

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 14 MARCH 2018 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 DECLARATIONS OF INTERESTS

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

5 - 14

3 MINUTES

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

15 - 66

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

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

67 - 80

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

REPORT OF THE ACTING SERVICE DIRECTOR OF REGULATION AND ENFORCEMENT AND CORPORATE DIRECTOR FINANCE AND GOVERNANCE

<u>81 - 92</u>	6	<u>LICENSING AND PUBLIC PROTECTION - REVENUE BUDGET 2018/19</u>
		REPORT OF THE ACTING SERVICE DIRECTOR OF REGULATION AND ENFORCEMENT AND CORPORATE DIRECTOR FINANCE AND GOVERNANCE
<u>93 - 96</u>	7	<u>RECOMMENDED CHANGES TO DRIVER'S MEDICAL FREQUENCIES</u>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>97 - 100</u>	8	<u>HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS/APPLICANTS: REFERENCES FROM MEMBERS OF PARLIAMENT</u>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>101 - 108</u>	9	<u>VEHICLE ENGINE SIZES AND ELECTRICALLY POWERED VEHICLES</u>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>109 - 112</u>	10	<u>OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING JANUARY 2018</u>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>113 - 134</u>	11	<u>PROSECUTIONS AND CAUTIONS JANUARY 2018</u>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>135 - 148</u>	12	<u>FIXED PENALTY NOTICES ISSUED JANUARY 2018</u>
		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>149 - 150</u>	13	<u>SCHEDULE OF OUTSTANDING MINUTES</u>
		To consider the schedule of Outstanding Minutes.
	14	<u>OTHER URGENT BUSINESS</u>
		To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
	15	<u>AUTHORITY TO CHAIRMAN AND OFFICERS</u>
		Chairman to move:-
		'In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 14 FEBRUARY 2018

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

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Alex Buchanan, Liz Clements,
Ian Cruise, Des Flood, Carol Griffiths, Nagina Kauser,
Changeese Khan and Mike Leddy.

NOTICE OF RECORDING/WEBCAST

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

APOLOGIES

- 971 Apologies were received from Councillor Ian Cruise for having to leave the meeting at 1130 due to prior commitment, Councillor Des Flood for lateness and Councillors Nawaz Ali, Basharat Dad, Linda Clinton, Chaman Lal and Rob Sealey for non-attendance.

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

MINUTES

- 972 The Minutes of the meeting held on 17 January 2018, with the insertion of the corrected page one tabled at the meeting, and having been previously circulated were confirmed as a correct record and signed by the Chairman.

REVIEW OF LICENSING AND PUBLIC PROTECTION FEES AND CHARGES 2018/2019

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

(See document No. 1)

Mark Croxford, Head of Environmental Health, provided a detailed presentation of the report.

In response to comments from Members of the Committee, the following points were made:-

Chris Neville, Acting Director of Regulation and Enforcement confirmed that there was hardly any out of hours metrology and provided a brief explanation as to why this was, adding that it was there as a safety precaution.

Mark Croxford referred to the high volume of puppies that were being bred which were more than what was expected and with conditions being very poor it was taking longer for them to reach a standard that met the licence conditions.

Mark responded to concerns relating to fly-posting, graffiti and the need for Amey to exercise more enforcement on the highways. He suggested that it would be useful to obtain some statistics in order to present to the Director of Highways in addressing this issue.

He added that he did not have the data to hand regarding prosecutions however, agreed to obtain this and cascade back to the Committee. He highlighted that although all officers were working hard with the sharing of information concurred there was still need for improvement.

Joyce Amadedon, Head of Service, agreed to consider including the photograph fee within the UK Citizenship Ceremony fee. She referred to the Nationality Checking fees, and stated that whilst they were slightly higher than neighbouring authorities there were income achievement targets that had agreed and had to be met. She added that where they could reduce fees they would and subsequently agreed to revisit the charges.

Parmjeet Jassal, Head of City Finance, referred to the 1974 Inquest costs and stated that the estimated costs incurred was £1.2m at the present time although this may be more when additional invoices were received.

She further stated that latest estimate from the Ministry of Justice was £2.3m which included the cost of the appeal. She added that if the Coroner lost or failed in the appeal, the cost would increase significantly depending upon the scope of the inquest. She added that they were confident that the funding was more likely to be forthcoming than not.

It was suggested and subsequently agreed by the Chair, that a further communication be forwarded to the Government requesting a speedy response with regard to confirmation of payment.

Joyce Amadedon, referred to the Bereavement Service and the costing of the children's burials which would be under £200,000 and would be contained within the existing budget, although they would be looking to increase income in other areas of the service.

The Chair put the recommendations to the meeting all were unanimously agreed except for 2.1 (iii) where there was one abstention:-

973

RESOLVED:-

- 2.1 That the changes on the fees and charges as detailed below be approved to take effect from 1 April 2018:-
- (i) Trading Standards Services as detailed in Appendix 1.
 - (ii) Environmental Health and Pest Control Services as detailed in Appendix 2 (excluding Appendix 2a Fixed Penalty Notices).
 - (iii) Register Office Services as detailed in Appendix 3; statutorily set charges are shown in Appendix 3(a) and a benchmarking comparison is shown in Appendix 3(b).
 - (iv) The Coroner's Service as detailed in Appendix 4.

Councillor Buchanan proposed and it was seconded by Councillor Leddy was put to the vote and by a show of hands was declared to be carried and be agreed as follows:

- 2.2 That Committee considered and agreed the Tariff for Unauthorised Distribution of Free Literature FPNs at a recommended level of £100.00.

That Committee considered and agreed the Tariff for Graffiti and Flyposting FPNs at a recommended level between £100.00.

That Committee considered and agreed the tariff for Litter FPNs at a recommended level between £100.00.

That the Committee considered and agreed the tariffs for all other fixed penalties in appendix 2a at the level described.

That Committee agreed to not offering a discount for early payment of an FPN.

That Committee agreed that the new tariffs for all FPNs were effective from 1 April 2018.

That authority be delegated to the Director of Regulation and Enforcement and Heads of Service to authorise the negotiation of variations to the fees and charges identified in this report, in the interests of commercial flexibility.

PENALTY POINTS SYSTEM FOR LICENSED DRIVERS AND VEHICLE PROPRIETORS

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

(See document No. 2)

Shawn Woodcock, Licensing Enforcement Manager, presented a detailed report and subsequently responded to appropriate comments and questions from Members of the Committee.

Shawn confirmed that the trade had been made aware of the proposed Penalty Points system.

He highlighted that it was very rare that they received any notification from the Police or DVSA when a vehicle had been stopped for a vehicle offence and that the object of the Penalty Points system, was to pick up where drivers were not licence compliant.

He referred to the breach of 'plying for hire' and whilst explaining the breach which would always result in action being taken, suggested that it may be best removed altogether from the Penalty Points system.

He confirmed that they could revisit the Penalty Points system against various breaches. He highlighted that the system did not affect the conditions of licence whatsoever but was a tool to address the lower level breaches, and in turn, improve health and safety for all.

Chris Neville, Acting Director of Regulation and Enforcement explained why he would caution against applying discretion detailed in Appendix 2 of the report suggesting that it should only be exercised by the Sub-Committee.

Chris Neville referred to the policy, procedures and delegations that had been approved at Committee in June whereupon up to 6 points, officers had delegated authority to grant the licence, and over 6 points it was dealt with by the Sub-Committee.

Shawn made reference to the Penalty Points system, stating that the City would be the first local authority in the West Midlands to introduce the system albeit there were a number of these schemes that had been introduced nationally.

Chris Neville highlighted that there was a Quality Rating scheme being introduced for operators which was just awaiting approval and when it was introduced would contribute to providing some control.

Following a brief discussion relating to wheelchair passengers and disabled passengers, Chris Neville confirmed that within the scheme there was a proposal to award 12 penalty points to 'failure to carry an assistance dog without requisite medical exemption certificate.'

Shawn highlighted that drivers transporting passengers with wheelchairs should undertake a dynamic risk assessment based on the conditions presented before him.

He further highlighted that due to the changes in the Equality Act it was now an offence for a driver of a hackney carriage to refuse to carry a wheelchair passenger or a disabled passenger and if this was the case, they would be prosecuted. He added that this should be included within the offences of the Penalty Points scheme.

Following a brief discussion relating to the above, Chris Neville suggested that within the preamble to the tables with the offences, it stated that this was not a substitution for prosecution and would in no way affect Birmingham City Council's enforcement policy.

The Chair concluded by thanking Shawn for a very comprehensive report.

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

974

RESOLVED:-

That Committee approved in principal the introduction of a penalty points system for licensed drivers and vehicle proprietors.

That Committee instruct Licensing Enforcement to consult with the trade and the wider public for a period of six weeks, to consider a penalty points system as outlined in Appendix 1 and subject to the preamble outlined by Chris Neville.

That a final version with comments from the consultation be brought back to committee for ratification and to agree an implementation date.

**REVIEW OF HEALTH AND SAFETY INCIDENT INVESTIGATION WORK 1
JANUARY 2016 – 31 DECEMBER 2017**

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

(See document No. 3)

Mark Croxford, Head of Environmental Health, provided a detailed presentation of the report.

Mark highlighted the work that was being undertaken with regard to work place violence and that it was the responsibility of employers to consider whether there were any health and safety risks to their employees.

The Chair concluded by thanking Mark for a very comprehensive report and for the excellent work that had been achieved.

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

975

RESOLVED:-

That the report be noted.

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

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

(See document No. 4)

Mark Croxford, Head of Environmental Health, provided a detailed presentation of the report and subsequently responded to appropriate comments and questions from Members of the Committee.

Mark confirmed that although it was not a legal requirement to provide transit sites, within the Birmingham Development Plan there was an assessment of need to provide permanent and transit sites. He highlighted that the City had a duty of care to meet those needs and provide the correct number of pitches for the needs across the City.

He referred to the unauthorised encampments and detailed the three pathways that had to be considered in dealing with this area of work otherwise the City would be open to judicial review.

He referred to the purpose of a negotiated stopping site which was an overflow and helped to protect the community as well as being able to accommodate for a short period of time.

Mark made reference to the current legislation which did not allow encampments to be directed outside of the borough. He stated that the Police Crime Commissioner, West Midlands was trying to encourage the neighbouring authorities to all accommodate transit sites and was proposing to try and get the legislation changed, in order that boundaries could be crossed.

The Chair concluded by thanking Mark for presenting the report.

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

976

RESOLVED:-

That the report is noted and Outstanding Minute Number 935(ii) be discharged.

That Committee request a further report to be brought in 3 months to update on the various work items contained within this report.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING DECEMBER 2017

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

(See Document No. 5)

Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report and highlighted some of the cases therein.

The Chair thanked Chris for reporting.

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

977 **RESOLVED:-**

That the report be noted

FIXED PENALTY NOTICES ISSUED DECEMBER 2017

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

(See Document No. 6)

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

In response to the Chair's enquiry relating to fly-posting being included within the reports, Mark agreed that it should be reported at committee.

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

978 **RESOLVED:-**

That the report be noted

PROSECUTIONS AND CAUTIONS – DECEMBER 2017

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

(See Document No. 7)

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

In response to concern raised at a previous meeting relating to the Bull Ring and associated litter issues, Chris Neville agreed to share the appropriate briefing note with Members.

Mark Croxford made reference to food hygiene at premises near schools and confirmed that all food premises were controlled by risk assessments and highlighted that if premises were rated 'high risk' then they would be subject to a sixth monthly inspection, adding that all takeaways were prioritised with regard to food hygiene.

He referred to the litter patrols that operated outside of the city centre and the work associated in addressing this issue.

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

979

RESOLVED:-

That the report be noted

ACTIONS TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING JANUARY 2018

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

(See Document No. 8)

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

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

980

RESOLVED:-

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 9)

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

It was -

981 **RESOLVED:-**

That Outstanding Minute No. 935(ii) be discharged with the replacement of a new Minute and the remaining Outstanding Minutes to be continued.

OTHER URGENT BUSINESS

Russell Hume Ltd

982 At the request of the Chair, it was confirmed that an up to date position of the above-mentioned establishment would be provided.

AUTHORITY TO CHAIR AND OFFICERS

983 **RESOLVED:-**

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

The meeting ended at 1240 hours.

