivers.

Before an application for a Private Hire Operator's licence is issued, the applicant must produce evidence they have appropriate public liability insurance for the premises to be licensed. Where necessary, Operators must also hold Employers Liability insurance

The operator is responsible for all vehicles and people employed, contracted, or otherwise working as part of their business. To that end the operator must undertake sufficient checks to satisfy themselves that only suitable drivers, administrative staff and vehicles are used (and continue to be used) during their business. The failure of an operator to ensure appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions will also be detrimental to the continued fitness and propriety of the operator.

5. Enforcement and Compliance

A well-directed, risk-based approach to enforcement activity by the licensing authority benefits not only the public but also the responsible members of the hackney carriage and private hire trades.

Legislation relating to a licensing regime and the conditions of licence designed to protect public safety are of no value unless they are correctly enforced by the licensing authority. In pursuance of the objective to encourage responsible hackney carriage and private hire businesses, the licensing authority operates a firm but fair disciplinary and enforcement regime. To balance the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the licensing authority only intervenes where it is necessary and proportionate to do so. Where defects are such that a vehicle or driver's licence needs to be suspended, interference with livelihood is unavoidable.

5.1 Enforcement policy

The licensing authority has adopted an enforcement policy as part of the wider Regulation and Enforcement Directorate in line with the Government's Better Regulation Unit Enforcement Concordat and Regulators Code of Practice. This policy is available on our [website](#)²⁷.

The licensing authority shares information with other agencies in respect of potential illegal activities and enter joint enforcement operations with other agencies and authorities.

²⁷ www.birmingham.gov.uk/downloads/file/405/regulation_and_enforcement_-_enforcement_policy

5.2 Enforcement Action

The licensing authority may take informal action to secure compliance with legislation, conditions and policy which include offering written advice, verbal advice, guidance notes, the use of written instructions or notices and the undertaking of inspections.

Formal action to secure compliance with a breach of any condition, law or byelaw will be exercised in accordance with the enforcement policy.

The licensing authority may take any of the steps below upon receipt of evidence that an offence has been committed in relation to a Hackney Carriage or Private Hire Licence. A breach of condition amounts to an offence in this context:

- Suspension of the Licence.
- Revocation of the Licence.
- Refusal to Renew.
- Issuing of Warnings.

In relation to an offence committed for breach of a statutory obligation, the licensing authority may take one of the following steps in addition to the above:

- Issuing of Simple Cautions.
- Prosecution of offenders
- Requirement to undertake additional training.

5.3 Authorised Officers

Officers of this licensing authority are authorised to fulfil the statutory enforcement and compliance duties for the day-to-day operation of the Hackney Carriage and Private Hire Vehicle licensing policy, and enforcement of conditions which derive from the 1847 and 1976 Acts.

'Authorised officers' have the right to do the following:

- Require drivers to produce licences and insurance certificates.
- Require operators to produce records.
- To remove plates and other signage from vehicles.
- Suspend vehicles from use.

Obstruction of an authorised officer is a criminal offence.

5.4 Immediate Action on the grounds of Public Safety:

Where information is received regarding a licensed driver which indicates there may be an **immediate risk to public safety**, that information will be shared with the Chair of the Licensing and Public Protection Committee to consider the immediate suspension or revocation of the driver's licence.

Such action to be reported to the next available Licensing and Public Protection Committee as part of the Actions Taken by the Chair between Meetings report.

Any decision to suspend or revoke will be communicated to the driver as soon as is reasonably practicable by way of a letter, ordinarily hand delivered by Enforcement Officer(s).

It is not possible to reinstate a licence after revocation without a successful appeal. In the event that the allegations are found to be completely unproven, i.e. a case of mistaken identity or other verified information which exonerates the driver completely, the matter will be put forward as a 'fast-track' grant application, in order to grant a 'new' licence, for the duration of the remainder of the previous licence, and negating the requirement for additional tests etc. This negates the need for a costly and time-consuming appeal, and enables the driver to be back on the road in the shortest possible time. Matters which are less definitive will be referred for consideration in accordance with the scheme of delegations, notwithstanding the driver's right to appeal to the courts.

6. Complaints

Members of the public who wish to make a complaint or comment or submit a compliment about licensed drivers and operators can do so directly to the [licensing service](#)²⁸.

The licensing authority uses a clear and systematic process by which members of the public can seek redress for any failures in service provision by members of the hackney carriage or private hire trade.

Complaints identifying or alleging sexually inappropriate behaviour, violence, theft, drugs, or alcohol will be treated as a high priority.

²⁸ <https://www.birmingham.gov.uk/hcphcomplaint>

Annex A : SCHEME OF DELEGATIONS

Hackney Carriage / Private Hire	Decision to be made by:		
Matter to be dealt with:	Full Committee	Sub-Committee	Officers (Senior Licensing Officer or above)
Setting of Fees and charges	All Cases		
Agree standard conditions i.e. vehicle / driver/operator etc.	All Cases		Individual requests for exemption or deviation from standard conditions may be considered by an officer panel
When a hackney carriage vehicle licence has expired and more than one calendar month has elapsed			any attempt to re-licence the vehicle
Where a private hire vehicle is converted to LPG (Liquid Petroleum Gas)			Providing the installation is conducted by a UKLPG approved installer or has been inspected and approved by a UKLPG installer, so that the vehicle details are listed on the UKLPG Register.
AUTHORITY TO SUSPEND, REVOKE OR REFUSE TO RENEW OR REFUSE TO GRANT ANY LICENCE OR APPLICATION:			
in the case of a licensed vehicle being found to be in contravention of legislation,			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if the officer is not satisfied as to the fitness of the vehicle, or			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if the officer is not satisfied as to the accuracy of the taximeter, or			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if the vehicle does not have adequate insurance cover, or			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if the vehicle is unroadworthy or in a dangerous condition.			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if an officer is not satisfied as to the fitness of a driver following a medical report from the Occupational Health Service.			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847. Where appropriate, such decision will be with immediate effect

Hackney Carriage / Private Hire	Decision to be made by:		
Matter to be dealt with:	Full Committee	Sub- Committee	Officers (Senior Licensing Officer or above)
Where the applicant has 11 points on their DVLA licence or a conviction or caution for an offence that does not fall within the category of drugs, violence, dishonesty or of a sexual nature.			All
Where an applicant has cautions over two years old, such application will be granted.			All Cases
Where an applicant has a conviction(s) for dishonesty, whatever the sentence, including a prison sentence, then such application will be granted provided at least ten years has lapsed since the last conviction for dishonesty.			All Cases
Where an applicant has an absolute discharge for any offence, with no other offences, such application will be granted.			All Cases
Where an applicant has previously been refused or his/her licence revoked, whether by Birmingham City Council or another Local Authority, any further application will be refused within a 12 month period starting from the date of the refusal/revocation of the previous licence.			Ops Manager Panel
Where a private hire driver is convicted for plying for hire (first offence), then their private hire driver's licence will normally be suspended for a minimum period of 6 months.			Ops Manager Panel
Where a private hire driver is convicted for plying for hire and no insurance, then their private hire driver's licence will normally be revoked.			Ops Manager Panel
Grant/renewal of a licence where a driver is convicted of a drink/drug related driving offence or has been subject to a driving ban			Ops Manager Panel
Renewal of a drivers licence after the late renewal period where the circumstances for the lateness are on medical grounds only. (late renewal fee applies)			All cases

Hackney Carriage / Private Hire	Decision to be made by:		
Matter to be dealt with:	Full Committee	Sub- Committee	Officers (Senior Licensing Officer or above)
When confirmation is received to the effect that the holder of the licence has been banned from driving by a Court of Law and is no longer in possession of a valid DVLA driving licence.			All Cases
Approval of the installation of safety screens in private hire vehicles, where MIRA testing and approval, or an equivalent European test certificate can be produced for the proposed screen			All Cases
Approval of certain standard exemptions to the current licence conditions for private hire operators and vehicles, where the applicant can demonstrate that the exemption is justified (limousines, stretched and special event vehicles carrying out private hire work within the city)			All Cases
Grant of licence where the applicant has 6 points on their DVLA licence or a conviction or caution for an offence that does not fall within the category of drugs, violence, dishonesty or of a sexual nature.			Licensing officer and above
Consideration of suitability of evidence as to good character where applicant is from a failed state and cannot comply with requirement to provide a DBS.			All cases
Approval of operator door signs			Principal LO or above

Appendices

Appendix 1- DFT Convictions Policy

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Appendix 2 – Hackney Carriage Knowledge Test

The knowledge test ensures that any prospective driver can communicate in English to a reasonable standard and is aware of the rules governing how licensed drivers work.

You are allowed 2 hours for a verbal test, which most successful candidates complete with time to spare, or 3 hours for a written test. Statistically about 50% of candidates fail to complete the written test and about 10% fail to gain marks because their handwriting is illegible.

If you take a written test, you must also complete a verbal communication test.

An average of 65% of candidates pass the test on the first attempt with an average study time of 18 months.

Legal questions

Hackney carriage drivers are required to answer in detail six questions about the law and conditions of licence. The questions are drawn randomly from a bank of questions in the knowledge folder.

All six questions must be answered correctly.

Geographical questions

To pass the test, you must answer at least 90 of the 100 questions selected.

The test can be taken verbally, where the examiner asks the questions and records the answers, or in a written form where you are required to write out all the questions and answers.

Route questions

You will be asked to describe in detail from memory, the shortest possible route between two locations in or near the city. The route must be the shortest distance route, not the quickest or easiest to follow.

Twenty routes will be selected randomly from a bank of 342 contained in the folder.

Two-point location questions

You will be required to describe in detail 80 premises in or near the city, from memory, and giving a minimum of two points of reference. These are known as 'two-point locations.'

The questions will be drawn randomly from a bank of 1680 contained in the knowledge folder.

Appendix 3 Private Hire Suitability Test

The private hire test consists of three elements.

Please note: the A-to-Z element of the test was removed as of 20 June 2018.

1. Legal questions

You will be asked six questions about private hire driver and vehicle legislation. You must answer the questions accurately, especially where numbers or time limits are involved. You will be given the option of four answers in a multiple-choice format. The answers to all the questions are included in the [private hire legal information document](#).

2. Licence conditions

You will be asked six questions about conditions imposed on private hire drivers by the council. The questions must be answered accurately, especially regarding time limits. You will be given the option of four answers in a multiple-choice format. The answers to all the questions are included in the text of the documents:

- [Private hire combined driver & vehicle licence conditions](#)

3. Plying for hire questions

You will be asked six questions where you have the opportunity to demonstrate to the tester that you have a sound, in-depth knowledge of the consequences of carrying out work that has not been properly booked and passed to you by your operator. You will be given the option of four answers in a multiple-choice format.

You must answer all these questions correctly. The answers to these questions are contained in the documents you will have used to answer the first two sets of questions.

You may make up to four mistakes in sections 1 and 2 provided you do not get more than two wrong in any one section.

How do I book a Private Hire Knowledge Test?

Private hire knowledge tests are now being organised and conducted by TTC Driver Solutions.

To book a private hire knowledge test, please contact TTC Driver Solutions by e-mail:

birminghamcityprivatehire@ttc-uk.com

Appendix 4 PRIVATE HIRE DRIVER AND VEHICLE CONDITIONS OF LICENCE

This 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

GENERAL CONDITIONS

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:
 - a. The name of the council.
 - b. The licence number(s) of the licence(s) suspended or revoked.
 - c. The date of the decision.
 - d. 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**.

3. Mobile phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting or accepting bookings for that vehicle.

The only exception to this is where a phone is installed specifically to host an app. designed for the acceptance of bookings from your operator.

LOST PROPERTY

4. 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.

5. Any property accidentally left in a private hire vehicle must be handed in to a West Midlands Police Station as soon as possible, and in any event, within 72 hours of the property being found and a receipt for such property obtained. A copy of the receipt must be provided to the Licensing Office within 3 days of its issue.

CONDITIONS SPECIFIC TO DRIVERS

6. If you have any illness or medical condition that prevents you from driving or requires you to notify the DVLA, you must notify the Licensing Office, in writing, within **3 days**.

7. If you decide to work for an operator different from that supplied at the time of your licence application, then before commencing work with the new operator, you must notify the Licensing Office, in writing, with details of your previous operator, new operator, new call sign and start date and provide a valid signed operators form.

8. Your private hire driver's badge remains the property of the Council and should your licence expire, be suspended, revoked or not renewed, you must return your private hire driver's badge within **7 days**.

9. You must not wilfully obstruct or refuse any person from viewing your private hire badge or taking the number of your badge.

10. If your private hire driver's badge is lost or stolen, you must inform the Police and obtain a Police report number, which must be reported to the Licensing Office within **3 days**.

11. The operator identification door signs must be displayed on the two front doors of the vehicle.

12. Your private hire vehicle must **display** the Fare Table issued by the private hire operator in a prominent position inside the vehicle so as to be clearly visible to any passenger.

13. You must not respond to any booking from your operator unless you are given:

- a) The passenger's name.
- b) The time and point of pick up.
- c) The destination.
- d) The fare (if applicable).

14. You must not, via any means, pass details of any booking or passenger you have agreed to carry to your operator.

15. You must not accept a return booking directly from a passenger. COMBINED PRIVATE HIRE

16. You must not park in such a position or location to be in the vicinity of premises such as bars, restaurants, takeaways, public houses, clubs, hotels, hospitals, casino's, gaming and amusement arcades, which could give the appearance of being available for hire unless you have been allocated a booking by your operator.

17. You must:-

- a) Have a good standard of personal hygiene, be clean and respectable in your appearance and behave in a civil and orderly manner at all times whilst your vehicle is in use or available for hire.
- b) Not congregate with more than 2 other private hire drivers/vehicles in residential areas and cause a nuisance by your parking, noise or activities whilst waiting to be allocated a booking.
- c) Convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in moving luggage to and from the entrance of any premises where you collect or set down your passenger(s).
- d) Take all reasonable steps to assist with and ensure the safety of your passenger(s) when entering, being conveyed in and alighting from your vehicle.
- e) Unless otherwise directed by your passenger(s), proceed to the destination by the shortest possible route.
- f) Not eat or drink in your vehicle whilst carrying a passenger.
- g) Not without the express consent of your passenger(s) play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- h) Not cause or permit the noise emitted by any radio or previously mentioned equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- i) Not demand a fare in excess of any previously agreed for that hiring. If no fare has been previously agreed then you must not demand a fare in excess of that prescribed by your operator's fare table displayed in the vehicle. If the vehicle is fitted with a meter and no fare has been previously agreed then you must not demand a fare in excess of that shown on the meter.
- j) If requested to do so by your passenger(s), provide a written receipt for any fare paid, on stationery bearing the name of your operator, which includes your call sign, details of the journey and the fare paid.

CONDITIONS SPECIFIC TO VEHICLES

VEHICLE IDENTITY PLATES & SIGNAGE

18. The only plates and signs that may be displayed on or in a private hire vehicle are those prescribed by the City Council's Vehicle Signage Policy

19. Vehicles granted exemption not to display an identification plate or sign must carry and be able to produce the letter confirming the exemption and the licence plate issued by the Licensing Office to an authorised officer of the Licensing Authority or a Police Constable on request.

20. 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.

21. 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.

MAINTENANCE OF VEHICLES

22. 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.

23. 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.

24. Only tinted and anti-glare windows fitted by the vehicle's manufacturer are acceptable.

25. No private hire vehicle licensed by this authority may be licensed in any other authority as a private hire or hackney carriage vehicle.

DOCUMENTATION TO BE MAINTAINED FOR VEHICLE & DRIVER(S)

26. Only a licensed private hire driver can drive a licensed private hire 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 Private Hire Driver's Licence, and
- b) A copy of their insurance documentation covering them to use the vehicle for the purpose of private hire.

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

27. 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.

28. 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.

TAXIMETERS

29. Should a taximeter be fitted to any private hire vehicle, you must ensure that it has been tested, sealed and certified to have been calibrated and set to your operator's tariff(s) before it can be used for calculating fares for passengers.

30. A copy of the taximeter calibration certificate shall 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

31. If technology is provided by the operator to enable route planning and fare calculation they should ensure that drivers proceed to the destination by shortest possible route, through the programming of any technology provided by the operator, which is designed to assist drivers in route planning and calculation of fares.

Deviating from the shortest possible route is only allowed when the driver obtains the agreement of the passenger to do so.

32. You must not tamper with or permit any other person to tamper with the meter, its fittings, connections or seal without the written approval of the Licensing Office.

ADVERTISING

33. No advertisement may be placed upon a private hire vehicle unless in accordance with Birmingham City Council's Vehicle Signage Policy.

MISCELLANEOUS

34. 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.

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Council of the City of Birmingham with respect to hackney carriages in the City of Birmingham.

INTERPRETATION

1. Throughout these Byelaws:

"authorised officer" means any officer of the Council authorised in writing by the Council for the purposes of the Town Police Clauses Act 1847 (the Act of 1847).

"the Council" means Birmingham City Council.

"driver's badge" means the badge issued to a driver by the Council in exercise of its powers under section 68 of the Act of 1847.

"driver's licence" means the licence issued under section 46 of the Act of 1847.

"hackney carriage" has the same meaning as in the Act of 1847.

"Licensing Office" means the Council Office from where the hackney carriage driver and vehicle licences are issued.

"proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

"stand" means a taxi rank, this being an area of carriageway appointed for use by hackney carriages to wait and pick up passengers.

"taximeter" means a device for calculating the fare to be charged in respect of any journey in a hackney carriage by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

"vehicle identity plate" means the plate issued to a proprietor by the Council and referred to in section 38 of the Act of 1847.

"vehicle licence" means the hackney carriage licence issued by the Council in exercise of its powers under section 37 of the Act of 1847.

DRIVERS' BADGES

2. When issued with a driver's badge by the Council, the driver of a hackney carriage shall at all times when standing, plying for hire or when hired, either wear or display their driver's badge in such a position and manner so that it would be plainly and distinctly visible.
3. The driver of a hackney carriage when standing, plying for hire or when hired, shall not wilfully obstruct any person from taking the number of their badge.

VEHICLE IDENTITY PLATE

4.
 - a) The proprietor of a hackney carriage shall cause the vehicle identity plate issued to him by the Council to be affixed on the outside at the rear of the carriage so as to be plainly and distinctly visible with legible particulars at all times.
 - b) A proprietor or driver of a hackney carriage shall:
 - i) not wilfully or negligently cause or suffer the concealment or removal of the vehicle identity plate; and
 - ii) not cause or permit the vehicle identity plate to be defaced, altered or obliterated.
5. A proprietor or driver of a hackney carriage shall not retain, sell, transfer or otherwise dispose of the vehicle identity plate separately from the carriage in respect of which it has been issued, nor permit such plate to be retained, sold, transferred or otherwise disposed of.

TAXIMETERS

6. The proprietor of a hackney carriage shall ensure:
 - a) that the vehicle is fitted with a taximeter, which has been tested, sealed and certified by an authorised officer;
 - b) that when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage as prescribed by the Council and displayed on the current fare table, and
 - c) that the taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly and distinctly visible to any person being conveyed in such carriage, and for that purpose the said letters and figures shall be capable of being suitably illuminated during any period of hiring.
7. a) Subject to the provisions of paragraph (b) of this byelaw, the proprietor or driver of a hackney carriage:
 - i) shall not tamper with or permit any other person to tamper with the taximeter or its fittings or connections after it has been fitted to the carriage and sealed by an authorised officer; and
 - ii) shall not wilfully break or tamper or permit any other person to break or tamper with any seal or mark placed on the taximeter or its connections.
- b) If a taximeter affixed to a hackney carriage is found to be defective or inaccurate the proprietor of the carriage may (or may authorise another person to) break the seals of the taximeter for the purpose of effecting the necessary repairs, provided that:
 - i) the proprietor shall within 72 hours after breaking the seals give or cause to be given notice of the action taken in writing to the Council's Licensing Office (specifying the number of the licence of the carriage, the maker's name and number of the taximeter); and

- ii) nothing in this byelaw shall be deemed to authorise a hackney carriage to be used or continue in use as such after the seals on any taximeter with which the hackney carriage is provided have been broken as aforesaid and before the taximeter has again been tested, sealed and certified as correct by an authorised officer.
- 8. The driver of a hackney carriage shall only set the taximeter in action when the carriage is hired. Immediately on the completion of a hiring the driver shall cause the taximeter or apparatus to cease recording, but to continue to show the fare recorded until the hirer has had a reasonable opportunity of seeing that fare.
- 9. The proprietor of a hackney carriage shall not cause or suffer such carriage to be used for the purpose of standing, plying or driving for hire and a driver of a hackney carriage shall not stand, ply or drive for hire if the seal on the taximeter is broken.

FARE TABLE

- 10. The proprietor of a hackney carriage shall ensure that the Fare Table provided by the Council, bearing a number corresponding with the number of the licence of such carriage setting forth the rate or fare fixed for the use of such carriage by the Council, is displayed in a prominent position within the vehicle so as to be plainly and distinctly visible and the particulars legible.
- 11. The proprietor or driver of a hackney carriage shall not wilfully or negligently cause or suffer the concealment or removal of the Fare Table, nor alter or obliterate any letters or figures on the Fare Table.

HIRING OF A HACKNEY CARRIAGE

- 12. a) The proprietor of a hackney carriage shall ensure the vehicle is fitted with a roof sign at the front of the vehicle bearing the word "TAXI" in plain letters and such a sign shall be capable of being suitably illuminated indicating that the vehicle is available for hire.