.....
CHAIRMAN

BIRMINGHAM CITY COUNCIL

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

14 MARCH 2018
LADYWOOD

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

1. Summary

- 1.1 Birmingham City Council's Sexual Entertainment Venue Policy became effective from 1st November 2014.
- 1.2 An application has been received for the renewal of the Sexual Entertainment Venue (SEV) Licence granted to The Rocket Club Gentleman's Entertainment Limited in respect of premises known as The Rocket Club, 258 Broad Street, Birmingham B1 2HF.
- 1.3 At the time of writing this report there are 6 SEV licences granted to premises within Birmingham 5 of which, including this premises, are located within the area bounded by the ring road (A4540).
- 1.4 As stated in Birmingham City Council's SEV Policy the Council considers that the part of the City which falls within the ring road (A4540) is an area which is appropriate to have an upper limit guide on the number of SEV's the appropriate upper limit being eight.

2. Recommendation

- 2.1 That Committee consider and determine the application for the renewal of the Sexual Entertainment Venue licence in respect of The Rocket Club, 258 Broad Street, Birmingham B1 2HF having considered the objection received and having regard to the options contained in paragraph 6.1 of the report.

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

Originating Officer: Shaid Yasser, Senior Licensing Officer

3. Background

- 3.1 An application has been received from The Rocket Club Gentleman's Entertainment Limited to renew the Sexual Entertainment Venue Licence granted to her in respect of the premises known as The Rocket Club, 258 Broad Street, Birmingham B1 2HF. A copy of the application is attached at Appendix 1.
- 3.2 The applicant has confirmed that the external scheme of the premises remains unchanged. A copy of which is attached at Appendix 2.
- 3.3 The proposed hours of operation remain unchanged being 10.00 hours to 06.00 hours Monday to Sunday.
- 3.4 The nature of the entertainment as described on the application form is lap dancing, table dancing, strip shows, burlesque dancing. The applicant has confirmed the relevant entertainment will involve both semi & full nudity.
- 3.5 The applicant has confirmed that the club rules remain unchanged. A copy of which is attached at Appendix 3.
- 3.6 A plan of the premises detailing where the Sexual Entertainment will take place is also part of the application procedure. A copy of which is attached at Appendix 4.

4. Consultation

- 4.1 The applicant was required to advertise the application in a local newspaper, post a notice outside of the premises for a period of 21 days and serve a copy of the application to the Chief Officer of Police.
- 4.2 In addition upon receipt of an application the Licensing Section consults with the West Midlands Police and the Licensing Enforcement Teams and also notifies the appropriate Ward Councillors.
- 4.3 Representatives of both West Midlands Police and the Licensing Enforcement Teams have confirmed that they have no objections to the renewal of the SEV licence.
- 4.4 An objection has been received from a member of the public. A copy of which is attached at Appendix 5.
- 4.5 A copy of the Council approved standard conditions for Sexual Entertainment Venue licences are contained within the current Sexual Entertainment Venue policy a copy of which is attached at Appendix 6.
- 4.6 Location plans, including a plan showing the proximity of the other existing licensed Sexual Entertainment Venues to the premises, are attached as Appendix 7.
- 4.7 All parties have been invited to attend the hearing.

5. Matters for Consideration

- 5.1 When considering an application for the renewal of a licence, the Committee should have regard to any observations submitted to it by the Chief Officer of Police and any objections that the Licensing Authority has received from anyone else within 28 days of the date of the application.
- 5.2 Subject to any new information produced at the hearing it does not appear that any of the mandatory grounds of refusal apply to the application currently due for consideration. For example, a licence shall not be granted to a person who is under the age of 18 or who has had a previous application for the same premises refused within the last 12 months.
- 5.3 The only discretionary grounds upon which the Council may refuse an application are those grounds specified in Schedule 3 paragraph 12(3) of the Local Government (Miscellaneous Provisions) Act 1982 as amended:
- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or any other reason;
 - b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by, or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
 - c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - d) that the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

6. Options Available

- 6.1 The Committee may:
- 6.1.1 Grant the application as it stands in which case the licence will be renewed subject to the Council approved Standard Conditions.
 - 6.1.2 Grant the application as it stands subject to the Council approved Standard Conditions unless they have been expressly excluded or varied and/or other Specific Conditions or restrictions that the Committee deem reasonable, necessary proportionate and justifiable.

6.1.3 Refuse the application on one or more of the grounds as outlined in paragraph 5.3 above.

7. Right of Appeal

7.1 An applicant has a right of appeal to the Magistrates Court against decisions to refuse to grant, renew, vary or transfer a licence, the imposition of conditions or the revocation of an existing licence.

7.2 It should be noted that although no right of appeal lies against a decision made on the discretionary grounds set out in paragraphs 5.3(c & d) above, the applicant could challenge a refusal on the aforementioned grounds by way of a judicial review.

8. Implications for Resources

8.1 A fee of £3,611 is payable for renewal of a Sexual Entertainment Venue licence, if the application is subsequently refused then 50% of the fee will be refundable.

8.2 In the event of an appeal hearing, the Magistrates power to award costs derives from Section 64 of the Magistrates Courts Act 1980 which entitles them to make such order as they think just and reasonable.

9. Implications for Policy Priorities

9.1 The application that is the subject of this report should be considered in accordance with the published Birmingham City Council Sexual Entertainment Venue Policy.

10. Public Sector Equality Duty

10.1 No specific implications have been identified.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

SEX ENT 1.5

Fair Processing Statement – Any personal data held by Birmingham City Council in relation to your application for a Licence to use a premises, vehicle, vessel or stall as a Sexual Entertainment Venue, will be held in full compliance with the legal obligations as set out in the Data Protection Act 1998. This is in accordance with the Council's Privacy Policy; a copy is available on the Council's website: www.birmingham.gov.uk/privacy. To protect the public fund we may also use the information you have provided on this form to prevent and detect fraud. We may share this information for the same purposes with other Council Departments and organisations for example, other councils and the police.

BIRMINGHAM CITY COUNCIL

SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Application for a Licence to use any Premises, Vehicle, Vessel or Stall as a Sexual Entertainment Venue

All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and will be returned to the applicant.

<p>Section 1 Application details:</p> <p>Is this licence for the: Renewal</p> <p>Is the application made by: A company or other corporate body</p>	<p>BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED</p> <p>REF NO. <u>E3611</u> <u>CLC</u></p> <p>INITIALS</p>
<p>Section 2 Answer only if Applicant is an individual</p> <p>What is the full name of the individual?</p> <p>Permanent Residential Address</p> <p>Any former names</p> <p>Date of Birth Place of Birth</p> <p>Date Became Resident in the UK or E.U Member State</p> <p>National Insurance Number or E.U Member State Equivalent</p> <p>Telephone Number (during normal office hours)</p> <p>Email Address:</p> <p>Name and address to which correspondence to be sent (if different from above)</p> <p>Has the applicant a financial interest in the business which is the subject of this application? Yes <input type="checkbox"/> No <input type="checkbox"/> If "yes" to what extent</p> <p>Is the whole business owned by the applicant? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	

Section 3***Answer only if the Applicant is an unincorporated body or a partnership***Full Name of Applicant
.....

What are the names of the applicant's partners? Please complete the table below:

Name (in full): Mr/Mrs/Miss/Other	Date of Birth	Address of permanent residence Throughout six months immediately preceding this application	Date became resident of United Kingdom or other E.U member state

Are there persons responsible for the management of the Applicant other than the partners? If so state their names.

.....

.....

.....

Please confirm if the whole of the business is owned by the applicant? Yes ☐ No ☒

Section 4.***Answer only where the applicant is a company or other corporate body***What is the name of the Applicant: **The Rocket Club Gentleman's Entertainment Limited**Has the Applicant previously been known by any other name and if so what name?
.....If the Applicant is a company, what type of company is it (e.g., public or private, limited by share or guarantee, etc.): **Private Company Limited by Shares**What is the registered number of the Applicant: **07543565**What is the registered office address: **26 Goodall Street, Walsall, England, WS1 1QL**In which country is the company incorporated? **United Kingdom**What is the date of incorporation of the company? **25th February 2011**

Please complete the table in respect of each of the Directors, the Company Secretary or other persons responsible for the management of the body.

Name (in full): Mr/Mrs/Miss/Other	Date of Birth	Address of permanent residence throughout six months immediately preceding this application	Date became resident of United Kingdom or other E.U member State
Mr Laurence Reddy			

SEX ENT 1.5

Does the Applicant use any other trading names? If so, please state the trading name(s):

The Rocket Club Gentleman's Entertainment

What is the Applicant's trading address?

258 Broad Street, Birmingham, B1 2HF

Please confirm if the whole of the business is owned by the applicant: **Yes**

Section 5

All Applicants

Please give details of the person (if any) who is to be responsible for the management of the premises in the absence of the licence holder:

First Name: **Warwick** Surname: **RAMSEIR.**

Former Name (if any)

National Insurance Number or E.U Member State Equivalent:

Permanent Address:

Date of Birth: Place of Birth: .

Has any person named at any place in this application been associated in any way with any other application for a licence for a sex establishment? Yes ☐ No ☒

If "yes" give full details.....

.....

Section 6**Premises details:**

Is this application in respect of: Premises ☒ Vehicle ☐ Vessel ☐ Stall ☐

Is the premises, vehicle, vessel or stall in use for sexual entertainment at the date of this application? Yes ☒ No ☐

If the answer is yes, state the name and address of the person or body currently operating the Business:

**The Rocket Club Gentlemans Entertainment Limited
26 Goodall Street, Walsall, England, WS1 1QL**

What is full address of the premises for which a licence is sought?

**The Rocket Club Gentlemans Entertainment
258 Broad Street, Birmingham, B1 2HF**

If the application is in respect of a vehicle, vessel or stall, please state where it is to be used as a sexual entertainment venue.....

Under what name is, or will the premises be known:

The Rocket Club Gentlemans Entertainment

Is the whole of the premises to be used under the licence? Yes ☐ No ☒

If no, please state:

a) Which part of the premises is to be used for the purposes of the licence

The area highlighted in red on the Plan of the Premises.

b) The use to which the remainder of the premises are to be put

The Berkeley Lounge will be operated as a Lounge/Bar with no adult entertainment.

c) The names of those responsible for the management of the remainder of the premises

The Rocket Club Gentlemans Entertainment Limited

If the Applicant's interest in the premises is a leasehold one, please state:

a) Head-lease ☒ Sub-lease ☐

b) The name and address of the landlord and of the superior landlord where applicable:

1. Superior Landlord – CB Richard Ellis Ltd, St Martins Court, 10 Paternoster Row, London, EC4 7HP

2. Landlord – Balevant Ltd, 26 Goodall Street, Walsall, West Midlands, WS1 1QL

c) The length of the unexpired term: **Until 2026 plus a further 13yrs optional.**

Section 7.**Proposed operation times and activities**

Give the times it is proposed to operate the Premises for the purpose of this Licence;

<u>Day</u>	<u>Start</u>	<u>Finish</u>	<u>State any seasonal variations or non standard timings where you intend to use the Premises, which are different to those listed in the column on the left.</u>
Monday	10:00hrs	06:00hrs	New Year's Eve from the end of permitted hours to commencement of permitted hours on New Year's Day
Tuesday	10:00hrs	06:00hrs	
Wednesday	10:00hrs	06:00hrs	
Thursday	10:00hrs	06:00hrs	
Friday	10:00hrs	06:00hrs	
Saturday	10:00hrs	06:00hrs	
Sunday	10:00hrs	06:00hrs	

Please give full details of the nature of the relevant entertainment e.g. lap-dancing, pole-dancing, stage strip show etc

Entertainment to be provided in the form of Lap Dancing, Table Dancing, Strip Shows, Burlesque Dancing, Semi/Full Nudity Dancing

Please confirm if the relevant entertainment involves full nudity ☒ Yes ☐ No

Section 8.**If the application is for the Transfer of a Premises Licence**

Name of current Premises Licence Holder

.....

Please give the reason/s for the transfer application

.....

.....

.....

SEX ENT 1.5**Section 9.**

Has the Applicant or any persons named in this form been convicted of a criminal offence whether in the UK or elsewhere? **No**

If so, please give details of unspent convictions below:

Convictions:

Forenames	Surname	Former Name (if any)	Court	Date	Offence	Penalty or Sentence

Has the Applicant or any persons named in this form been cautioned whether in the UK or elsewhere ? **No**

If so, please give details below:

Cautions:

Forenames	Surname	Former Name (if any)	Offence	Date of Caution	Where caution administered

SEX ENT 1.5

Has any person or the corporate or unincorporated body referred to in this application: -

Been disqualified from holding a licence for a sex establishment?	No
Been refused the grant / renewal / transfer of a licence for a sex establishment?	No
Been the holder of a sex establishment licence when that licence has been revoked?	No
Been associated in any way with any other application for a sex establishment licence?	No
If 'Yes' to any of the above please provide details:	

Is there any information in this application which you would **not** wish to be seen by members of the public?