- b) The driver of a hackney carriage shall ensure that the roof sign bearing the word "TAXI" is illuminated when the vehicle is available for hire and extinguished whilst a hiring is taking place or if the vehicle is not available for hire.
13. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.
14. Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council, which it may not be possible to record on the face of the taximeter.

CARRIAGE OF PASSENGERS

15. The proprietor or driver of a hackney carriage shall not suffer or allow any person to ride in the front of the carriage, if the design does not permit such use.
16. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the vehicle identity plate displayed at the rear of the carriage.

CARRIAGE OF LUGGAGE

17. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage -
- a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading; and

- c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

REPORTING CONVICTIONS, CAUTIONS & ENDORSEMENTS

- 18. If a proprietor or driver of a hackney carriage is found guilty, cautioned or convicted of any offence, or he receives an endorsement for a motoring offence, including a fixed penalty, he must report the details, in writing to the Licensing Office within 7 days. In case of a motoring endorsement he does not need to wait for the return of his licence from the DVLA, Swansea.

PUNCTUAL ATTENDANCE WHEN PREVIOUSLY HIRED

- 19. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless he has reasonable excuse, punctually attend with such carriage at such appointed time and place.

HACKNEY CARRIAGES TO BE KEPT IN GOOD ORDER

- 20. The proprietor of a hackney carriage shall:
 - a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - b) cause the roof or covering to be kept watertight;
 - c) provide any necessary windows and means of opening and closing not less than one window on each side;
 - d) cause the seats to be properly cushioned or covered;
 - e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

- f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- h) provide an efficient fire extinguisher, which shall be carried in such a position as to be readily available for use; and
- i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

APPOINTED STANDS AND ORDER OF WORKING.

- 21. A driver of a hackney carriage shall, when plying for hire and not actually hired:
 - a) proceed to and station the carriage on one of the stands appointed by the Council;
 - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - c) on arriving at a stand not already occupied by the full number of carriages to occupy it, station the carriage immediately behind the carriage(s) on the stand and so as to face in the same direction; and
 - d) when the carriage(s) immediately in front drive off or move forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

LOST PROPERTY TO BE SEARCHED FOR

- 22. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable

thereafter, carefully search the carriage for any property which may have been accidentally left therein.

23. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein be found by or handed to him, as soon as possible and in any event within 72 hours either -
- a) return the property to its owner or someone acting on behalf of the owner and obtain a receipt for such property; or
 - b) deposit the property at a West Midlands police station and obtain a receipt for such property.

COMPLIANCE WITH AND THE PRODUCTION OF THE BYELAWS

24. The driver of a hackney carriage shall not knowingly or recklessly drive a hackney carriage for hire which does not comply with any of the requirements of these byelaws.
25. The driver of a hackney carriage shall at all times have a clean copy of these byelaws in good order ready to produce and upon request produce the same for perusal and inspection to any person who shall hire such carriage or to any authorised officer or Police Officer.

PENALTIES

26. Every proprietor or driver of a hackney carriage vehicle who shall offend against any of the foregoing byelaws shall be liable upon summary conviction for every such offence to a fine not exceeding level 2 of the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

REPEAL

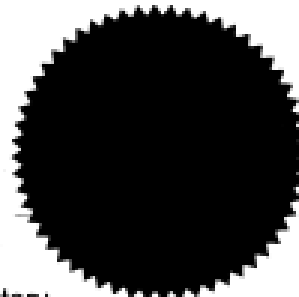
27. These Byelaws shall be known as the Birmingham City Council Hackney Carriage Byelaws 2008 and shall repeal:

- a) The Byelaws relating to Motor Hackney Carriages, which were made by the Council on the third day of July 1925 and confirmed by the Minister of Health on the eighth day of September 1925, and
- b) the Byelaws relating to Motor Hackney Carriages, which were made by the Council on the twentieth day of March 1951 and confirmed by one of His Majesty's Principal Secretaries of State on the twenty-fifth day of May 1951.


THE COMMON SEAL of
BIRMINGHAM CITY COUNCIL
Was hereunto affixed in the
presence of



Authorised signatory



90606

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into force on the	
day of	26 June 2002
	
Signed by the Secretary of the Secretary of State.	

Appendix 6 - Approved Vehicle Types – Private Hire

Approved Vehicle Types – Private Hire	LGMPA 76 s48(1)
The private hire licensing provisions apply to a variety of vehicles ranging from four-door saloon vehicles to people carriers, however, those vehicles should be:	
<ul style="list-style-type: none"> • built to M1 specification. 	Policy PHVSpec1
<ul style="list-style-type: none"> • be capable of carrying a minimum of four average sized adults in comfort. 	Policy PHVSpec3
<ul style="list-style-type: none"> • All vehicles must be right hand drive and must not have fewer than four road wheels. 	Policy PHVSpec4
<ul style="list-style-type: none"> • Cars must have a minimum of four doors giving adequate access to and egress from the vehicle. The design of the car can be saloon, hatchback or estate. 	Policy PHVSpec5
<ul style="list-style-type: none"> • Larger vehicles (MPV, minibus, or people mover types) must have sufficient doors of sufficient size to allow passengers to get in and out quickly and safely. 	Policy PHVSpec6
<ul style="list-style-type: none"> • Where exit from the rear seats in vehicles equipped with three rows of seats requires operation of a tip seat mechanism, passengers must be able to exit from either side of the vehicle and the tip seats at either end of the middle row must be capable of independent operation. 	Policy PHVSpec7
<ul style="list-style-type: none"> • Where a vehicle is equipped with pop-up, or auxiliary seats intended for occasional use only, those seats must not be included in the licensed capacity of the vehicle. 	Policy PHVSpec8
<ul style="list-style-type: none"> • Where the vehicle configuration requires a whole bench seat to slide and/or tip for access/egress to the rear seats, the rear seats should not be included in the seating capacity and should be removed to avoid pressure from passengers to carry numbers in excess of the licensed capacity. 	Policy PHVSpec9
<ul style="list-style-type: none"> • All vehicles must have a wheelbase (when measured from the centre of the front wheel to the centre of the rear wheel) of at least 2540mm (100 inches). 	Policy PHVSpec10
<ul style="list-style-type: none"> • Cars must have a back seat width (when measured in a continuous line from edge to edge) of at least 1220mm (48 inches). 	Policy PHVSpec11
<ul style="list-style-type: none"> • Larger capacity vehicles (MPV, minibus, or people mover types) which are fitted with individual seats, or which do not have full width bench seats, must have a minimum 407mm (16 inches) of seat space per passenger across the width of the seat. 	Policy PHVSpec12
<ul style="list-style-type: none"> • Seat belts must be provided for all passengers according to the licensed capacity of the vehicle. 	Policy PHVSpec13
<ul style="list-style-type: none"> • Vehicles equipped with soft tops, removable hard tops and people carriers (MPV types) described as black on the log book, will not be licensed for the purpose of private hire. 	Policy PHVSpec14
<ul style="list-style-type: none"> • Vehicles fitted with darker tints and privacy glass can be licensed where the glass is to factory standard and vehicles are presented to licensing in an unmodified state, vehicles fitted with films, foils, or any other aftermarket tinting will be refused a licence, unless the tinting is removed and the vehicle returned to the manufacturer's standard specification. 	Policy PHVSpec15

Revised Sept 2018 – Engine size restriction removed by Committee 19/09/2018 Policy PHVSpec2

CITY OF BIRMINGHAM
SPECIFICATIONS FOR VEHICLES TO BE LICENSED AS WHEELCHAIR
ACCESSIBLE HACKNEY CARRIAGES

1. Vehicle Type

1.1 Any vehicle that has been modified to accommodate a wheelchair user shall have been tested, or retested after modification, to meet the European Community Whole Vehicle Type Approval standards in the M1 category. As evidence of this, upon first licensing of any new type of vehicle, the manufacturer must supply an entire copy of the European Community Whole Vehicle Type Approval Certificate and the first vehicle, and all future vehicles of that type, must carry a second stage manufacturers VIN plate displaying the number shown on the certificate. Vehicle registration documents must also show the same type approval number, the vehicle category must be shown as M1 and the body type must be shown as TAXI.

1.2 All vehicles shall be subject to the following additional requirements:

- a. 4 doors (excluding rear doors/tailgate unless accessible without the need to move seats);
- b. right hand drive;
- c. vehicles must conform to the Council livery scheme;
- d. vehicles with seating for more than 5 passengers will only be accepted for licensing following prior inspection of the actual vehicle for compliance and for suitability of seating layout and access.

1.3. Once a vehicle has been approved it must remain in that form and no change in the specification, design, condition or appearance of the vehicle shall be made throughout its licensing life without prior written approval from the Council.

1.4. Notwithstanding that the requirements of 1.1 and 1.2 above are fulfilled, the vehicle may not be approved for licensing by the Council until it has been inspected by individuals/groups nominated from time to time by the Council to comment on accessibility of the vehicle by wheelchair users and those with other disabilities.

2. Seating Capacity

2.1 The vehicle shall have a minimum seating capacity of 5 passengers up to a maximum of 8 passengers to be accommodated in the rear compartment and be capable of accommodating at least 1 wheelchair user. A vehicle where a wheelchair user reduces the overall capacity shall be permitted, subject to fulfilling all other requirements.

2.2 Only forward and/or rearward facing passenger seats shall be fitted.

2.3 All passenger seats and the devices used to secure them to the vehicle shall comply with the relevant M1 standards contained in European Directive 74/408 EC (as amended).

2.4. All passenger seats shall be permanently fixed to the vehicle. Demountable seats that are capable of being removed for the purpose of providing space for wheelchair user shall not be allowed. Fold-away tip-up type seats, shall be permitted providing they remain attached to the vehicle and comply with the requirements of 2.3 above.

2.5 All seats shall have a minimum cushion size of 350mm front to rear and 400mm side to side.

2.6. Every passenger seat should preferably have the forward edge highlighted in a contrasting colour so as to assist passengers with visual impairment.

2.7 The front passenger seat area shall be reserved for the carriage of luggage. Where a seat is fitted, it will not be considered suitable for passenger use and will not be taken

into account when determining the maximum passenger capacity of the vehicle for licensing purposes.

3. Seat Belts

3.1 All passenger seats shall be provided with a lap and diagonal 3 point seat belt appropriate to the type and position of the seat which complies with the strength requirements specified in European Directive 77/541/ EC as amended and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.

3.2. Each wheelchair user shall be provided with a disabled persons seat belt which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings appropriate to the position of the wheelchair as laid down in European Directive 76/115 EC as amended and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.

3.3 All seat belts fitted and available for use shall comply with European Directive 77/541/EC (as amended).

3.4 All seat belts shall be fitted to the vehicle with the number of anchorage points appropriate to the type of seat belt. All anchorage points shall comply with M1 standards laid down in European Directive 76/115 EC (as amended by Directive 96/38 EC) or ECE Regulation 14 whether or not those requirements apply to that particular anchorage or vehicle.

4. Wheelchair Restraint(s)/Passenger Safety Equipment

4.1 A system for the effective anchoring of wheelchairs shall be provided within the vehicle for all spaces designated as wheelchair spaces. The system and the devices used to secure the wheelchair to the vehicle shall comply with the strength requirements for M1 standards laid down in European Directive 76/115 EC whether or not those directives apply to those devices or vehicle. Wheelchair(s) must only face forward or rearward when the vehicle is in motion.

4.2. A full set of restraints shall be available in the vehicle for each wheelchair capable of being carried as permitted by the vehicle license.

5. Wheelchair Space

5.1 The vehicle shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1300mm measured from the floor of the vehicle for each wheelchair user. The space(s) shall be immediately adjacent to a vehicle door fitted with the wheelchair access equipment (see 6 below) so as to allow the wheelchair user to board the vehicle and use the anchoring equipment with the minimum of manoeuvring.

6. Wheelchair Access Equipment

6.1 The vehicle shall be fitted with the following form of wheelchair access equipment.

RAMP: A purpose-designed wheelchair single-plate access ramp which must be permanently installed in the vehicle and be lightweight and easy to deploy, An add-on removable section would be deemed to meet this requirement. The ramp must provide a continuous surface of not less than 700mm in width and shall not exceed 1900mm in length when fully deployed. On level ground the ramp shall have a maximum gradient of no more than 33% in the fully deployed position. The installed ramp must have a minimum safe working load of 300kgs and shall be tested to 25% overload and a certificate obtained from the manufacturer installer. By 2010 all new vehicles with ramps and fittings must comply with British Standards 6109.

6.2 The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow for smooth ingress/egress without the need to negotiate any step etc.

6.3. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1200mm. The measurement shall be taken from the upper centre of the aperture to a point directly below on the floor of the vehicle.

6.4 The aperture of the door into which the access equipment is fitted shall have a minimum width of 750mm at and below window height so as to allow the easy ingress/egress of a wheelchair.

6.5 A mechanism shall be fitted that positively holds the access door in the open position whilst in use and that requires a deliberate effort to close.

7. Bulkhead/Drivers Safety Screen

7.1 All vehicles shall have a bulkhead/drivers safety screen fitted, it shall be a full width, and full height screen fitted in the vehicle directly behind the driver's seat. The upper section of the bulkhead/safety screen shall consist of a clear vision panel sufficient for the driver to be able to see a substantial amount of the passenger compartment which must include vision of all access doors. A means of passing payment shall be incorporated into the screen to enable payment to be made from within the vehicle.

7.2 The vision panel section of the bulkhead/safety screen shall be constructed of safety glass without tint to the standard required for windscreens laid down in Regulations 30, 31 & 32 of The Road Vehicles (Construction and Use) Regulations 1986 or any clear material with at least the same impact resistance and safety qualities as that of safety glass.

7.3 Any bulkhead/safety screen system must allow verbal communication between the driver and passenger by way of an intercom system which can be operated by the passenger.

8. Hearing facility

8.1 An induction loop facility must be installed and clearly signed for the use of passengers with hearing aids.

9. General Entry and Exit Requirements

9.1 The vehicle shall have a minimum of 2 means of exit from the passenger compartment behind the driver for use in emergency situations. The means of exit shall be free of any obstructions, reachable from all parts of the rear passenger compartment. Any gap through which a passenger can be expected to pass shall be of a minimum width of 400mm through which an adult can pass freely in a normal manner without undue difficulty.

9.2 Where a tailgate/rear door(s) are included as an exit, they shall be clearly marked "Emergency Exit" together with clear instructions relating to the means of opening. All markings shall be on the inside of the vehicle in a minimum lettering size of 25mm.

9.3 All vehicles must be side passenger loading. Rear passenger loading vehicles are not permitted.

10. Floor Height, Steps and Handrails

10.1 At the main access door into the passenger area of the vehicle, steps shall be provided to aid ingress/egress as follows:

a. Where the internal floor height of the vehicle exceeds 380mm an intermediate step shall be fitted every 300mm from road level up to the internal floor height. All steps must be capable of supporting a minimum weight of 150kg.

- b. The tread area of all steps must have a minimum depth of 150mm and shall have a slip / resistant surface. All steps, both internally and externally, shall have all open edges highlighted in a contrasting high-visibility colour to match handrails and seat markings.
- c. Handrails must be fitted in appropriate positions in all passenger access doors so as to assist (intending) passengers and to facilitate the use of steps where provided. All handrails fitted shall be highlighted in a contrasting high-visibility colour to match seat markings as shown at 2.6 above and be of a non-slip finish.

11. Windows/Ventilation

11.1 The vehicle shall have windows fitted throughout on both sides of the vehicle and to the rear of the passenger compartment. A minimum of one window on each side shall be capable of being opened for the purpose of ventilation and passenger comfort.

11.2 All windows shall comply with European Directive 92J22/EC (as amended).

11.3 Only original manufacturers approved glazing shall be permitted. No aftermarket additions, e.g. film or spray coatings, shall be permitted other than clear additions which are intended to improve driver/passenger safety. All windows and glazing with or without additions designed to improve driver/passenger safety must achieve a minimum of 70% light transmission except where otherwise required by the Road Vehicle (Construction and Use) Regulations 1986.

12. Floors and Passageways

12.1 All floor areas and passageways between seats through which passengers may be expected to pass shall be free of all steps, encumbrances or trip hazards and shall have a slip resistant surface securely fitted to the floor. Integral step(s) at doorways will not count towards this requirement.

12.2 Any gap through which a passenger can be expected to pass shall be of a minimum width of 400mm through which an adult can pass freely in a normal manner without undue difficulty.

13. Interior Lighting

13.1 The vehicle shall have interior lighting fitted in the passenger compartment sufficient to illuminate the whole of that compartment. The light(s) shall be switched such that they may be turned on and off from both the driving and passenger compartments and shall operate automatically when a door is opened.

13.2 A means of illuminating the entrance steps at all access doors into the passenger compartment shall be fitted and switched such that they operate automatically when a door is opened.

14. Luggage Space

14.1 There shall be a luggage compartment situated at the front or rear of the vehicle. If at the front it must be forward of a bulkhead/safety screen and on the opposite side of the driving compartment. The luggage compartment must be divided off by a barrier capable of preventing any luggage from entering the driving compartment or rear passenger compartment.

14.2 The luggage compartment shall have sufficient capacity to accommodate a reasonable amount of luggage for each of the maximum number of passengers that can be carried.

14.3 Unoccupied wheelchairs etc carried as luggage shall be securely loaded outside of the main passenger compartment.

14.4 A suitable restraint system shall be provided so as to minimise any movement of luggage whilst in transit.

14.5 The luggage compartment shall have a permanently fitted light for illumination which operates automatically on opening the door boot lid.

15. Taximeter and Fare Card

15.1 The vehicle shall be equipped with a taximeter of an approved type that is fully activated and calibrated to the current fare card (as amended) so as to be capable of charging no more than the permitted rate of fare at anytime.

15.2 The taximeter shall be securely fitted in a position such that the fare can be easily and clearly read by any passenger inside the vehicle.

15.3 The current fare card shall be displayed in the vehicle so as to be easily and clearly read by any passenger. Where a bulkhead is fitted, an additional fare card shall be displayed in the rear passenger compartment so as to be easily and clearly read by any passenger.

15.4 Proper provision shall be made for the display of the fare card to accommodate at least an A5 size fare table.

15.5 Proper provision shall be made for the display of the vehicle license plate on the rear of the vehicle.

NOTES:

Any vehicle approved and licensed by the Council, in addition to the above requirements, will also be subject to conditions attached to licences (as amended) and to byelaws in respect to hackney carriages (as amended).

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 Hackney Carriage 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.
 - d) The roof of the vehicle as an approved "taxitop" installation
 - e) With the exception of c) above, advertisements on windows are not allowed.
19. Only those companies approved by Birmingham City Council may install "taxitop" advertising units and installation or removal of units, must be carried out by the company's nominated installer.
20. No additional advertising media of any description 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 cm².

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.

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

22. 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.

23. 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:

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

TAXIMETERS

25. 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.

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

MAINTENANCE OF VEHICLES

27. The interior of the vehicle shall be kept clean and tidy at all times when in use as a Hackney Carriage Vehicle.

28. The exterior of the vehicle to be clean at all such times, having due regard to the weather conditions on the day.

29. 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.

30. 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.

31. Only tinted and anti-glare windows fitted by the vehicle's manufacturer are acceptable

MISCELLANEOUS

32. 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.

33. 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.

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) 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

Appendix 9 Private Hire Signage Policy

- Unless specifically granted exemption to all or part of the private hire vehicle signage policy, all licensed private hire vehicles must display the full range of prescribed signage throughout the duration of the licence.
- The rear licence plate must be fixed to the exterior rear of the vehicle, in such a position as to be clearly visible. The plate should be attached using a purpose made bracket, or other appropriate fixing in order to render it impossible to remove without the use of tools.
- The Semi-permanent door signs must be applied to the centre of both rear passenger doors and must remain in place for the duration of the licence
- The double-sided front windscreen sign must be fixed inside the nearside bottom corner of the windscreen, in a position where it is visible to an observer outside the vehicle and to a front seat passenger.
- A Call Sign number, to be issued by the Licensed Operator, must be displayed in the upper nearside corner of the rear window and the upper nearside corner of the front windscreen.
- All plates and signage displayed on the vehicle must be kept clean, unobstructed and must not be altered or tampered with in any way.
- A private hire vehicle must not be driven or operated, unless it is displaying in the manner prescribed, the vehicle identification plates, which must remain continuously attached throughout the duration of the licence, unless the licence is surrendered, suspended, or revoked.
- No Smoking signage must be displayed in the vehicle and comply with current smoke free legislation.
- Private Hire Operator Door Signs must be displayed on the front doors of the vehicle whenever the vehicle is employed on a job or available for dispatch. Vehicles MUST display the door sign appropriate to the job on which they are employed and MUST NOT display more than one door sign at the same time or display the door sign for one operator, when undertaking work on behalf of another.
- The plates and signage may only be displayed on the Birmingham City Council licensed private hire vehicles for which they were issued. No one may cause or permit the plates or signs to be placed on any other vehicle.
- If a Private Hire Vehicle Licence expires, is suspended, revoked, or refused renewal, the vehicle identity plates issued by the Licensing Authority, must be returned to the Licensing Office within 7 days.
- Vehicles granted exemption from any of the requirements of the Private Hire Vehicle Signage Policy must carry the exemption letter at all times and it must be produced on request to a Police Officer or an authorised officer of Birmingham City Council or any other local licensing authority.