Yes ☒ No ☐

If yes, state which information and the reasons why you would **not** wish it to be seen

Yes - the Home address of the Director and persons responsible for the Management of the premises

Is there any further information which the Applicant would wish the Council to take into account when considering this application?

No

.....

.....

.....

(If necessary, please continue on a separate sheet)

SEX ENT 1.5

Please read the checklist below and tick to confirm you have enclosed all of the required information/documents;

I have made or enclosed payment of the fee ☒

Please check the following link for details of the cost of your application:-

<http://www.birmingham.gov.uk/licensingfeesandcharges>

I have enclosed a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority ☒

I have enclosed a copy of the "club rules". Such club rules must contain the required conduct of performers which shall include, for example, no sex acts, no giving or taking phone numbers (including exchange of business cards). ☒

I have enclosed a scheme showing the exterior design for consideration by the Licensing Authority ☒

I understand and agree that I must send a copy of my completed application to the Chief Officer of Police no later than seven days after the date of the application. I also understand that I must produce evidence of due service of the Notice of Application upon the Chief Officer of Police as required by paragraph 10(14) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982. ☒

I understand that I must now advertise my application on or near the Premises for 21 days starting with the date of the application. ☒

I understand that I must advertise the application in a local newspaper within seven days after the date of the application and that a copy of the notice of application which has been published must be given to the Licensing Authority in accordance with paragraph 10 (8) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982. ☒

DECLARATION: I declare that the details in this application are true to the best of my knowledge and belief and acknowledge that if there are any omissions or incorrect statements of a serious nature this may result in the application being refused. I further declare that I have read and agree to abide by the conditions of Licence for a Sexual Entertainment Venue made by Birmingham City Council in accordance with Section 2 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 should my application be granted.

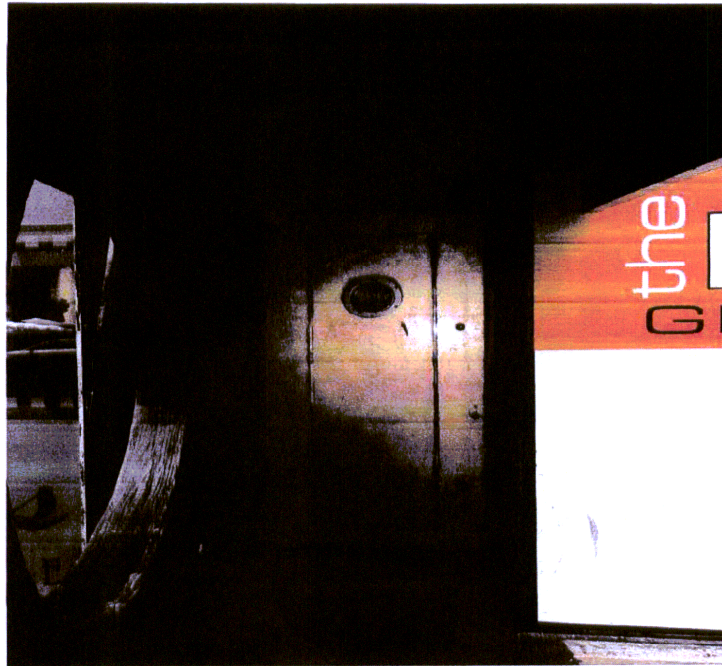
APPLICANTS ARE INFORMED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE, MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE, ON SUMMARY CONVICTION, TO A FINE NOT EXCEEDING £20,000.

Signature

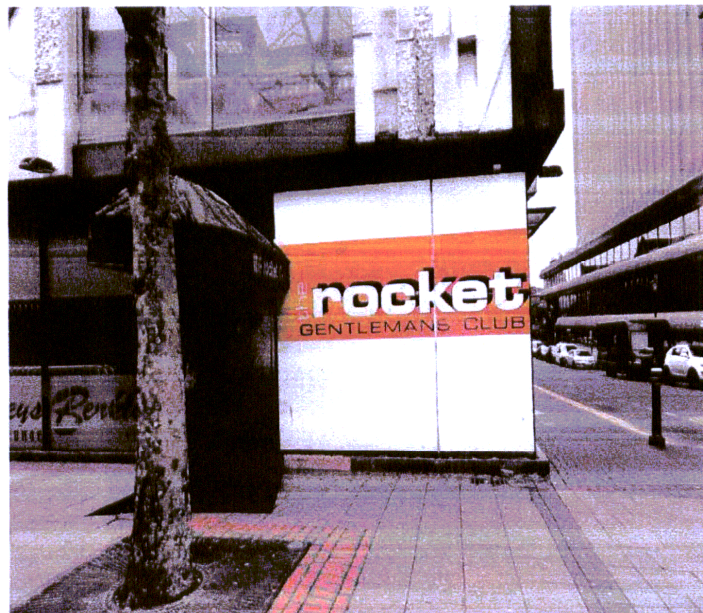
Name of Signatory: **Carl Moore C.N.A. Risk Management Ltd**

Designation of Signatory: **Authorised Agent.**

Date: **Friday 15th December 2017.**



FRONT ENTRANCE TO THE ROCKET CLUB IN BROAD STREET



FRONT OF PREMISES, SIGNAGE COIRNER OF BROAD STREET



SIDE VIEW OF THE ROCKET CLUB IN GRANVILLE STREET



CONTRACT FOR DANCERS AT:

THE ROCKET CLUB
258 Broad Street
Birmingham
B1 2HF

Tel: 0121-643-4525
Fax: 0121-643-8086

STAGE NAME:.....

REAL NAME:.....

START DATE:.....

END DATE:.....

ATTACH PHOTO HERE

TERMS AND CONDITIONS

Please ensure that you read the following conditions carefully before agreeing to and signing this contract.

- Before starting at The Rocket Club, you will be asked to provide a form of ID. This must show your name, photograph and date of birth.
- All girls must book in their shifts with the house manager.
- If you cannot make your shift, 24 hours notice is required or you will be fined as a 'no show'.
- All girls must work a Monday or Tuesday per week.
- All girls must work a minimum of three shifts per week.
- There is to be no shift swapping amongst the girls unless agreed with the house manager.
- On arrival to work, you must report to reception to sign in and pay your house fee - before you start work.
- All girls are expected to attend meetings if and when they are held.
- All girls are to arrive to work with their hair and make up already done.
- A minimum of one week's notice is required for holidays. Please inform the house manager of any time off so that it can be recorded.
- Girls are **NOT** allowed to leave their shifts early. House fees will not be refunded if this happens. You must not get changed until the last song has been played.
- Girls that are working the longer shifts are entitled to have a break, but this must be agreed by the manager.
- If you bring food into the club, it must be eaten in the changing rooms.
- The Rocket Club accepts no responsibility for lost or stolen property.
- A locker can be obtained from a manager for a fee of £40. This will be refunded when you leave upon return of the key.
- Dances are either £10 or £20. £10 dances are topless and can be done in the main floor area (not in front of the stage). £20 dances are fully nude and are only to be carried out in the booths.
- There is to be no undercutting or negotiating of prices. This will not be tolerated.
- Customers can pay for dances using either dance tokens or cash. The club takes 25% commission for the dance tokens. **NO GIRL IS ALLOWED TO REFUSE DANCE TOKENS, THIS IS A SACKABLE OFFENCE.**
- Dance Tokens are available at reception and the club room bar and the customers must be encouraged to use these.

Dancers copy

- Cash must NEVER change hands in the VIP Rooms. Payment for the VIP Rooms must be done via reception.
- Double dances (two girls, one customer) require a charge of £40, so each girl still receives their £20 for the dance. These dances must be simulated.
- The Rocket Club has a very strict policy of **NO SEXUAL CONTACT**. Customers are to make no contact with you whilst you are dancing. You are allowed to dance close to the customer, but there is to be no touching of the customer's genitals areas at any time.
- You are to greet customers and make polite conversation. Do not walk straight up and offer them a dance.
- Do not try and approach a customer when it is clear another girl is already looking after them.
- **DO NOT** leave with or arrange to meet clients whilst on shift. Phone numbers are not to be exchanged at any time.
- Please advise customers that propositions of this nature are unacceptable.
- **UNDER NO CIRCUMSTANCES** are girls to have friends or partners in the club whilst they are working.
- **UNDER NO CIRCUMSTANCES** are girls to date members of staff, management or doormen at The Rocket Club.
- Any problems with members of staff are to be discussed with the house manager.
- Behaviour such as swearing and fighting will not be tolerated.
- All girls must wear an outfit that comes below the knee until 11pm. After this time you may change into another outfit, including shorter dresses, bikinis or fantasy wear.
- Girls are expected to change their outfits throughout the night.
- If you are required to wear a fantasy outfit by the management, you must do so.
- All girls are to go on stage during their shift. This includes all poles on busy nights. The DJ is in charge of monitoring stage performances. Refusing to go up when called could result in a fine.
- Performing on stage will last for the duration of two songs. You will remain fully clothed for the first song, then topless for the second. You must keep your thong on at all times on stage.
- When appearing on stage, girls are expected to enter through the changing rooms and leave the same way. Before you begin your show, please clean the pole with the towel and water spray provided.
- Do not use baby oil on the pole or yourself.
- Girls are not allowed to use mobile phones on the floor. If they are seen, we may take them from you until the end of the shift or you can be fined.

Dancers copy

- All dancers are responsible for keeping the changing rooms tidy. Please take all glasses back to the bar.
- Girls are NOT allowed to bring their own alcohol onto the premises at any time.
- You should not be in the club if you are not working, unless it is cleared with the house manager first.
- There is no guest list available for dancers.
- We try to encourage customers to buy drinks. If you are offered a drink TAKE IT. If you do not want to drink it then give it to another girl or leave it.
- Girls are only permitted to drink if they are seated with a customer. Otherwise use the changing rooms.
- Smoking is only permitted in the smoking shelter at the front of the building. You must inform management when you are taking a cigarette break.
- Any girl found to be drunk on any shift maybe sent home and suspended. Your house fee will not be refunded.
- Drugs are NOT TOLERATED in the club. Any girl found to be possessing or taking drugs will be instantly dismissed.
- All girls are self employed. You are not employees of The Rocket Club. This means you are responsible for any Tax and National Insurance contributions you may have to pay. It is also your responsibility to register for VAT if your earnings from all sources are in excess of the vat registration threshold limit.

Any girl found to be breaking or not following these rules may be fined, suspended or instantly dismissed.

I have read and understood the terms and conditions. It is my responsibility to follow these rules and I understand any consequences that may occur if they are broken.

Signed:

Print Real Name:

Print Stage Name:

Date:

DISCLAIMER

I am the person detailed below and I have signed this disclaimer to say that I am working at The Rocket Club on a self-employed basis.

I agree to pay the house fee set by the club for the use of the premises.

I take full responsibility for Tax and National Insurance contributions owed on any money I will earn whilst working on these premises.

I am also aware that there are CCTV cameras fitted in the club and changing rooms on these premises for the deterrent of drug abuse and theft. I agree to work under these conditions.

Real Name: Stage Name:

Address:

.....

Date of Birth:

Contact Number:

ACCOUNTANTS NAME & ADDRESS.....

.....

TAX REFERENCE CODE.....

NATIONAL INSURANCE NUMBER.....

NAME OF PROMOTIONAL COMPANIES OWNED (IF ANY).....

.....

.....

I confirm that this information is correct.

Signed Date

Disclaimer
Page 1 of 1

EMERGENCY DETAILS

Stage Name:

Emergency Contact Name:

Emergency Telephone Number:

List any illnesses we should know about:

.....

.....

.....

.....

Locker No:

ADDITIONAL INFORMATION

- You can use cash or credit card to pay your house fee.
- Your house fee **must** be paid before you start your shift.
- All dance tokens are to be cashed in at the end of the night.
- You need to change your tokens before you get changed into your normal clothes.
- No light fittings are to be moved.
- Act like ladies at all times.
- Do not talk to customers about the way the club is run i.e. tipping dollars, exchange rate, commission, etc.
- Your shifts for the week must be booked in **a week** in advance.