This 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

INFORMATION TO BE REPORTED TO THE LICENSING OFFICE

1. You must notify the Licensing Office, in writing, of the name and details of any individual to be nominated as a Responsible Person for managing your business in your absence at least **7 days** prior to their commencement in that role.
2. You must notify the Licensing Office, in writing, within **7 days** if you, or any individual or company named on the application form or a currently appointed Responsible Person
 - a) is convicted of any criminal or motoring offence
 - b) is cautioned for any criminal or motoring offence (by the Police or any other agency)
 - c) receives a Magistrates' Court summons
 - d) receives a fixed penalty notice for any criminal or motoring offence
 - e) receives a police warning or court order in relation to harassment or any other form of anti-social behaviour
 - f) receives a civil or family law injunction
 - g) is arrested for any offence (whether or not charged)
 - h) is charged with any criminal offence.
 - i) is refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed
 - j) changes home address
 - k) if any company or limited liability partnership changes its registered office
 - l) if any changes are made in the ownership/management/partnership of the operation as specified in your application form.
 - m) If a Responsible Person ceases to be employed in this capacity

3. When notifying the Licensing Office of any matters required by Condition 2. You must provide full details of any such matter and if asked, provide any further information that might reasonably be asked for by an authorised officer.

4. You must provide the Licensing Office an updated Driver and Vehicle List on the first of every month. This list should include **all** drivers and vehicles operated by you for the purposes of private hire and their call signs.

5. When supplying information to the Licensing Office this **MUST** be in writing but can be provided by post, in person or via email.

DISPLAY OR PROVISION OF A COPY OF THE LICENCE

6. If the public have access to your premises your licence and the conditions attached to it must be prominently displayed in a position that is clearly visible.

7. If the public do not have access to your premises then upon request you must either provide a copy or permit any member of the public to view a copy of your licence and conditions attached to it.

8. If you have a website a copy of your licence and conditions attached to it must be available on your website.

9. In respect of these copies of your licence either on display, on request or online you may redact your personal address if shown on the licence.

STAFF

10. No person other than a director, partner, employee or contractor shall be engaged in any aspect of the business.

11. You must keep and maintain at the licensed premises a register of all such persons, which shall include

- (a) their full name
- (b) date of birth
- (c) home address
- (d) national insurance number
- (e) contact telephone number
- (f) any call sign/codes they are allocated
- (g) the dates their employment commenced/terminated
- (h) documentary proof of identification
- (i) documentary proof that each has been registered with HMRC as an employee
- (j) documentary proof of their right to work in the UK

12. Either you or a Responsible Person over the age of 18 and notified by you in writing to the Licensing Office pursuant to Condition 1 must be in charge of the operation and immediately contactable by an authorised officer or police constable at any time during the hours of operation.

13. You must ensure that any Responsible Person left in charge of the premises in your absence is fully aware of these conditions of licence, the need to comply with them and be able to produce the records to an authorised officer or police constable on request.

14. The aforementioned register must be retained at the premises and be made available to an authorised officer or police constable for inspection at any time during the hours of operation.

STATIONERY & ADVERTISEMENTS

15. You must not advertise your private hire business or use stationery

- (a) with a trading name that is not included in your Private Hire Operator's licence
- (b) showing your trading name in a different style/format of letters, numbers or logos
- (c) which includes any references or information which may be misleading to the public

without obtaining the prior written approval of the Licensing Office

16. You must not advertise your private hire business in a manner which gives rise to confusion with another private hire operator licensed by this Council or any other neighbouring council.

17. No notice, sign or advertisement seeking to advertise or promote your business of a private hire operator, wherever it is displayed, shall consist of or include the words "TAXI" or "CAB" or "For Hire" whether in the singular or plural, or any words or devices which give any indication that the service to which the notice, sign or advertisement relates is that which can only be provided by a licensed Hackney Carriage.

18. You must ensure that staff answering your private hire telephone number(s) does so by using your trading name only.

19. If you do not issue an electronic receipt to the customer, you must provide drivers with stationery that they can use for issuing receipts. Electronic receipts shall include your trading name, details of the driver, the journey and fare paid. Stationery shall include your trading name and have spaces for the driver's call sign, details of the journey and fare paid to be recorded.

DRIVERS AND VEHICLES

20. Private Hire Operators in the City of Birmingham shall only operate with vehicles and drivers licensed by the Birmingham City Council and shall operate only from premises within the City boundary.

21. Mobile phones or smart phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, passing or accepting bookings for that vehicle.

The only exception to this is where a smart phone is installed specifically to host an app. designed for the acceptance of bookings from you.

22. Should a taximeter be fitted to any private hire vehicle operated by you, you must ensure that it has been tested, sealed and certified to have been calibrated and set to your tariff(s) before it can be used for calculating fares for passengers.

23. If technology is provided by the operator to enable route planning and fare calculation they should ensure that drivers proceed to the destination by shortest possible route, through the programming of any technology provided by the operator, which is designed to assist drivers in route planning and calculation of fares.

Deviating from the shortest possible route is only allowed when the driver obtains the agreement of the passenger to do so.

VEHICLE IDENTITY PLATES & SIGNAGE

24. You must ensure that every private hire vehicle operated by you is issued with such operator signs and notices as may be required for the vehicle to be compliant with the requirements of the City Councils Vehicle Signage Policy and approved in writing by the Licensing Office. No other signage is permitted.

25. You must not change the design of your operator signs without obtaining the prior written approval from the Licensing Office.

26. Only one approved door sign design is to be in use at any one time. All previous versions must be removed from circulation within 14 Days of a new approved sign being introduced.

RECORDS OF BOOKINGS

27. You must keep a record of every private hire booking either in writing in a suitable hard back book which has consecutive page numbers or a proprietary computerised booking and dispatch system.

28. If you use a book you must ensure the entries are clearly and easily legible, with no line spaces or blank pages.

29. Should you wish to use change your computerised system, then you must first notify, in writing, the Licensing Office.

30. If you have a computerised booking system, you must ensure it is able to produce a print out of any records requested by an authorised officer or police constable at all times.

31. At the time of accepting each booking an entry shall be made in the record book or computerised booking and dispatch system that shall include:

- ai) The name and signature of the person making the record and the radio operator for each period of duty - Record Book only
- aii) The code for the person making the record - Computerised system only
- b) The date on which the booking is made and, if different, the date of the proposed journey
- c) The name of the person for whom the booking is made or, if more than one person, the name of one of them
- d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first place of collection
- e) The destination
- f) The time a vehicle was allocated to the booking
- g) The driver's call sign or registration number of the vehicle allocated the booking
- h) The fare agreed for the journey (where appropriate)
- i) If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.

32. Recording destinations - The very minimum you should record is the street and postal area of the main destination (e.g. Stratford Road, Hall Green) or the place (e.g. The Robin Hood, Stratford Road). At best it should be the full postal address (e.g. 1456 Stratford Road, Hall Green, B28 9ES). It is not sufficient to record just the postal area (e.g. Hall Green) as that would cover too wide an area. However where you know the full postcode (e.g. B28 9ES) that will suffice, as it would identify the street destination.

33. When allocating a booking to a driver, you must provide them with all of the following details:

- a) the name of the person for whom the booking is made
- b) the agreed time and place of collection
- c) the destination
- d) the fare agreed (if applicable).

34. You must not accept or record details of any booking passed to you by a driver.

35. Your records of all private hire bookings, whether retained in a book or on a computerised system, must be kept at your licensed premises for at least 12 months and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

DRIVER AND VEHICLE RECORDS AND DOCUMENTS

36. You must keep and maintain an up to date record of **all** the drivers and vehicles operated by you for the purposes of private hire on a Driver and Vehicle List, which must include:

- a) the call sign allocated to the driver/vehicle
- b) the driver's name and private hire badge number
- c) the vehicle's registration and private hire plate numbers
- d) the date the driver joined you and, if applicable, ceased working for you.

37. You must obtain and retain the following documentation in respect of every vehicle and driver you operate prior to allocating them any bookings, namely:

- a) a copy of the driver's current private hire driver's licence or badge
- b) a copy of the vehicle's current private hire vehicle licence or front identity plate
- c) a copy of the vehicle's current MOT certificate
- d) a copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
- e) a copy of the Taximeter Calibration Certificate, where appropriate

38. The above documentation relating to vehicles and drivers must be retained at your licensed premises for at least 12 months after a vehicle or driver ceases to undertake work for you and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

COMPLAINTS

39. You must establish a complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:

- a) the name, contact details of complainant and date complaint received
 - b) the date, time and details/nature of the complaint
 - c) the name of the driver (and Badge number) or member of staff, to which the complaint relates
 - d) details of the investigation carried out and any action taken.
40. Upon receiving a complaint or allegation concerning:
- a) sexual misconduct, sexual harassment or inappropriate sexual attention
 - b) racist behaviour
 - c) violence
 - d) dishonesty such as overcharging, theft or retention of lost property
 - e) breach of equality legislation, such as refusing to carry an assistance dog

regarding any person licensed by Birmingham City Council you must report it immediately when the licensing office is open, and in any other event immediately upon the Licensing Office next opening.

41. Your records of complaints, whether retained in a book or on a computerised system, must be kept for at least 12 months at your licensed premises and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

Passenger Service Vehicles

42. Where a PHV operator also holds a PSV operator's licence, PSV's should not be used to fulfil bookings except with the informed consent of the hirer. This consent shall be recorded as part of the booking record.

For example, if a member of the public contacts a PHV operator and seeks a booking for a party of fewer than nine passengers it cannot be reasonable to assume a PSV is required unless there are other factors, e.g. a large amount of baggage, or a need for a wheelchair accessible vehicle which would not otherwise be available. If there is no good reason to use a PSV for a booking for fewer than nine passengers, the difference in licensing requirements should be explained and explicit consent obtained.

Appendix 11 Hackney Carriage Fare Table

BIRMINGHAM CITY COUNCIL HACKNEY CARRIAGE - TABLE of FARES

It is a criminal offence NOT TO PAY THE TAXI FARE, which is covered by The Theft Act 1968, The Theft Act 1978 and The Fraud Act 2006.

The taximeter is programmed to select the correct tariff automatically, from the tariffs as detailed below, depending on the date, day and time of day that the Hackney Carriage is being hired using real time clock tariff changes in hired mode.