Redacted

From:
Sent: 12 January 2018 16:36
To: Licensing
Subject: Re: Rocket Club SEV renewal Broad St

referencing the document you have provided, my objections would be under the first two bullet points of 6.3

6.3 Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act. The relevant grounds for objection are:

- **That the applicant is unsuitable to hold an SEV Licence; (1)**
- **That the SEV, if granted would be carried on for the benefit of person/s who would be refused an SEV licence if they had applied themselves (2)**

As per my original email the applicant is non-trading company, marked dormant at companies house with dormant accounts filed for each year since formation, this would make the applicant unsuitable as the purpose of the business is to make money, i.e. be trading and in the previous periods where it owned a licence and would have had to have been trading it is clearly documented as dormant therefore its falsely acting as owner of that licence, so aligned to 6.2.(1)

further to that research suggests that the company actually trading (i.e. the company that should be the applicant) has a additional set of directors (who should form part of the application), its "BERKLEY-LEISURE-LIMITED" based upon the credit card receipt given to the customers , this 2nd company approach would be suggestive that the 2nd company contains reasoning (shareholders/directors) for them not to be the applicant so aligned to 6.3.(2)

I have no objections relevant to the rest of 6.3 e.g. locale, building, number of SEV in area etc

many thanks

On Thursday, 11 January 2018, 18:47, Licensing <licensing@birmingham.gov.uk> wrote:

Dear

Regarding the Notice placed by the applicant in the Birmingham Post newspaper, your comments are noted, but it would appear that the date was a typographical error.

If you wish to make representations against the renewal of the SEV Licence please do so by the end of the closing date, namely 12th January 2018.

Kindly note that any objection you may submit must relate to the statutory grounds for refusal which are detailed at Sections 6 & 7 of Birmingham City Councils Sexual Entertainment Venue Policy a copy of which is attached for ease of reference.

Regards

David

David Kennedy | Principal Licensing Officer | General Licensing | Regulation and Enforcement

Telephone: 0121 303 9896 | Email: licensing@birmingham.gov.uk | Web: www.birmingham.gov.uk/licensing

Address: Licensing Section, PO Box 17013, Birmingham, B6 9ES

"Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors"

From:
Sent: Thursday, January 04, 2018 4:58 PM
To: Licensing
Subject: Rocket Club SEV renewal Broad St

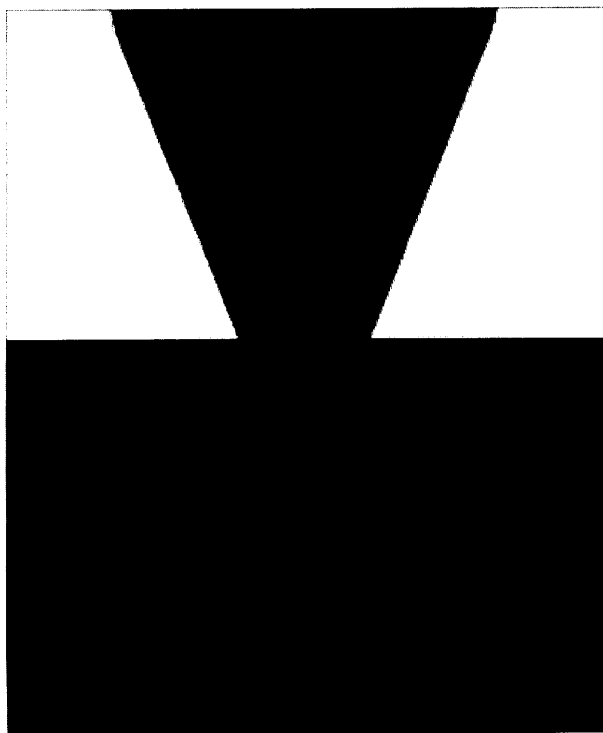
Licencing team,

its come to my attention that the venue on broad st known as "Rocket Club" is currently going through review for renewal of SEV licence.

I'm of the opinion that the application should be refused on the following grounds:

Based upon my research a public notice should be issued when an new application is made or application for renewal is made, the Dec 2017 application for renewal to have a licence in 2018 has had no such public notice, there has been a public notice in Dec 2017 stating that an renewal application was made in December 2016 (i.e. to have a licence in 2017 which was granted and is now coming to an end)

evidence A:
Public Notices - National Site Public Notices



Public Notices - National Site Public Notices

Further to this the renewal application is for "The Rocket Club Gentlemen's Entertainment Ltd", the company which has held the licence for several years. Whilst this company has held the licence it is not actively using the licence, this company "The Rocket Club Gentlemen's Entertainment Ltd" is non-trading, dormant company as indicated by companies house and also clearly shown in this historical view, showing 6 years of dormant activity

<https://companycheck.co.uk/company/07543565/THE-ROCKET-CLUB-GENTLEMANS-ENTERTAINMENT-LIMITED/financials>

This would also suggest that the actual company trading at the Rocket Club location on Broad st is doing so without a licence, i.e. company receiving monies from customers and paying staff is managing a venue and supervising where activities mandate a SEV licence be obtained bein place if such activities occur for more than 1 day per month (which occurs currently 6 days per week).

On this basis I believe not only should the current SEV licence not be renewed (for The Rocket Club Gentlemen's Entertainment Ltd) but persons connected with the actual trading company be placed on an exclusion list for future ownership of a licence as they have knowingly broken the rules.

The assumption is this is a smoke n mirrors attempt, the real trading company to be "hidden" from view, with any (potential) skeletons in the cupboard to go through unseen and unknown to any licence checks for fit and proper activity or history. This 2nd company should be given scrutiny to understand if activities in the previous 6 years are in anyway a risk to the people of Birmingham.

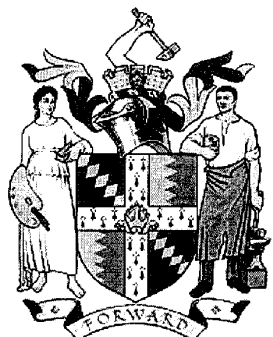
It is also a side issue but the website does not make clear the activities within the club, this lack of sign posting is misleading and are suggestive of potential SEV breaches e.g. the only pages that start to explain are promoting a stage show to humiliate a stag, which does not make clear what they will do to him, SEV rules indicate no contact and yet he could not be humiliated by "watching" which suggests some form of contact would be involved, may I suggest this be investigated:

- [index](#)

index

I await your response

The information contained within this e-mail (and any attachment) sent by Birmingham City Council is confidential and may be legally privileged. It is intended only for the named recipient or entity to whom it is addressed. If you are not the intended recipient please accept our apologies and notify the sender immediately. Unauthorised access, use, disclosure, storage or copying is not permitted and may be unlawful. Any e-mail including its content may be monitored and used by Birmingham City Council for reasons of security and for monitoring internal compliance with the office policy on staff use. E-mail blocking software may also be used. Any views or opinions presented are solely those of the originator and do not necessarily represent those of Birmingham City Council. We cannot guarantee that this message or any attachment is virus free or has not been intercepted and amended.



BIRMINGHAM CITY COUNCIL SEXUAL ENTERTAINMENT VENUE POLICY

EFFECTIVE FROM 1st November 2014

Licensing Service at Crystal Court,
Aston Cross Business Village
50 Rocky Lane,
Aston,
Birmingham, B6 5RQ

OR alternatively by email to: licensing@birmingham.gov.uk

CONTENTS

1	Introduction	3
2	Sexual Entertainment Venues	3
3	Waivers	4
4	Making An Application	5
5	Fees	6
6	Making Objections to Applications	6
7	Determination of an Application	7
8	Suitability of an Applicant	9
9	Suitability of Premises	9
10	Use of Premises in the Vicinity	9
11	Character of the Relevant Locality	10
12	Appropriate Number of Sexual Entertainment Venues	10
13	Conditions	11
14	Renewal Applications	11
15	Revocation of a Sexual Entertainment Venue Licence	11
16	Cancellation of a Sexual Entertainment Venue Licence	12
17	Variation of a Sexual Entertainment Venue Licence	12
18	Right to Appeal to a Decision	12
Annex A – Standard Conditions Prescribed by Regulations		14
Annex B – Scheme of Delegations		23

1. **Introduction**

- 1.1 Birmingham City Council ("the Council") is able to regulate sex establishments through Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act"), in particular sex shops and sex cinemas.
- 1.2 On 6 April 2010 the Policing and Crime Act 2009 ("the 2009 Act") came into force and amended Schedule 3 of the 1982 Act. Sexual Entertainment Venues ("SEVs") were added as a category of sex establishments to enable local authorities to regulate those premises which provide lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows and other similar entertainment.
- 1.3 The Council resolved on 12 October 2010 to adopt the new amendments to gain regulatory control of SEVs with effect from 3 January 2011. Consequently, this SEV policy applies to the whole of Birmingham.
- 1.4 The adoption of Schedule 3 allows the Council to prescribe standard conditions and fees for the grant, variation, renewal and transfer of SEV licences and the appropriate number of premises to be licensed in a relevant locality, which may be nil.
- 1.5 The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing and Public Protection Committee when making a determination on an application. This policy will be reviewed regularly and revised where necessary.
- 1.6 Each application will be dealt with on its own merits
- 1.7 Consideration will be given to the provisions of the Human Rights Act 1998, the Provision of Services Regulations 2009 and the Home Office guidance issued in March 2010 entitled "Sexual Entertainment Venues – Guidance for England and Wales" when considering applications for SEVs.
- 1.8 The Council does not take a moral stance in adopting this policy. The Council recognises that Parliament has made it lawful to operate sex establishments and that such businesses are a legitimate part of the retail and leisure industries. It is the Council's role as a Licensing Authority to regulate such premises in accordance with the law.

2. **Sexual Entertainment Venues**

- 2.1 An SEV is defined in the 2009 Act as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer".
- 2.2 The meaning of 'relevant entertainment' is "any live performance or live display of nudity which is of such a nature that, ignoring financial gain it must

reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)". An audience can consist of just one person.

2.3 This definitions would apply to the following forms of entertainment [as they are commonly known]; lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows. This list is not exhaustive and should only be treated as indicative. The decision to licence premises as sexual entertainment venues shall depend on the content of the relevant entertainment rather than the name given to it.

2.4 The 2009 Act provides exemptions from the definition of SEVs as follows:

- Sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act).
- Premises which provide relevant entertainment on an infrequent basis. These are detailed as premises where:
 - (a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - (b) no such occasion has begun within a period of one month beginning with the end of the previous occasion; and
 - (c) no such occasion has lasted longer than 24 hours.
- Other premises or types of performances or displays exempted by an order of the Secretary of State.
- Private dwellings to which the public are not admitted

2.5 Premises which provide regulated entertainment on an infrequent basis will continue to be regulated under the 2003 Act insofar as they are providing regulated entertainment under that Act either by virtue of a premises licence or club premises certificate or a temporary events notice issued under that Act.

2.6 In practice this means that the vast majority of lap dancing clubs and similar venues will require both a SEV licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provisions of other types of regulated entertainment not covered by the definition of relevant entertainment.

2.7 Live music or the playing of recorded music which is integral to the provision of relevant entertainment such as lap dancing for which a SEV licence is required is specifically excluded from the definition of regulated entertainment in the 2003 Act. Therefore, a SEV will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance to.

3. **Waivers**

3.1 Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it

considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit. Applications for waivers will be considered in exceptional circumstances.

- 3.2 The Council may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate on a date not less than 28 days from the date the notice is given.

4. **Making an Application**

- 4.1 The 1982 Act provides a maximum licence period of one year. The authority may grant a shorter licence if it thinks fit. A shorter period may be granted for example where a licensee wants a licence for a limited period for a trade exhibition or a show.
- 4.2 An application for the **grant, variation, renewal or transfer** of a licence must be made in writing to the Licensing Authority together with the application fee in accordance with the requirements set out below.
- 4.3 There are three separate notice requirements:
1. The applicant must, within seven days after the date of the application, publish an advertisement in a local newspaper circulating in the local authority's area. A suggested form of advertisement is available on request from the Licensing Section.
 2. Where the application is in respect of premises the applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days starting with the date of application. Again a suggested form of notice is available on request.
 3. The applicant must send a copy of the application to the Chief Officer of Police no later than seven days after the date of the application. Where the application is made electronically it is for the Local Authority itself to send the copy within seven days of receipt of the application.
- 4.4 The application form can be used for grant, variation, transfer and renewal applications. Applicants must provide their name, address, age (where the applicant is an individual), the premises address and the proposed licensed name of the premises.
- 4.5 Applicants must, at the time of submission of a new grant or variation application, provide a scheme showing the exterior design for consideration by the Licensing Authority before the premises are opened for business in order to ensure that exterior design of the premises complies with the Standard Conditions of Licence.

- 4.6 In addition applicants must, at the time of submission of a new grant or variation application, provide a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority.
- 4.7 Applicants for SEVs must also submit a copy of their "club rules" and customer code of conduct. Such club rules must contain the required conduct of performers.
- 4.8 Such club rules will form part of the conditions of licence (if granted) and may be subject to amendment by the Licensing Authority prior to approval.
- 4.9 Applicants must provide evidence to the satisfaction of the Licensing Service of the registration for, and payment of business rates for the premises in question at the time of application.
- 4.9 Officers of the Licensing Service may, as part of the application process, visit the relevant locality of the premises to establish and report on whether there are any characteristics of the locality which may require consideration by the Licensing and Public Protection Committee.
- 4.10 Officers of the Licensing Service may also consult with colleagues from other Departments such as Planning
- 4.11 With regards to online application tacit authorisation does not apply to applications for SEV licences. This means the applicant must wait for the Licensing Authority to determine the application before they can operate a SEV.

5. **Fees**

- 5.1 The 1982 Act permits the authority to set a reasonable fee. Fees for Sex Establishments are reviewed annually by the Licensing and Public Protection Committee and set at a level appropriate to recover the costs of carrying out the licensing function under that Act namely: administration (including any hearings or appeals), inspection and compliance.
- 5.2 The above process is also applicable to the function of licensing SEVs and the appropriate fees for applications can be found on the Council's website at: www.birmingham.gov.uk/licensingfeesandcharges.
- 5.3 Application fees must be paid in full at the time of submission of the application.

6. **Making Objections to Applications**

- 6.1 The 1982 Act permits a wide range of persons to raise objections about the **grant, renewal, variation or transfer** of a SEV licence. Objectors can include residents, resident associations, trade associations, businesses, Councillors (providing they do not sit on the Licensing and Public Protection Committee),

regulatory agencies such as Planning and Environmental Health, or MPs. The Police are a statutory consultee for all applications.

- 6.2 Objections must be made in writing (email is acceptable) no later than 28 days after the date of the application to the Licensing Authority and should include the following:
- the name and address of the person or organisation making the objection;
 - the premises to which the objection relates;
 - the proximity of the premises to the person making the objection, a sketch map or plan may be helpful to show this.
- 6.3 Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act. The relevant grounds for objection are:
- That the applicant is unsuitable to hold an SEV Licence;
 - That the SEV, if granted would be carried on for the benefit of person/s who would be refused an SEV licence if they had applied themselves;
 - That the layout, character or condition of the premises are inappropriate for the proposed SEV;
 - That the use of the premises as an SEV would be inappropriate due to the use of premises in the vicinity;
 - That the use of the premises as an SEV would be inappropriate due to the character of the relevant locality; and/or
 - That the number of sex establishments or sex establishments of a particular type is inappropriate in the relevant locality.

Any objections received by the Licensing Authority which do not relate to the grounds set out in the 1982 Act will be rejected by the Licensing Service.

- 6.4 The courts have consistently stated that moral objections are inadmissible in such applications and will therefore be rejected.
- 6.5 Objections will be considered by the Licensing and Public Protection Committee determining the application. The applicant will be informed of any objections received in respect of their application and the objection(s) will become public documents. (However, objector's personal details such as name, address and telephone number will be removed.) A copy of the hearing procedure will be sent to the applicant and any objectors prior to the hearing.

7. Determination of an Application

- 7.1 **All applications for the grant of a SEV licence will be determined by the Licensing and Public Protection Committee.** Valid objections to any application will be considered by the Licensing Committee or delegated to a Licensing Sub Committee at the hearing to consider the application.

Applicants and objectors will be given an equal opportunity to state their case in accordance with the Licensing and Public Protection Committee's procedure for hearings, which is available from the Licensing Service.

- 7.2 The 1982 Act provides five mandatory grounds and four discretionary grounds for refusal of a SEV licence. Each application for a SEV will be decided upon its own merits and the Licensing Authority will give clear reasons for its decisions. Any decision to refuse a licence **MUST** be relevant to one or more of the following grounds:

7.3 Mandatory grounds for refusal

Specific mandatory grounds for refusal of a licence are set out in paragraph 12(1) (a to e) of Schedule 3 in the 1982 Act. A licence cannot be granted:

- (a) to any person under the age of 18 years;
- (b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to any person who has, within a period of 12 months immediately preceding that date when the application was made, been refused that grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

7.4 Discretionary grounds for refusal

The only discretionary grounds upon which the Council may refuse an application for the grant or renewal of a licence on one or more of the grounds specified in Schedule 3 paragraph 12(3) are that:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reasons;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he/she made the application himself/herself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for the locality;
- (d) the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

8. Suitability of an Applicant

8.1 In respect of 7.4(a) and (b) above with regard to the suitability of an applicant to hold a licence, the criteria for Members to consider include, but are not limited to:

- that the operator is honest
- that the operator is qualified by experience to run the type of sex establishment in question
- that the operator understands the general conditions
- that the operator is proposing a management structure which delivers compliance with the operating conditions e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers
- that the operator can be relied upon to act in the best interests of performers e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored
- that the operator can be relied upon to protect the public e.g. transparent charging, freedom from solicitation
- that the operator can show a track record of management of compliant premises, or that he/she will employ individuals who have such a track record.
- Compliance with other regulatory and taxation schemes

9. Suitability of Premises

9.1 The Council would expect that when an application for an SEV licence at permanent commercial property is made, that the applicant will be able to demonstrate that the layout, character and/or condition of the premises is appropriate to the relevant entertainment proposed at the premises.

9.2 The Council would expect that when an application for an SEV licence at permanent commercial property is made, that property should have the appropriate planning consent.

10. Use of Premises in the Vicinity

10.1 In considering the grant, renewal or variation of the licence would be inappropriate to the use which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations:

- (a) the fact that the premises are sited in a residential area;
- (b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;
- (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
- (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities

- such as parks, libraries or swimming pools, markets and covered markets;
- (e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.
- (f) the premises are sited near civic buildings

11. Character of the Relevant Locality

11.1 With reference to paragraph 8.4(d) 'relevant locality' for the purposes of paragraph 12 of Schedule 3 of the Act means:

- (i) in relation to the premises, the locality where they are situated, and
- (ii) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a Sexual Entertainment Venue.

11.2 In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations, whether the grant of the application would be inappropriate, having regard to:

- (a) the fact that the premises are sited in a residential area;
- (b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;
- (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
- (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets;
- (e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.
- (f) the premises are sited near civic buildings

11.3 The Council will consider relevant locality on a case by case basis taking into account the particular circumstances of each case. However, the Council will not seek to define locality as the whole of the Council's administrative area or an entire town.

12. Appropriate Number of Sexual Entertainment Venues

12.1 As set out within paragraph 7.4(c) above, paragraph 12 of Schedule 3 provides that a Local Authority may refuse an application if it is satisfied that the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.

12.2 The Council may choose to set an upper limit guide on the number of SEVs which it considers appropriate in any area within the Council's administrative control. Each application MUST in any event be considered on its merits at the time the application is determined by the local authority.

12.3 The Council considers that the City Centre, being that part of the City which falls within the ring road (A4540) is an area in which it is appropriate to have an upper limit guide on the number of SEVs within it. The Council considers the appropriate upper limit for this area is eight.

13. **Conditions**

13.1 When issuing an SEV licence the Licensing Authority is permitted to issue it on such terms and conditions and subject to restrictions as specified at the time the licence is issued either in the form of conditions specific to the individual or standard conditions applicable to all SEVs.

13.2 The Council has decided to produce regulations prescribing standard conditions and these shall apply to every licence granted, varied, renewed or transferred by the authority unless they have been expressly excluded or varied. These regulations are attached to this policy at Annex A.

13.3 It is an offence to operate an SEV without a licence or contravene a condition of the licence. The maximum penalty upon conviction is £20,000

14. **Renewal Applications**

14.1 Provided an application for renewal has been accepted by the Licensing Service prior to the date of expiry, the licence shall be deemed to remain in force until such time as the renewal is determined by the Council, or the application is withdrawn.

14.2 The statutory requirements for advertising and giving notice, are the same as those applying to initial grants, which are dealt with at paragraphs 5-13. Renewal applications will be dealt with by way of delegated authority to officers, unless there are any objections or other matters of concern, in which case, the application will be heard by the Committee.

15. **Revocation of a Sexual Entertainment Venue Licence**

15.1 A licence can be revoked by the Council at any time on any one of the grounds set out in 7.3(a - e) or any one of the grounds set out in 7.4(a and b) of the policy.

15.2 The Council will not revoke a licence without the licence holder being given an opportunity to appear before the Licensing and Public Protection Committee and be heard.

15.3 Where a licence is revoked, the Council shall give the licensee a statement in writing of reasons for its decision within seven days of the request being

made. Where a licence is revoked its holder will be disqualified from holding or obtaining a licence in the area of the Local Authority for a period of 12 months from the date of revocation.

- 15.4 When the authority revokes a licence, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

16. Cancellation of a Sexual Entertainment Venue Licence

- 16.1 The Council may at the written request of the licence holder cancel the licence.

- 16.2 If a licence holder dies then the licence will be deemed to have been granted to the licence holder's personal representatives and will remain in force for three months from the date of the licence holder's death and will then expire.

- 16.3 The Council can, however, on the application of the licence holder's personal representatives extend the three month period if the Council is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Council will only do so where there are no circumstances that make such an extension undesirable.

17. Variation of a Sexual Entertainment Venue Licence

- 17.1 A licence holder may at any time apply to vary a term, condition or restriction of a licence or apply to change the location of a licensed vessel. The statutory requirements for advertising, giving notice, consideration by the Council, hearings and the giving of the reasons are the same as those applying to initial grants, which are dealt with at paragraphs 5-12. On receiving such an application, the Council can either:

- (a) make the variation as requested;
- (b) make such variations as it thinks fit;
- (c) refuse the application.

- 17.2 The applicant will be given an opportunity to attend a Licensing and Public Protection Committee before a decision is made to make a variation other than that being applied for or to refuse the application.

- 17.3 Where the Council imposes some other term, condition or restriction other than one sought in the variation application, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

18. Right to Appeal a Decision

- 18.1 The decisions against which a right of appeal lies are refusals for the grants, renewals, variations or transfers, the imposition of conditions and also revocation.
- 18.2 Appeals must be made to the Magistrates Court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision.
- 18.3 It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further, no appeal lies against the Licensing Authority's decision made on the discretionary grounds set out at paragraphs 7.4(c and d), namely:
- that it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
 - the use of premises in the vicinity or the layout, character or condition of the premises.
- 18.4 The only discretionary grounds against which an appeal lies are those in paragraph 7.4(a and b) relating to the suitability of the applicant, the manager and/or the beneficiary of the operation.

ANNEX A

BIRMINGHAM CITY COUNCIL

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES (SEV)

These regulations are made under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the "1982 Act") as amended by the Policing and Crime Act 2009 (the "2009 Act") to prescribe conditions. In these Regulations, except when the context otherwise requires, the following expressions shall have the following meanings:

- (i) "The Council" shall mean the Birmingham City Council and all enquiries concerning these Regulations and its conditions shall be directed to Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ. 0121 303 9896. licensing@birmingham.gov.uk
- (ii) These conditions apply to all premises licensed as a "sexual entertainment venue" as defined by the said 1982 Act that is to say terms, conditions and restrictions on or subject to which licences under Schedule 3 of the 1982 Act are in general to be granted, renewed, varied or transferred.
- (iii) "Sexual Entertainment Venue" ('SEV') means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser or the entertainer.
- (iv) "Premises" includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.
- (v) 'Relevant Entertainment' means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of

sexually stimulating any member of the audience (whether by verbal or other means).

- (vi) The Council may at any time waive, modify or vary these conditions or impose additional special conditions in any particular case.
- (vii) If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council.
- (viii) In the event of a conflict between the prescribed conditions and special conditions contained in a SEV licence the special conditions shall prevail.

OPENING HOURS

- 1. The licensed premises shall not be open or used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing and Public Protection Committee.

WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS

- 2. Save for the entrance lobby, the interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.
- 3. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
 - (a) The address of the premises.
 - (b) The licensed name of the premises.
 - (c) A notice stating the opening hours of the establishment.
 - (d) In the case of a licence granted to a body corporate:

- (i) If the premises name is not the same as the full name of the body corporate then such corporate name and;
 - (ii) If the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.
- 4. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Council.
- 5. The licensee shall not permit the display outside of the premises of photographs or other images, which indicate or suggest that relevant entertainment takes place in the premises.

LICENSED NAME

- 6. At the time of granting the licence in respect of the premises the Council will authorise a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licensee shall ensure that the premises are known solely by that name and by no other, save as provided for by the paragraph below.
- 7. To change the licensed name, an application shall be made to the Council not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

EXHIBITION OF LICENCE

- 8.
 - a) A copy of the licence (two pages) shall be suitably framed and exhibited in a position that can easily be read by all persons entering the premises.
 - b) The conditions of licence and all such documents listed as Appendices to said licence shall be retained in a clean and legible condition and immediately available for inspection by anyone who so requests.