TARIFF ONE: STANDARD DAY RATE

Applicable Monday to Friday
From 04.00hrs to 22.00hrs AND
on Saturday - From 07.00hrs to 22.00hrs
(EXCEPT for those days and times as specified in Tariffs Two, Three and Four)

TARIFF THREE: WEEKEND NIGHT RATE

Applicable Friday and Saturday –
From 22.00hrs to 07.00hrs the next day AND
on Boxing Day - From 00.00hrs to 24.00hrs AND
on Christmas Eve - From 19.00hrs to 24.00hrs AND
on New Year's Eve - From 19.00hrs to 24.00hrs

TARIFF TWO: WEEKDAY NIGHT RATE

Applicable Sunday to Thursday –
From 22.00hrs to 04.00hrs the next day AND
on Sunday - From 07.00hrs to 22.00hrs
AND All Bank Holidays - From 00.00hrs to 22.00hrs. (EXCEPT for those days and times as specified in Tariffs Three & Four)

TARIFF FOUR: CHRISTMAS & NEW YEAR SEASON

Applicable on Christmas Day and New Year's Day
On Christmas Day - From 00.00hrs to 24.00hrs
AND
On New Year's Day - From 00.00hrs to 07.00hrs

INITIAL CHARGES:

A charge of
For the first
or part thereof

MILEAGE CHARGES:

A charge of
For each subsequent
or part thereof until
have been travelled.

Thereafter:

A charge of
For each subsequent
or part thereof
Equivalent to a rate per mile of

WAITING & TIME CHARGES:

A charge of
For each
or part thereof
Equivalent to an hourly rate of

SOILAGE CHARGES:

An additional charge may be made in the event of
SOILAGE OR FOULING OF THE VEHICLE

TARIFF ONE

£3.20
187.5 yards

20p
125.0 yards
1062.5 yards

20p
183.3 yards

£1.92

20p
42.8 secs

£16.82

£40.00

TARIFF TWO

£3.20
195.6 yards

20p
97.8 yards
684.6 yards

20p
172.5 yards

£2.04

20p
40.0 secs

£18.00

£40.00

TARIFF THREE

£3.20
180.5 yards

20p
90.3 yards
632 yards

20p
159.3 yards

£2.21

20p
36.9 secs

£19.50

£40.00

TARIFF FOUR

£4.20
220 yards

30p
110 yards
770 yards

30p
176 yards

£3.00

30p
45.0 secs

£24.00

£60.00

EXTRA CHARGES:

For every person in excess of one 20p
For every article of luggage carried outside the passenger compartment 20p
Any road toll or barrier charge incurred in the execution of the hiring

COMPLAINTS

Any complaint of overcharging, or about this taxi or taxi driver, should be sent in writing to The Enforcement Section, Birmingham City Council, Phoenix House, Garretts Green Trading Estate, Valepits Road Birmingham B33 0TD, or by telephoning 0121 303 9611, quoting the number of the taxi and the number of the driver's badge. Enquiries regarding property accidentally left in a taxi should be made at the nearest West Midlands Police Station.

H00000

Birmingham Fare Table 30/09/2022

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BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2022
ALL WARDS

REGULATION & ENFORCEMENT ACTIVITY REPORT
JULY/AUGUST/SEPTEMBER (QUARTER 2) 2022-23

1. **Summary**

- 1.1 Birmingham City Council's Regulation and Enforcement Division covers a range of statutory functions including enforcement activities.
- 1.2 The purpose of this report is to provide the Committee with information as to the scale and type of activities that have been ongoing in the current financial year. This period covers the months of July, August, September 2022.

2. **Recommendation**

- 2.1 That the content of the report be noted.

Contact Officer: Sajeela Naseer, Director Regulation & Enforcement
Telephone: 0121 675 2495
E-mail: sajeela.naseer@birmingham.gov.uk

3.0 Background

- 3.1 The range of functions exercised by officers on behalf of the City Council are varied and occur across all parts of the city. The overview of activities in July, August, September 2022 is set out in the Appendix to this report.

4. Consultation

- 4.1 No public consultation has taken place, as this is an information report.

5. Implications for Resources

- 5.1 None

6. Implications for Policy Priorities

- 6.1 None

7. Public Sector Equality Duty

- 7.1 No further equality issues have been identified, as all enforcement activities are carried in accordance with the adopted enforcement policy, which was the subject of an equalities impact assessment.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

REGULATION & ENFORCEMENT ACTIVITY REPORT **JULY, AUGUST, SEPTEMBER 2022**

Introduction

The way the Council enforces its regulatory activities under the terms of the relevant legislation has altered significantly since the Covid 19 pandemic. Changes have been made to comply with national guidance and the introduction of new legislation. This report provides a snapshot of enforcement activity for the services in Regulation and Enforcement since 1 July to 30 September 2022. While services are seeking to enter the recovery phase, many services are reliant on changes to Government legislation and guidance.

Detailed Action

The table below sets out the activities undertaken in Quarter 2 (July, August, September 2022)

Environmental Health and Trading Standards

Activity	Environmental Health (Including litter but not WEU)			Trading Standards		
	Q1	Q2	Q3	Q1	Q2	Q3
Prosecution agreed*	281	390		3	5	
Simple Cautions	0			1	1	

Environmental Health

The following table shows the total number of RFA (requests for assistance) received by quarter (RFA Recd) and how many were responded to in time (PI met).

	Q1		Q2		Q3		Q4		Year Total
Work type	RFA Recd	PI met	RFA Recd	PI met	RFA Recd	PI met	RFA Recd	PI met	RFA Total
H&S Accidents	122	100%	86	100%					
Dogs	634	99.5%	711	99.6%					
Infectious Disease	199	100%	319	92.8%					
Pest Control	3,976	79.2%	4,159	83.2%					
Request for Assistance	4,695	81.3%	5,265	80.9%					
Total	9,625	82.2%	10,540	83.6%					

Analysis of Requests for Assistance (RFA)

The analysis of the types of activity in Environmental Health is shown above.

The Environmental Health team also respond to consultation requests from Planning Management covering a wide range of large scale and major developments. The number of applications (QTY) and the percentage responded to in time (%) is shown in the following table. The number of major schemes are also shown (these are included in the QTY and % for the Planning Consultations).

Work Type	Q1		Q2		Q3		Q4	
	QTY	%	QTY	%	QTY	%	QTY	%
Planning Consultations	720	91%	759	93%				
Major Schemes	105		80					

Licensing

170 matters have been finalised through the delegated process, which would have ordinarily come before the sub-committee, 30 of which were finalised in April/May/June.

During quarter two of 2022/23 one Summary / Expedited Review application was submitted by West Midlands Police under section 53A of the Licensing Act 2003 as amended by the Violent Crime Reduction Act 2006 which related to the following premises:

- Selly Acre News, 1049-1051 Pershore Road, Stirchley, Birmingham, B30 2YH.

Activity	Licensing			
	Q1	Q2	Q3	
Prosecution agreed*	1	1		
Simple Cautions	10	14		

Activity	Licensing							
	HCPH				General			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Licence applications	753	693			730	694		
Licence sub-committees	n/a	n/a			22	25		
Of which were reviews:								
Interim steps	n/a	n/a			1	1		
Expedited	n/a	n/a			1	0		
Standard	n/a	n/a			3	2		
Licence renewals	1228	1875			9	10		
Requests for Actions Received	455	472			70	88		
Requests for Actions closed	390	416			76	74		

Analysis of RFAs

The breakdown of types of Requests for Assistance in Licensing is shown below.

	Q1		Q2		Q3		Q4	
	Received	Closed	Received	Closed	Received	Closed	Received	Closed
Total	525	466	560	490				
Hackney Carriage	52	56	43	31				
Private Hire	403	334	429	385				
Licensing Act 2003	63	66	74	62				
Gambling Act 2005	0	2	2	2				
Scrap Metal Dealers	3	3	7	4				
Sexual Entertainment Venues	0	0	0	0				
Massage & Special Treatments	2	3	3	4				
Charitable Street Collections	1	1	0	0				
Street Trading	0	0	2	2				
Skin Piercers	1	1	0	0				

Scrap Metal Dealers

There are currently 61 licences issued in Birmingham under the Scrap Metal Dealers Act 2013. The breakdown of licences issued is as follows:

Type of Licence	Number of active licences
Scrap Metal Site Licences	31
Scrap Metal Collector Licences	30

There have been the following actions taken with regards to Scrap Metal Site licences:

Type of Enforcement	Apr 22	May 22	Jun 22	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23
Complaints	2	0	0	0	1	0						
Inspections	1	1	0	2	0	1						

Nb. This section is included for completeness, but enforcement of scrap metal dealer licensing is the responsibility of the Cabinet.

Trading Standards

Trading Standards received 1387 requests for Assistance in the first quarter. These again are across a broad range of issues, from car trade, building work, product safety, scams, supply of illicit tobacco and alcohol as well as underage sales and other consumer frauds. Some of the jobs require direct intervention whilst others are logged for intel purposes. The table below shows just a selection of the 37 categories of jobs received:

	Q1	Q2	Q3	Q4	Year Total
Work type	RFA	RFA	RFA	RFA	
Consumer Fraud	84	90			
Age Restricted Sales	36	34			
Product Safety	51	60			
Counterfeit Goods	69	76			
Car Sales	87	73			
Advice and Assistance	440	430			

Hand sanitiser safety case Prosecution (Subject to Appeal)

After a three-day trial, Big Living Ltd the seller of a hand sanitiser during the Covid Pandemic period, was found guilty on 20 July 2022 for offences under the General Product Safety regulations, Business Protection from Misleading Marketing Regulations and Consumer Protection from Unfair Trading Regulations for selling an unsafe product. The amount of ethanol contained in the “Chemistplus” hand sanitiser was false and untruthful. All three directors of the company were found guilty of offences. The hand sanitiser was branded with “Chemistplus”, which was a mark owned by Big Living, which meant Big Living could be classed as a producer.

At the order of the Judge the case was sent to Crown Court for sentencing. The Judge also praised the investigation in the face of a very complex issue. However, the defendants have now lodged an appeal which will be heard next year.

Tobacco Prosecutions

An inspection of Sam Mini Market 898 Bristol Road South, Northfield, Birmingham, had resulted in the discovery of 900 packets of illicit cigarettes and 218 pouches of illicit tobacco. The defendant Shirkou Jaff the owner of the business pleaded guilty to all matters at Birmingham Magistrates Court on 23 June 2022 and the matter was sent up to the Crown Court for POCA and sentencing.

In September following a trial at Magistrates Court, Abdul Armani was found guilty of being in possession of various brands illicit tobacco. He was found guilty of 7 offences and fined a total of £2500. Costs of £2468 were awarded as well as forfeiture of the seized tobacco.

Letting Agent Final Penalty Notice

A Property Agent had been issued with a Final Penalty Notice of £9450 for failing to be a member of an approved client money protection scheme. The business had appealed to the first tribunal; however the appeal was dismissed. The business has now agreed to pay the full amount over 12 months.

Rogue Trader Conviction

In an unusual case Robert Taylor of XConstruction had failed to carry out building work from a victim from whom he had taken payment. He had then also sent malicious and threatening messages to the victim and his mother after they complained.

In a case where offences for malicious communications were brought by CPS, and joined with offences concerning failure to carry out the work after payment had been made, Mr Taylor pleaded guilty.

He was given a custodial sentence of 14 weeks and ordered to pay £750 for the distress caused to the victims.