9. The licensee shall retain a copy of a form signed by each employee and performer confirming that they have read and understood the licence and conditions. The copy shall be retained for a period of six months after they cease work at the premises. A copy of the licence and conditions shall be given to each performer.

RESPONSIBILITY OF THE LICENSEE

10. The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the SEV in their absence shall be in charge of and upon the premises during the whole time they are open to the public.
11. The written nomination referred to in condition 10 above shall be maintained in a daily register, kept on the premises and made continuously available for inspection by an officer authorised by the Council or police officer.
12. The person in charge shall not be engaged in any duties that will prevent them from exercising general supervision and they shall be assisted as necessary by suitable adult persons to ensure adequate supervision.
13. The licensee must ensure that there is a current insurance policy in force to cover the performers whilst the premises are open and that a copy is displayed in areas where all staff have access.

EMPLOYEES AND MANAGEMENT STAFF

14. The licensee shall keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers permitted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such

records available for inspection to them. (see Conditions regarding Door Supervisors)

15. Condition 14 does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, such persons must be aged 18 years and over if the premises are open for the purpose of providing sexual entertainment.
16. The licensee shall ensure that all persons employed or permitted to work within the licensed premises hold the appropriate rights to work and shall keep copies of any documentation used to verify the details of these rights where necessary.
17. The licensee shall maintain a register of the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence.
18. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified to the Licensing Authority

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

19. Where the licensed premises is a vessel or stall, the licensee shall not move the licensed vessel or stall from the location specified in the licence unless a variation application is submitted for the Council's determination giving not less than 28 days notice. n.b. this requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another place such location as is specified in the licence.
20. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises as shown on

the plan, including any change in the permitted signs on display shall not be made except with the prior approval of the Council.

CLUB RULES

21. Any club rules imposed on the performers shall be displayed in a prominent position within the premises for all employees to have easy access whilst at work.
22. A copy of the club rules shall be provided to performers engaged by the premises by means of a written contract signed by the recipient. Copies of the same must be retained on the premises and produced to an authorised officer of the Council or police officer on request.

FEES

23. Receipts or records of payments received should be provided to performers where "house fees" are charged or when any fines are issued.

PERFORMANCES

24. No person under the age of 18 shall be permitted to be on the licensed premises when sexual entertainment is provided. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person under 18 will be admitted when sexual entertainment is being provided" so that it can be easily read by persons entering the premises.
25. Each area where relevant entertainment is conducted shall be supervised and/or contain a panic alarm for the safety of performers.
26. A customer code of conduct shall be prominently displayed in each area to which the public are admitted.
27. Performers shall be aged not less than 18 years.

28. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence. In all other public areas within the premises the performers and employees must at all times wear at least a G string (female) and or pouch (male) covering the genitalia
29. During all performances (including performances usually termed 'private dances') there must not be any deliberate contact, by the performer, with any patron or person within the audience except:
 - a). Leading a patron by the hand to and from a chair or private room or designated dance area.
 - b). Simple handshake greeting at the beginning and/or end of the performance.
 - c). A customary ("peck on the cheek") kiss at the end of the performance.
 - d). the placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
30. No performances shall include any sex act involving any other persons or objects (or involve any form of auto-erotic stimulation).
31. A price list shall be displayed in a prominent position giving the price and the duration of any 'private dances'.
32. Any person employed to supervise or attend to the exterior or entrance area of the premises must, at all times be suitably and sensibly dressed so as not to indicate or suggest the nature of the relevant entertainment taking place at the premises.
33. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except as shown on the plan; within the toilets, within the performers' dressing rooms and/or staff areas.

- 34. At all times during a performance, performers shall have unrestricted access to a dressing room.
- 35. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phones

DOOR SUPERVISORS

- 36. The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitably licensed by The Security Industry Authority or appropriate agency.
- 37. Where door staff are used, the licensee shall maintain profiles for all door staff that are, or have been, working at the premises in the last six months. The profile is to contain proof of identity (copy of passport /photo driving licence) and proof of address dated within the last six months (bank statement /utility bill). Separate proof of address is not necessary when the proof of identity is a photo driving licence. All profiles are to be made immediately available to Authorised Officers upon request.
- 38. An adequate number of licensed door supervisors, based on a risk assessment undertaken by the licensee, shall be on duty on the premises whilst relevant entertainment takes place.
- 39. At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place.

CCTV

- 40. CCTV shall be installed in each room within the premises where the public has access save for the toilet and staff only areas. All cameras shall continuously record whilst the premises are open to the public and recordings shall be kept available for a minimum of twenty-eight days.

- 41. A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers.
- 42. The premises will provide copies of any recordings upon request by a police officer or an authorised officer of the Council within 24 hours of the request.

TOUTING FOR BUSINESS AWAY FROM THE PREMISES.

- 43. The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.
- 44. The collection of patrons and or potential clients is not permitted unless the vehicle is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
- 45. The licensee shall not permit any person whilst on a public thoroughfare to encourage any other person to visit the SEV premises by any means.
- 46. The licensee shall endeavour to ensure any marketing communications associated with the SEV or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

ADMISSION OF AUTHORISED OFFICERS

- 47. Officers of the Council, Police, and other authorised agencies who are furnished with authorities (which will be produced on request) shall be admitted immediately to all parts of the premises at all reasonable times and at any time the premises are open for business.

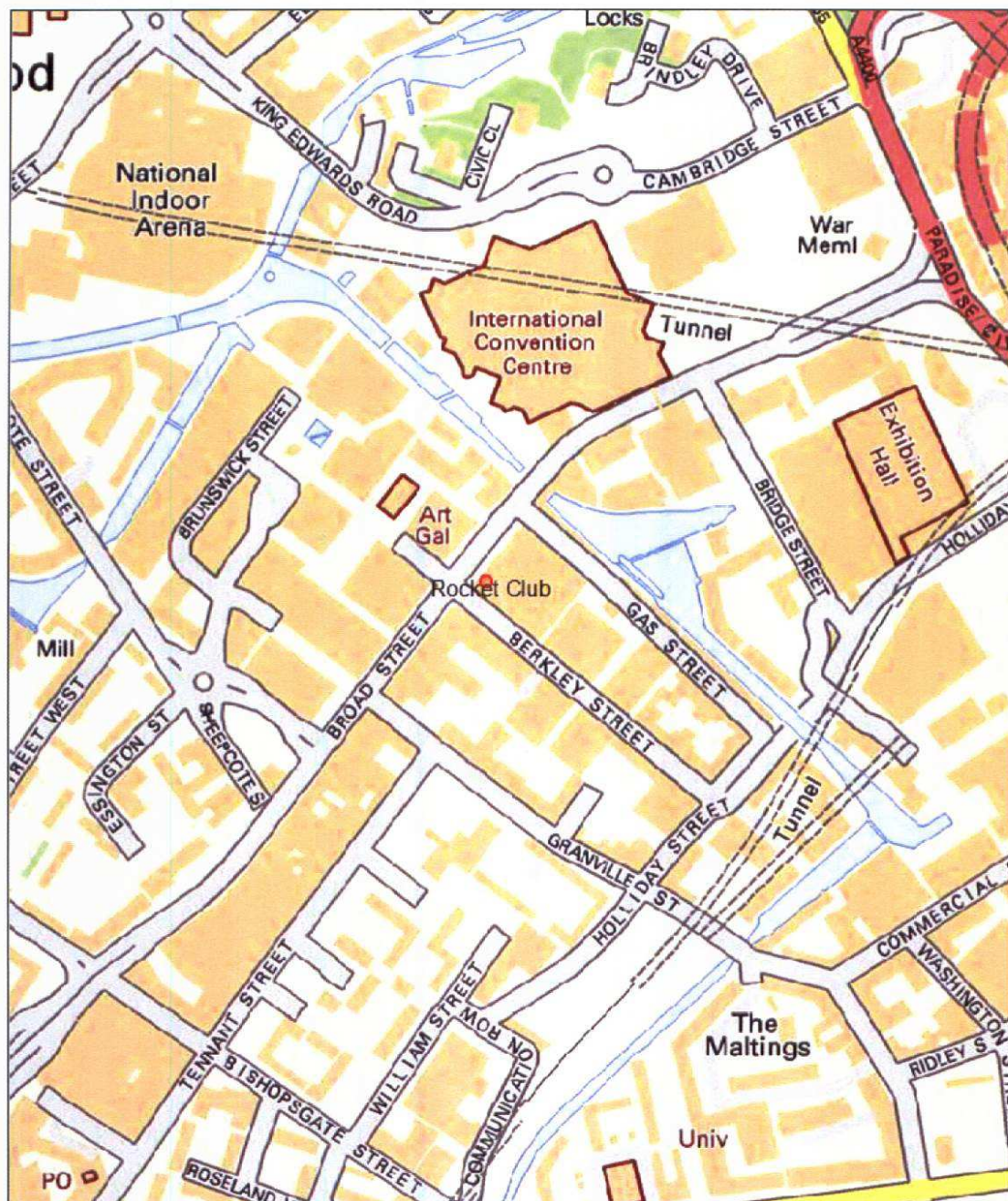
ANNEX B

SCHEME OF DELEGATION OF DECISION-MAKING AND FUNCTIONS

The Licensing and Public Protection Committee is responsible for making licensing decisions with Sub-Committees and officers having delegated powers to make some decisions. The table below describes how licensing decisions will be made. This scheme of delegations will be subject to regular review

Nothing within this scheme of delegations shall prevent matters being referred to a higher level where appropriate. E.g. officers may refer matters to a sub committee, or a sub-committee may refer a matter to full committee.

Matter to be dealt with:	Decision to be made by:		
	Full Committee	Sub-Committee	Officers (Senior Licensing Officer or above)
Application for grant or transfer	All cases		
Application for renewal or variation	If relevant objection made		If no relevant objection made
Minor variation application	If relevant objection made		If no relevant objection made
Revocation of Licence	All cases		
Cancellation of Licence			All cases
Make/amend regulations prescribing standard conditions, terms and restrictions	All cases		
Setting of fees	All cases		
Waiver	All cases		
To make and amend policy relating to the licensing of sex establishments	All cases		
To enforce the provisions of Part II and Schedule 3 of the Local Government Miscellaneous Provisions Ac 1982			All cases



Birmingham City Council Map Created By:

Date of Map Creation: 31/01/2018

Notes

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

(c) GeoPerspectives, supplied by Bluesky International Ltd

Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved

Scale:
1:4,000



Birmingham City Council

Map Created By:

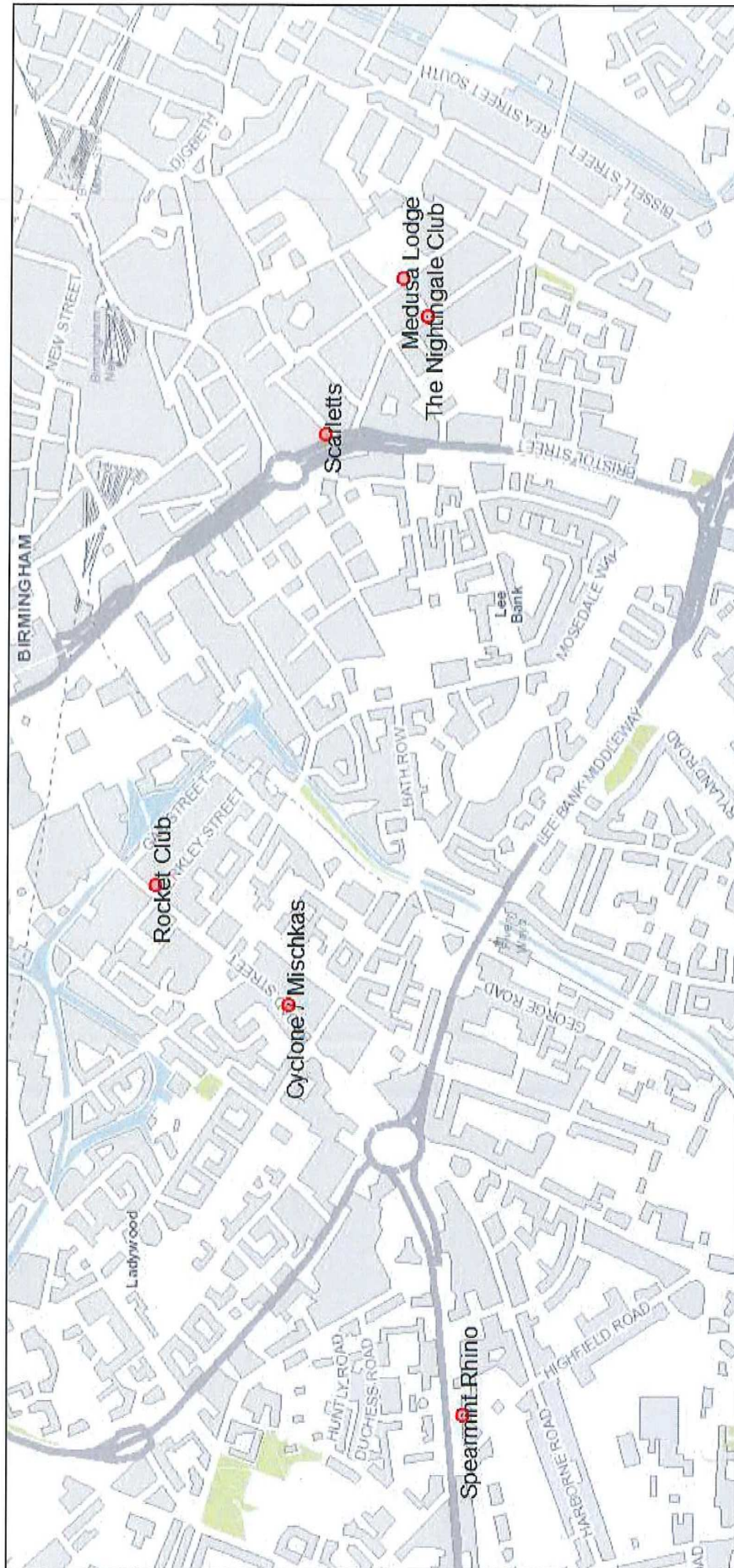
Notes

Date of Map Creation: 31/01/2018



Scale:
1:1,250

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.
(c) GeoPerspectives, supplied by Bluesky International Ltd
Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved



Map Notes

Map Created By:
Date of Map Creation: 10/11/2017

Birmingham City Council

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.
(c) GeoPerspectives, supplied by Bluesky International Ltd
Cities Revealed® copyright by The GeoInformation® Group 2014 and Crown Copyright © All right reserved

Scale:
1:10,000

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	ACTING SERVICE DIRECTOR REGULATION AND ENFORCEMENT AND CORPORATE DIRECTOR FINANCE AND GOVERNANCE	
Date of Decision:	14 MARCH 2018	
SUBJECT:	LICENSING AND PUBLIC PROTECTION – BUDGET MONITORING 2017/18 (MONTH 10)	

1. Purpose of Report:
<p>1.1 This report sets out the financial position on the Licensing and Public Protection Committee's Revenue and Capital Budgets, at the end of January 2018 (Month 10), and the forecast financial position for the year end. It highlights any issues that have arisen and informs the Licensing and Public Protection Committee of any action being taken to contain spending within the approved cash limits.</p> <p>1.2 The report also details the latest performance within the Licensing and Public Protection Committee, including progress against the approved Savings Programme for 2017/18.</p> <p>1.3 The report is in line with the current City Council established financial monitoring framework to ensure that expenditure is managed within cash limits.</p>

2. Decision(s) Recommended:
<p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Note the latest revenue financial position, at the end of January 2018 (Month 10) and forecast outturn, as detailed in Appendix 1.</p> <p>2.2 Note the financial position with regard to the Savings Programme for 2017/18 as detailed in Appendix 2.</p> <p>2.3 Note the expenditure on grant funded programmes in Appendix 3.</p> <p>2.4 Note the position on capital projects, as detailed in Appendix 4.</p> <p>2.5 Approve the net appropriations to reserves relating to Proceeds of Crime Act of £0.276m and note the closing position on reserves, as detailed in Appendix 5.</p>

Lead Contact Officer(s):	Sukvinder Kalsi, Assistant Director of Finance (Place)
Telephone No:	0121 303 3834
E-mail address:	sukvinder.kalsi@birmingham.gov.uk

<div data-bbox="102 152 399 197" data-label="Section-Header"> <h3>3. Consultation</h3> </div> <div data-bbox="102 228 309 273" data-label="Section-Header"> <h4>3.1 <u>Internal</u></h4> </div> <div data-bbox="197 300 1495 456" data-label="Text"> <p>The financial position on the revenue and capital budgets is reported on a monthly basis to the Place Senior Management Team and the Acting Service Director of Regulation and Enforcement is briefed on the major financial issues. Legal and Finance have also been consulted as required in line with the Council's framework.</p> </div> <div data-bbox="102 519 322 564" data-label="Section-Header"> <h4>3.2 <u>External</u></h4> </div> <div data-bbox="197 591 1495 680" data-label="Text"> <p>There are no additional issues beyond consultations carried out as part of the budget setting process for 2017/18.</p> </div>
<div data-bbox="102 779 504 824" data-label="Section-Header"> <h3>4. Compliance Issues:</h3> </div> <div data-bbox="102 855 1353 936" data-label="Section-Header"> <h4>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></h4> </div> <div data-bbox="197 963 1495 1048" data-label="Text"> <p>The budget is integrated within the Council's Financial Plan 2017+, and resource allocation is directed towards policy priorities.</p> </div> <div data-bbox="102 1075 1334 1155" data-label="Section-Header"> <h4>4.2 <u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></h4> </div> <div data-bbox="197 1182 1495 1267" data-label="Text"> <p>The Licensing and Public Protection Budget Monitoring 2017/18 (Month 10) report provides details of monitoring of service delivery within available resources.</p> </div> <div data-bbox="102 1294 459 1339" data-label="Section-Header"> <h4>4.3 <u>Legal Implications</u></h4> </div> <div data-bbox="197 1366 1495 1630" data-label="Text"> <p>Section 151 of the 1972 Local Government Act requires the Interim Chief Financial Officer (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Management Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.</p> </div> <div data-bbox="102 1662 590 1706" data-label="Section-Header"> <h4>4.4 <u>Public Sector Equality Duty</u></h4> </div> <div data-bbox="197 1733 1495 1890" data-label="Text"> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p> </div>

5. Relevant Background/Chronology of Key Events:

Revenue Budget 2017/18

- 5.1 The City Council approved the overall budget on 28 February 2017. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £7.553m (as detailed in Appendix 1) on 15 March 2017.
- 5.2 There have been no changes to the Committee's net budget in the previous report at Month 8, with the net budget remaining at £7.537m.

	£'m
Original Budget 2017/18 Reported to LPPC 15 March 2017	7.553
Allocation of Trade Union Facility	(0.016)
New External Funding – Operation Beorma (Counterfeiting) (£0.023m)	-
Current Approved Net Revenue Budget for Month 10	7.537

- 5.3 The City Council has well-established arrangements for monitoring spending against the cash limited budgets allocated to Directorates and Committees.
- 5.4 Reports are presented to Cabinet regularly on the overall city-wide financial position and the Licensing and Public Protection Committee receive periodic financial performance reports during the financial year.

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

- 5.5 The total expenditure at Month 10 (end of January 2018) is £6.92m, which represents 92% of the annual net budget.
- 5.6 A year end pressure of net £0.110m is being forecast, all due to base pressures. This in an improved position of £0.350m from Month 8 report brought to your committee (improvement on Environmental Health £240k and Coroners and Mortuary's £170k, offset by pressures on Registrars £20k and reduced savings on Trading Standards £40k).
- 5.7 Budgets continue to be managed rigorously and any changes will be reported in future reports.
- 5.8 The table below sets out a high level summary of the projected year end pressures and underspend by service (full details are in Appendix 1) and how this is comprised of over the savings programme and base budget pressures.

Forecast Year End Variations – Month 10			
Budget Head	Savings Programme £'m	Base Budget (underspend) / Pressures £'m	Total (underspend) / Pressures £'m
Environmental Health	0.000	(0.600)	(0.600)
Pest Control	0.000	0.600	0.600
Registrars	0.000	0.020	0.020
Mortuary and Coroners	0.000	0.180	0.180
Trading Standards	0.000	(0.090)	(0.090)
Licensing	0.000	0.000	0.000
TOTAL	0.000	0.110	0.110

6.0 Key Components, Mitigations and Management Actions

Managers within Regulatory Services are involved in a number of actions this financial year to mitigate budget pressures for current and future financial years, as detailed below.

6.1 Pest Control net £0.600m pressure

- Pest Control continues to experience income related pressure especially from contracts on clearance work which has ceased this year. Every effort is being made to seek new opportunities for income generation and there has been an increase in one off contracts which has assisted meeting the budget. There has also been some large scale industrial clear ups undertaken which have assisted in recovery of more monies than were expected in the last quarter of the 2017/18 financial year.

6.2 Environmental Health £0.600m underspend

- The Environmental Health Service is generating increased savings by keeping open employee vacancies, achieving a greater than expected recovery of officer costs and imposing a spending freeze on non-employee expenditure, which will help mitigate the pressure on Pest control through jointly managed services.

6.3 Registrars net £0.020m pressure

- An overspend on premises is projected due to increased costs for cleaning and utilities, whilst the overspend on employees is managed through increased income generation.

6.4 Mortuary and Coroners net £0.180m pressure

- The Service is experiencing significant pressures of £0.350m arising from autopsies and transport of bodies, due to the increased volume of referrals and post mortems required by this service.
- Expenditure relating to the 1974 Bombings Inquest is expected to be met by specific Government Funding and latest projections are that the inquest could cost up to £2.3m.
- Expenditure incurred to date totals in excess of £1m, including £0.170m from 2016/17 and is not currently being highlighted as a pressure. The Chief Executive and the Chair of LPPC have written to the Ministry of Justice for details and a response is awaited.

6.5 Trading Standards net £0.090m underspend

- Managers have had in place the temporary secondment of one officer to another local authority (although this has now ended) and they have secured external funding from National Trading Standards Board to support their existing anti-counterfeiting initiative along with Public Health money for specific project work.

Savings Programme

- 6.6 The Committee's Savings Programme is £0.032m for 2017/18. In addition, unachieved one-off savings of £0.014m have been brought forward from 2016/17 relating to the Commercial model for Business Support. An assessment at Month 10 has concluded that the total £0.046m will be fully delivered in 2017/18.

Capital

- 6.7 The Capital programme (Mortuary and Coroners) for planned essential health and safety works in the mortuary is being updated. A revised business case for the new project will be drafted, detailing the exact works to be undertaken, the costs and funding. It is anticipated that the works will commence in the new financial year.

7. Grant Funded Programmes

- 7.1 Within Regulatory Services, there are two grant funded programmes: Illegal Money Lending and Scam-busters.
- 7.2 Expenditure and income for each of the grants is shown in Appendix 3 and summarised below.

Illegal Money Lending

- 7.3 The Illegal Money Lending Team (IMLT) England investigates and takes action against Illegal Money Lending or “Loan Shark” perpetrators across the whole of England.
- 7.4 The project is funded through specific grant from National Trading Standards Board, with the allocation of up to £3.605m in 2017/18.
- 7.5 The expenditure at the end of January 2018 was £2.958m (82%) and it is anticipated that the grant will be fully utilised.

Scam-busters

- 7.6 The Scam-busters (Regional Investigations) Team investigates and takes action against fraudsters operating across council boundaries in the central region.
- 7.7 Funding has been confirmed at £0.335m, similar to the amount allocated to this project during the last financial year.
- 7.8 The expenditure at the end of January 2018 was £0.254m (76%) and it is anticipated that the grant will be fully utilised.

8.	Proceeds of Crime Act
8.1	Regulatory Services secures funding through the Proceeds of Crime Act (PoCA) 2002 in response to financial investigations undertaken following sentencing by the courts.
8.2	PoCA monies are ring-fenced for expenditure on community and crime prevention projects
8.3	Expenditure on PoCA items is £0.479m at the end of January and fully funded through transfers from reserves (IMLT £0.317m, Trading Standards £0.162m).
8.4	Income has been received through the courts of £0.755m which has transferred to reserves for use in future years. (IMLT £0.552m, Trading Standards £0.203m).

9.	Reserves:
9.1	The reserves at Month 10 are shown in Appendix 5.
9.2	The reserves at the start of the year (1 April 2017) totalled £1.837m and are all ring-fenced.
9.3	With planned appropriations / transfers to PoCA reserves of net £0.276m, the reserve balance will increase to £2.113m.

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

11.	Reasons for Decision(s):
11.1	The Report informs the Licensing and Public Protection Committee of the financial position on the Revenue and Capital Budget for 2017/18 at Month 10 and the forecast outturn.
11.2	The latest position in respect of the Licensing and Public Protection Committee's use of reserves, delivery of the savings programme and any perceived risks are also identified.