Operation Ce Ce Tobacco inspections

On 7 July 2022 TS Officers with assistance from WM Police and Wagtail sniffer dogs carried inspections of 6 retail premises for illicit tobacco. The inspections resulted in discovery of illegal vapes, illicit tobacco and counterfeit trainers. The businesses will be investigated.

In September 2022, also as part of operation CeCe, a team of Trading Standard officers together with a sniffer dog carried out an inspection of a retail premises, which intelligence indicated was selling illicit tobacco products. Trading Standards had been to this shop in February 2022 as part of Operation CeCe. However on that occasion, there had been a discovery of only a handful of illicit tobacco products.

On this occasion however it was discovered that the person behind the counter had an electronic key fob release – this was used with a magnet release in a concealed space behind the tea cupboard in the kitchen area – the cupboard was lifted and a large concealment of illicit tobacco products was discovered. A sizeable amount of concealed illegal vapes. An investigation is being conducted.

Vapes Project

In August Trading Standards commenced a project tackling the supply of illegal Ecigs or Vapes. The supply of vapes has increased tremendously in recent years, however there is a prevalence of non-compliant vapes which are in excess of the maximum permitted tank sizes, or nicotine content or fail to comply with labelling requirements of UK legislation. There is also concern that vapes are being supplied to young person under the age of 18.

Correspondingly the number of outlets supplying vapes has increased exponentially, many of whom may not be aware of the regulatory provisions.

The first phase of the project has seen officers visiting over 150 retailers giving out information leaflets and advising shop owners of their responsibilities. The visits have also been used to build up intelligence to identify wholesalers and other significant distributors. Some of these shops will be revisited to assess compliance.

One wholesaler identified as a local supplier was inspected in late September, nearly 10,000 illegal vapes with a street value of approximately £100, 000 were seized. Samples of the seized stock will be sent for laboratory testing; an investigation is being conducted.

Further significant distributors were likely to be visited in the future.

Commonwealth Games

Trading Standards staff were designated as the authorised officers to enforce the provisions of Birmingham Commonwealth Games in respect of unauthorised trading and advertising in the designated controlled area.

Officers working with colleagues from across Regulation and Enforcement and with police assistance to ensure compliance. Officers dealt with issues of street trading peddlers operating in the controlled zones, buskers in the controlled zones. The individuals were advised and moved out of the controlled zones. In some cases, notices were issued and in one case sound equipment was seized.

In respect of goods in breach of the registered trademarks as well as general counterfeit goods. Officers seized some goods that were being sold from the controlled zones with notices being issued. Officers also seized toys that did not comply with product for safety law. Several businesses in the controlled zones were advised about additional activities that were deemed in breach of the additional provisions.

In another example one person insisted on setting up a food stall in the controlled area near the Alexander Stadium, he was initially warned to move. However, after he set up again, he was issued with a notice and the goods were removed

England Illegal Money Lending Team (IMLT)

In July, August and September 2022, the England Illegal Money Lending Team (IMLT) received a total of 99 reports of illegal money lending (IML), a decrease of 27 compared to the last quarter and an increase of 13 compared to the quarter 2 of the previous year.

30 of these referrals can be directly attributed to work carried out by the teams LIAISE officers., through their community engagement, with 110 victims provided with either direct or indirect support from the team

The referrals/intelligence received resulted in 24 new operations a decrease of 11 from the last quarter.

The team conducted 6 operations, executed 7 warrants, and made 9 arrests. The subjects were released under investigation for further enquires to be completed in the following locations:

OPERATION HALLMARK (LONDON) - Essex
OPERATION ZOOM (SOUTH WEST) - Bristol
OP ECHOIC (NORTH EAST)- Middlesbrough
OP GARMIN (LONDON) - Hounslow
OP TOPAZ (CENTSA) – Wednesbury
OP URBAN (NORTH WEST) – Stockport

OP SUTTON PARK (LONDON) - where the subject was interviewed and received a formal Police caution.

In Quarter 2 the following court hearing results:

OP SHOREHAM (NORTH EAST): In early August a judge ordered Alan and Joyce Fromson to pay back £64,000 in 7 days or face 12 months in prison. All funds have been paid on time and the case is now closed.

OP IVER (GREATER LONDON): In August at Harrow CC the following Order was made against Irene Murunge. The Court ordered as follows: Benefit assessed by agreement at £76,768.58; Available amount assessed by agreement as: £22,540.00; 3 months to pay, 9 months in default.

Over 4,000 frontline staff have been trained in Quarter 2. This training aims to help agencies who work with vulnerable people identify those who may be the victim of a loan shark.

In September IMLT held Stop Loan Sharks Week 2022. The week was themed “Let’s talk loan sharks” and invited agencies to ask all clients about any involvement with illegal money lenders. The week was a success with lots of online engagement and discussion on social media. IMLT are expanding their social media presence and are sharing content on Tiktok and Instagram. There will be a social media campaign in the run up to Christmas and to celebrate International Credit Union Day in October.

Victim support in quarter 2 has included help with housing, county court and debt issues. One victim described leaving his job because the lender was in the same workplace. He has split from his girlfriend and is trying to move out of the area due to fear.

A proceeds of crime funded project in Birmingham took place in August when a beach came to Kings Norton. People were told to watch out for the sharks and shown video content from IMLT.

Registration Service

Death Registrations

The Service had been processing death registrations in line with emergency provisions under The Coronavirus Act 2020 and the direction of the General Register Office (GRO). In late March 2020 a new process for registering was enacted and the service implemented this and honed the processes to improve performance. From midnight on 24 March 2022 the emergency provisions ceased, and death registrations were carried out in accordance with The Births and Deaths Registrations Act 1953 in that they were to be undertaken in person. The transmission of documents electronically was permitted to continue under secondary legislation. These changes have had an adverse impact on the timeliness of death registrations in the initial months. The number of registrations which took place in September 2022 was reduced due to the additional Bank Holiday. The table below shows the level of death registrations for Q1 and Q2 2021/22 compared to Q1 and Q2 for 2022/23.

Deaths	2021/22	2022/23	% change
April	811	789	-2.72
May	812	1139	+40.27
June	771	807	+4.67
July	826	832	+0.73
August	877	947	+7.98
September	978	964	-1.43
October	869		
November	1109		
December	1006		
January	1184		
February	922		
March	800		
Total (to date)	10965	5478	

Birth Registrations

The Government reintroduced the registration of births in June 2020, with an optional alternative procedure, both procedures require face to face meetings. For operational reasons the service followed the standard process and was fully operational from mid-June. The table below shows the level of birth registrations for Q1 and Q2 2021/2022 compared to Q1 and Q2 for 2022/23. It was necessary for the Service to divert staffing resources from birth to death registrations in Q1 order to register deaths quicker to limit the distress experienced by families waiting to arrange funerals. The Service continues to experience a backlog of outstanding birth registrations however during Q2 was able to increase the volume of birth registrations.

Birth Registrations	2021/22	2022/23	% change
April	1959	1193	-39.10
May	1651	1629	-1.33
June	1833	1745	-4.80
July	1402	1560	+11.27
August	1405	1599	+13.81
September	1732	1929	+11.37
October	1579		
November	1958		
December	1365		
January	1515		
February	1989		
March	1843		
Total (to date)	20231	9655	

Ceremonies

Following the first national lockdown in 2020, the Government announced ceremonies could recommence in Covid 19 secure venues from July 2020. In line with national guidance the Register Office implemented measures to recommence ceremonies from 4 July 2020. Registrar General Licence Marriages were permitted to take place during the lockdown. During April – May 2021 citizenship ceremonies continued to be delivered by a combination of socially distance ceremonies and virtual ceremonies. The Service resumed the holding of citizenship ceremonies at the Register Office from June 2021. The tables below show the level of ceremonies and notices in Q1 and Q2 2021/2022 compared to Q1 and Q2 2022/23.

Ceremonies	2021/22	2022/23
April	103	132
May	131	145
June	172	147
July	210	177
August	193	187
September	194	161
October	192	
November	171	
December	113	
January	88	
February	128	
March	99	
Total (to date)	1794	949

Notice of Marriage and Civil Partnership	2021/22	2022/23
April	646	579
May	603	833
June	699	706
July	704	610
August	585	498
September	452	441
October	499	
November	465	
December	511	
January	492	
February	579	
March	789	
Total (to date)	7024	3667

Adults Attending Citizenship Ceremonies	2021/22	2022/23
April	397	331
May	387	354
June	531	301
July	424	330
August	434	386
September	267	
October	293	
November	381	
December	216	
January	358	
February	556	
March	874	
Total (to date)	5118	

The Service continues to respond to significant challenges and remains in Covid 19 recovery. It is however now able to issue copy certificates and births, death and marriage within statutory KPI timescales and its recruitment drive is proving successful. The backlog of outstanding notices of marriage or to form a civil partnership is being targeted.

Sajeela Naseer
Director Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2022
ALL WARDS

PROSECUTIONS & CAUTIONS – AUGUST 2022

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

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3. Results

3.1 During the month of August 2022, the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 55 Environmental Health cases were finalised resulting in fines of £11,779. Prosecution costs of £7,855 were awarded. No simple cautions were administered as set out in Appendix 1.
- One Licensing case was finalised resulting in a fine of £1,000. Prosecution costs of £1,807 were awarded. Three simple cautions were administered as set out in Appendix 2.
- No Trading Standards cases were finalised. One simple caution was administered as set out in Appendix 3.
- One Waste Enforcement case was finalised resulting in 13 month prison sentence and a deprivation order. No order as to costs was made. No simple cautions were administered as set out in Appendix 4.
- Appendix 5 lists cases finalised by district in August 2022 and April-August 2022.
- Appendix 6 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2022 to March 2023.
- Appendix 7 lists Penalty Charge Notices issued by Parking Enforcement specifically for individuals parking on Taxi Ranks across the City from April 2022 to March 2023. Please note this does not include other parking tickets issued anywhere else in the City.

4. Consultation

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

5. Implications for Resources

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

- 5.2 For the year April 2022 to March 2023 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)
£84,954 has been requested with £58,008 awarded (68%)

Licensing
£5,240 has been requested with £2,607 being awarded (50%)

Trading Standards
No costs were requested or awarded to date.

- 5.3 For the month of August 2022 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)
£9,625 has been requested with £7,855 awarded (82%)

Licensing
£1,807 has been requested with £1,807 awarded (100%)

Trading Standards
No costs were requested or awarded during August 2022.

- 5.4 The following income has been received so far from the courts in 2022/23.

Licensing
£7,910 has been received.

Environmental Heath
No income has been received including Waste Enforcement cases.

Trading Standards
No income has been received.

(Total £7,910).

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

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

ENVIRONMENTAL HEALTH CASES

LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
9/8/22	32	£6,713	£3,920	£5,600
18/8/22	2	£880	£350	£350
24/8/22	6	£1,066	£1,050	£1,050
26/8/22	15	£3,120	£2,535	£2,625

	Date Case Heard	Name	Fine/Penalty & Costs	Ward of defendant
1	9/8/22	Neelam Arif Birmingham Proved in absence	£220 £125 costs (£175 requested)	Soho & Jewellery Quarter
2	9/8/22	David Averall Solihull Guilty plea	£40 £85 costs (£175 requested)	Out of area
3	9/8/22	Karl Butler Birmingham Proved in absence	£220 £125 costs (£175 requested)	Rubery & Rednal
4	9/8/22	William Doyle Birmingham Proved in absence	£220 £125 costs (£175 requested)	Brandwood & Kings Heath

5	9/8/22	Hoang Dung Birmingham Proved in absence	£220 £125 costs (£175 requested)	Bordesley & Highgate
6	9/8/22	Simon Ga Birmingham Proved in absence	£220 £125 costs (£175 requested)	Sparkhill
7	9/8/22	Sidesa Gordon Cardiff Proved in absence	£220 £125 costs (£175 requested)	Out of area
8	9/8/22	Garth Griffith Solihull Proved in absence	£220 £125 costs (£175 requested)	Out of area
9	9/8/22	John Herron Birmingham Proved in absence	£220 £125 costs (£175 requested)	Quinton
10	9/8/22	John Hurley Solihull Proved in absence	£220 £125 costs (£175 requested)	Out of area
11	9/8/22	Wei Jiang Birmingham Proved in absence	£220 £125 costs (£175 requested)	Bordesley & Highgate
12	9/8/22	Craig Kallear Cannock Proved in absence	£220 £125 costs (£175 requested)	Out of area

13	9/8/22	Gints Lazdins Birmingham Proved in absence	£220 £125 costs (£175 requested)	Stockland Green
14	9/8/22	Zaneta Lewandowska Birmingham Proved in absence	£220 £125 costs (£175 requested)	Stockland Green
15	9/8/22	Leah Morgan Northampton Proved in absence	£220 £125 costs (£175 requested)	Out of area
16	9/8/22	Julia Nash Birmingham Guilty plea	£73 £85 costs (£175 requested)	Billesley
17	9/8/22	Lee Nguyen Dudley Proved in absence	£220 £125 costs (£175 requested)	Out of area
18	9/8/22	David Oliver Birmingham Proved in absence	£220 £125 costs (£175 requested)	Bordesley Green
19	9/8/22	Esmail Panpoor Birmingham Proved in absence	£220 £125 costs (£175 requested)	Ladywood
20	9/8/22	Hagi Paun Birmingham Proved in absence	£220 £125 costs (£175 requested)	Yardley West & Stechford

21	9/8/22	Brittne Vannessa Peters Birmingham Proved in absence	£220 £125 costs (£175 requested)	Aston
22	9/8/22	Thanh Phan Birmingham Proved in absence	£220 £125 costs (£175 requested)	Bordesley & Highgate
23	9/8/22	Marian Traian Poenaru Birmingham Proved in absence	£220 £125 costs (£175 requested)	Weoley & Selly Oak
24	9/8/22	Mohammed Rashidabadi Birmingham Proved in absence	£220 £125 costs (£175 requested)	Ladywood
25	9/8/22	Nina Shaw Birmingham Proved in absence	£220 £125 costs (£175 requested)	Erdington
26	9/8/22	Fathy Shoaib Birmingham Proved in absence	£220 £125 costs (£175 requested)	Bordesley & Highgate
27	9/8/22	Kelly Slater Burton on Trent Proved in absence	£220 £125 costs (£175 requested)	Out of area
28	9/8/22	David Tankard Birmingham Proved in absence	£220 £125 costs (£175 requested)	Newtown

29	9/8/22	Tony Tyler Birmingham Proved in absence	£220 £125 costs (£175 requested)	Weoley & Selly Oak
30	9/8/22	Crystal Tyndall Birmingham Proved in absence	£220 £125 costs (£175 requested)	Kings Norton South
31	9/8/22	Jai Ping Wang Birmingham Proved in absence	£220 £125 costs (£175 requested)	Handsworth Wood
32	9/8/22	Louise Williams Birmingham Proved in absence	£220 £125 costs (£175 requested)	Newtown
33	18/8/22	Daniel Mahon Birmingham Proved in absence	£440 £175 costs (£175 requested)	Garretts Green
34	18/8/22	Vacila Pricop Birmingham Proved in absence	£440 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East
35	24/8/22	Marco Andrea Birmingham Proved in absence	£220 £175 costs (£175 requested)	Balsall Heath West
36	24/8/22	Steven Bingham Birmingham Guilty plea	£146 £175 costs (£175 requested)	Hall Green North

37	24/8/22	Tracy Boden Dudley Proved in absence	£220 £175 costs (£175 requested)	Out of area
38	24/8/22	Debra Chadwick London Proved in absence	£220 £175 costs (£175 requested)	Out of area
39	24/8/22	Elvis Dumitru Birmingham Proved in absence	£220 £175 costs (£175 requested)	Glebe Farm & Tile Cross
40	24/8/22	Sarah Insley Birmingham Guilty plea	£40 £175 costs (£175 requested)	Garretts Green
41	26/8/22	Salem Garfrouche Birmingham Proved in absence	£220 £175 costs (£175 requested)	North Edgbaston
42	26/8/22	Asad Khan Birmingham Proved in absence	£220 £175 costs (£175 requested)	Small Heath
43	26/8/22	Amelia McKeown Birmingham Proved in absence	£220 £175 costs (£175 requested)	Perry Barr
44	26/8/22	Rizwan Miah Birmingham Proved in absence	£220 £175 costs (£175 requested)	Aston

45	26/8/22	Marek Miko Dudley Proved in absence	£220 £175 costs (£175 requested)	Out of area
46	26/8/22	Rachel Mitton Birmingham Proved in absence	£220 £175 costs (£175 requested)	North Edgbaston
47	26/8/22	Ian Parsonage Weston-Super-Mare Proved in absence	£220 £175 costs (£175 requested)	Out of area
48	26/8/22	Vasile Raduta Birmingham Proved in absence	£220 £175 costs (£175 requested)	Handsworth Wood
49	26/8/22	Dominike Ratke Birmingham Proved in absence	£220 £175 costs (£175 requested)	Moseley
50	26/8/22	Rebecca Reilly Oldbury Proved in absence	£220 £175 costs (£175 requested)	Out of area
51	26/8/22	Robert Sheridan Birmingham Proved in absence	£220 £175 costs (£175 requested)	Balsall Heath West
52	26/8/22	Bereket Tsehay Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East

53	26/8/22	Jahir Uddin Birmingham Guilty plea	£40 £85 costs (£175 requested)	Aston
54	26/8/22	Tuan Tran Van Walsall Proved in absence	£220 £175 costs (£175 requested)	Out of area
55	26/8/22	Ion Vasile Birmingham Proved in absence	£220 £175 costs (£175 requested)	Small Heath

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

No simple cautions were administered during August 2022.

LICENSING CASES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
56	1/8/22	Jamie Buffery Chelmsley Wood	Local Government (Miscellaneous Provisions) Act 1982 Found guilty in his absence of two offences of engaging in street trading on High Street, Birmingham, on two separate occasions when not authorised to do so.	£1,000 (£500 x 2) £1,807 costs (£1,807 requested)	Out of area	Ladywood

LICENSING SIMPLE CAUTIONS

Three simple cautions were administered during August 2022.

Local Government (Miscellaneous Provisions) Act 1976

Section 48(6) One caution was issued for failing to display a private hire vehicle licence plate.

Section 48(6) & 64(3) One caution was issued for failing to display a private hire vehicle licence plate and parking on a Hackney Carriage stand when not a Hackney Carriage.

Licensing Act 2003

Section 136(1)(a) One caution was issued for selling alcohol from a premises when not licensed to do so.

TRADING STANDARDS CASES

No Trading Standards cases were finalised during August 2022.

TRADING STANDARDS SIMPLE CAUTIONS

One simple caution was administered during August 2022.

Licensing Act 2003

Section 146(1) One caution was issued for selling alcohol to a person under the age of 18.

WASTE ENFORCEMENT CASES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
57	24/8/22 at Birmingham Crown Court	Cristin Rincaciu 4 North Road Handsworth Birmingham B20 3HX	Environmental Protection Act 1990 Scrap Metal Dealers Act 2013 Pleaded guilty to one offence of depositing controlled waste, namely household and commercial inert waste together with approximately 15 sheep carcasses, from a Ford Galaxy vehicle on Priory Road, Aston, Birmingham. Pleaded <u>not guilty</u> to one offence of acting as a scrap metal dealer without a licence. Case proved in absence and a warrant without bail was issued in March 2016. Warrant executed in July 2022 when defendant returned from Romania.	13 months custody – fly tipping offence No separate penalty – scrap metal offence No order for costs Deprivation Order made depriving the defendant of any rights to the Ford Galaxy vehicle, DOIN1314	Aston	Nechells

WASTE ENFORCEMENT SIMPLE CAUTIONS

No simple cautions were administered during August 2022.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – AUGUST 2022

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	1	0	0	0	0	0	0	1
Environmental Health (FPNs) Not paid and prosecuted	0	0	1	0	53	0	0	0	0	1	0	55
Environmental Health (including WEU)	0	0	0	0	1	0	0	0	0	0	0	1
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – AUGUST 2022

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	0	0	0	0	0	0	1	1
Environmental Health (FPNs) Not paid and prosecuted	1	3	8	3	15	3	3	2	0	3	14	55
Environmental Health (including WEU)	0	0	0	0	1	0	0	0	0	0	0	1
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	3	0	0	0	0	0	0	3
Environmental Health (FPNs) Not paid and prosecuted	0	7	2	0	339	3	0	0	0	7	0	358
Environmental Health (including WEU)	0	0	1	1	6	1	1	1	0	1	0	12
Trading Standards	0	0	0	0	0	0	0	0	0	0	1	1

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	0	0	0	0	0	0	3	3
Environmental Health (FPNs) Not paid and prosecuted	14	18	20	13	48	12	15	12	3	16	187	358
Environmental Health (including WEU)	0	0	1	0	5	1	1	1	0	1	2	12
Trading Standards	0	0	0	0	0	0	0	0	0	0	1	1

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

Waste Investigation Outcomes													
	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Total
Duty of care inspections into the waste disposal arrangements of commercial premises	192	47	56	39	30								364
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	147	43	35	31	24								280
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	6	17	11	11	17								62
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences(£80)	0	0	0	0	0								0
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	14	12	7	11	9								53
Prosecutions													
Number of prosecution files submitted to legal services, (number produced quarterly.	2	2	0	4	3								11

Monthly Parking Pcn Issued in Taxi Ranks	Processing
April 2022	198
May 2022	243
June 2022	264
July 2022	330
August 2022	249
September 2022	
October 2022	
November 2022	
December 2022	
January 2023	
February 2023	
March 2023	
TOTAL	1284