Signatures
Chris Neville Acting Service Director Regulation and Enforcement
Clive Heaphy Corporate Director Finance and Governance
Date

List of Background Documents used to Compile this Report:
Licensing & Public Protection - Revenue and Capital Budget 2017/18 – 15 March 2017
Licensing & Public Protection - Budget Monitoring 2017/18 (Month 02) - 12 July 2017
Licensing & Public Protection - Budget Monitoring 2017/18 (Month 04) - 13 September 2017
Licensing & Public Protection - Budget Monitoring 2017/18 (Month 06) - 15 November 2017
Licensing & Public Protection - Budget Monitoring 2017/18 (Month 08) - 17 January 2018

List of Appendices accompanying this Report (if any):			
<div>1. Appendix 1 - Financial Performance Statement Month 10 and Forecast Outturn</div> <div>2. Appendix 2 - Savings Programme Performance</div> <div>3. Appendix 3 - Grant Funded Programmes (IMLT and Scam-busters)</div> <div>4. Appendix 4 - Capital Programme</div> <div>5. Appendix 5 - Reserves</div>			
Report Version	3.0	Dated	27 February 2018

Licensing and Public Protection Committee - 2017/18 Month 10 (January)

Financial Performance Statement Month 10 and Forecast Outturn

Service Areas

Budget 15 Mar 2017	Service Areas	Budget 17Jan2018	Movement (Jan-Feb)	Current Budget	Actuals	Forecast Outturn	Savings Programme at Risk	Pressures
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
£'000		£'000	£'000	£'000	£'000	£'000	£'000	£'000
4,047	Environmental Health	4,031	(10)	4,021	2,576	(600)	0	(600)
4	Pest Control	4	0	4	501	600	0	600
878	Registrars	878	0	878	828	20	0	20
1,196	Mortuary and Coroners	1,196	0	1,196	2,217	180	0	180
1,453	Trading Standards	1,453	(10)	1,443	1,046	(90)	0	(90)
(8)	Licensing	(8)	20	12	(48)	0	0	0
7,570	Net Expenditure - Regulatory	7,554	0	7,554	7,121	110	0	110
(91)	Highways Regulatory	(91)	0	(91)	(263)	0	0	0
74	Access and Development	74	0	74	62	0	0	0
(17)	Net Expenditure - Highways	(17)	0	(17)	(201)	0	0	0
7,553	LPPC - Net Expenditure	7,537	0	7,537	6,920	110	0	110

Subjective Headings

Budget 15 Mar 2017	Subjective Categories	Budget 17Jan2018	Movement (Jan-Feb)	Current Budget	Actuals	Forecast Year End	Savings Programme at Risk	Pressures
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
£'000		£'000	£'000	£'000	£'000	£'000	£'000	£'000
10,803	Employees	11,125	0	11,125	9,543	358	0	358
978	Premises	978	0	978	686	23	0	23
200	Transport and Moveable Plant	200	0	200	152	50	0	50
3,494	Supplies and Service	3,178	0	3,178	2,935	(284)	0	(284)
208	Capital Financing	208	0	208	173	0	0	0
443	Recharge Expenditure	443	0	443	443	0	0	0
16,126	Gross Expenditure	16,133	0	16,133	13,932	147	0	147
(3,613)	Fees & Charges / Reserves	(3,542)	0	(3,542)	(2,418)	350	0	350
(4)	Rents etc	(4)	0	(4)	(11)	0	0	0
(3,778)	Misc Income / Depreciation	(3,849)	0	(3,849)	(3,196)	(272)	0	(272)
(1,178)	Recharge Income and Interest	(1,201)	0	(1,201)	(1,388)	(115)	0	(115)
(8,573)	Income	(8,596)	0	(8,596)	(7,013)	(37)	0	(37)
7,553	Net Expenditure	7,537	0	7,537	6,920	110	0	110

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

Licensing and Public Protection Committee - 2017/18 Month 10 (January)

Savings Programme Performance

		Progress against specific Savings with Actions Required					
	Total Programme 2017/18	Actions in place to fully achieve Savings (in line with Policy Decision)	Actions in place to fully achieve Savings (new Policy Decision required)	Actions in place to Achieve savings in year only	Actions in place but some risk to delivery	Savings not deliverable	Total
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
*EGJ7 Commercial Model for Business Support							
Environmental Health	(23)	(23)	0	0	0	0	(23)
Trading Standards	(23)	(23)	0	0	0	0	(23)
Licensing and Enforcement	0	0	0	0	0	0	0
Mortuary and Coroners	0	0	0	0	0	0	0
Pest Control	0	0	0	0	0	0	0
Registrars	0	0	0	0	0	0	0
Total Regulatory Services	(46)	(46)	0	0	0	0	(46)
Highways Services	0	0	0	0	0	0	0
Total LPPC Savings Programme	(46)	(46)	0	0	0	0	(46)

* Includes undelivered savings of £14k brought forward from 2016/17

Licensing and Public Protection Committee - 2017/18 Month 10 (January)

Grant Funded Programmes

Service Areas	Grant Allocation 2017/18	Actuals Year to Date	Forecast Year End Variance
<u>Illegal Money Lending Team (IMLT) England</u>	£'000	£'000	£'000
Employees	2,943	2,357	0
Premises	54	36	0
Transport and moveab	115	93	0
Supplies and Service	334	270	0
Capital Financing	15	13	0
Recharge Expenditure	159	189	0
Gross Expenditure	3,620	2,958	0
Grants	(3,605)	(2,678)	0
Fees and Charges	0	0	0
Asset Revenue Manage	(15)	(13)	0
Income	(3,620)	(2,691)	0
Net Expenditure IMLT	0	267	0
<u>Scambusters</u>	£'000	£'000	£'000
Employees	220	155	0
Premises	1	2	0
Transport and moveab	5	1	0
Supplies and Service	95	96	0
Recharge Expenditure	14	0	0
Gross Expenditure	335	254	0
Grant Income (NTSB)	(335)	(232)	0
Income	(335)	(232)	0
Net Expenditure Scambusters	0	22	0

Licensing and Public Protection Committee - 2017/18 Month 10 (January)

Capital Programme

Service Areas	Allocation 2017/18	Actuals Year to Date	Forecast Year End Variance
	£'000	£'000	£'000
Mortuary Floor and Ventillation*	368	6	(362)
Capital Expenditure	368	6	(362)

* New business case being developed.

Licensing and Public Protection Committee - 2017/18 Month 10 (January)

Reserves

	Licensing	Grants		PoCA			
Reserves	Hackney Carriage and Private Hire	Illegal Money Lending Team	Scam - busters Team	PoCA Trading Standards	PoCA Illegal Money Lending	Total Ringfenced Reserves	Total Reserves
(1)	(3)	(4)	(5)	(6)	(7)	(8)	(10)
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Reserves as at 01 April 2017	(639)	(279)	0	(443)	(476)	(1,837)	(1,837)
Transactions (to) / from Reserves in 2017/18							
Appropriations to Reserves in year	0	0	0	(203)	(552)	(755)	(755)
Appropriations from Reserves in year	0	0	0	162	317	479	479
Net Movements 2017/18	0	0	0	(41)	(235)	(276)	(276)
Estimated Reserves 31 March 2018	(639)	(279)	0	(484)	(711)	(2,113)	(2,113)

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	ACTING SERVICE DIRECTOR REGULATION AND ENFORCEMENT AND CORPORATE DIRECTOR FINANCE AND GOVERNANCE	
Date of Decision:	14 MARCH 2018	
SUBJECT:	LICENSING AND PUBLIC PROTECTION – REVENUE BUDGET 2018/19	

1. Purpose of Report:
<p>1.1 This report sets out the Licensing and Public Protection Committee's Revenue and Capital Budget for the 2018/19 financial year.</p> <p>1.2 The report also details the approved savings programme for 2018/19.</p> <p>1.3 The report is in line with the current City Council established financial budgetary framework.</p>

2. Decision(s) Recommended:
<p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Note the 2018/19 Revenue Budget Changes as detailed in Appendix 1.</p> <p>2.2 Note the 2018/19 Service and Subjective Budget in Appendix 2.</p> <p>2.3 Note the Budget 2018/19 to 2021/22 in Appendix 3.</p> <p>2.4 Note the 2018/19 budgeted employee establishment as detailed in Appendix 4.</p> <p>2.5 Note the latest 2018/19 Reserves position as detailed in Appendix 5.</p>

Lead Contact Officer(s):	Sukvinder Kalsi, Assistant Director of Finance
Telephone No:	(0121) 303 3834
E-mail address:	sukvinder.kalsi@birmingham.gov.uk

3.	Consultation
3.1	<p><u>Internal</u></p> <p>The 2018/19 Revenue Budget has been reported to the Place Senior Management Team and the Acting Service Director of Regulation and Enforcement. Legal and Finance have also been consulted as required in line with the Council's framework.</p>
3.2	<p><u>External</u></p> <p>There are no additional issues beyond consultations carried out as part of the Public Budget Consultation that was completed for 2018/19.</p>

4.	Compliance Issues:
4.1	<p><u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The budget is integrated with the Council Plan and Budget 2018+ and resource allocation is directed towards policy priorities.</p>
4.2	<p><u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p>This reports sets out the revenue and capital budget available, to deliver services which are the responsibility of Licensing and Public Protection Committee, during the 2018/19 financial year.</p> <p>Budget monitoring reports, detailing financial performance against cash limits and any required actions, will be brought to Licensing and Public Protection Committee at regular intervals in 2018/19.</p>
4.3	<p><u>Legal Implications</u></p> <p>Section 151 of the 1972 Local Government Act requires the Corporate Director Finance and Governance (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Leadership Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.</p>
4.4	<p><u>Public Sector Equality Duty</u></p> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p>

5. Relevant Background/Chronology of Key Events:

Revenue Budget 2018/19

- 5.1 The City Council approved the overall budget on 27th February 2018. The Licensing and Public Protection Committee should note the original net revenue budget allocation of £7.736m (as detailed in Appendices 1, 2 and 3) and summarised below.
- 5.2 The City Council's Budget Strategy for 2018/19 is based on the following principles:
- There is no general provision for price inflation on expenditure budgets.
 - There is 2% provision for pay award from April 2018.
 - Additional resources have been allocated to services to meet the increase in the employer's pension contributions from 30.4% to 33.5%.
 - The revenue and financial implications from capital expenditure programmes and equal pay are reflected in the long term budget.
- 5.3 Changes from 2017/18 Month 10 to Original 2018/19 are summarised in the table below:

	£'m
Revenue Budget 2017/18 (as at Month 10)	7.537
<u>Resources Provided for New and Existing Pressures</u>	
Reversal of Business Advice saving (£0.032m), additional resources for the Coroner's and Mortuary's (£0.5m) and Pest Control (£0.3m) services; pilot to address fly tipping (£0.155m)	0.987
<u>Savings Programme</u>	
Step-ups agreed as part of 2016/17 Budget Plan	(0.050)
New Savings for 2018/19 onwards for Register Office	(0.172)
Cross-Cutting workforce Savings	(0.330)
Inflation Gap	(0.096)
<u>Budget Plan 2018+</u>	
2% Pay award	0.270
Increases to Pension Contributions	0.210
<u>Technical Adjustments</u>	
Internal Re-alignment including Highways and net other / rounding	(0.022)
Fall-out of 1 year Trading Standards Policy Contingency	(0.060)
Transfer to Strategic Services for Professional Support Service	(0.523)
Pension Fund Strain	(0.015)
Approved Budget 2018/19	7.736

- 5.4 The service implications and subjective budget details are analysed in Appendices 1 and 2.
- 5.5 The budget from 2018/19 to 2021/22 is analysed in Appendix 3.

Employee Budget 2018/19

- 5.6 The employee numbers for Licensing and Public Protection Committee are shown in the table below and detailed by service in Appendix 4

	Employee FTEs 2017/18	Existing / New Pressures	Cross Cutting Savings	Employee FTEs 2018/19
Licensing and Public Protection	321.6	0	(8.9)	312.7

- 5.7 The decrease of 8.9 FTEs is due to the workforce savings, leaving the employee establishment for 2018/19 at 312.7 FTEs.

Savings Programme 2018/19 Onwards

- 5.8 The City Council has approved a Savings Programme from 2018/19 to 2021/22, based on the following principles:
- 5.9 All planned step-up savings set out in the Financial Plan 2017+ have been reviewed and amended where necessary.
- 5.10 Services have implemented further savings where necessary to compensate for local business issues.
- 5.11 The impact of grant reductions or fall-out is borne by the services concerned, either through a reduction in the expenditure previously funded through grant or by compensatory savings.
- 5.12 Further savings targets were set for all Directorates, with the proposals being presented in the context of the council's policy priorities and individual service development plans.
- 5.13 Revision of the proposals by Members of the Executive in the light of policy priorities, legal requirements, equality impacts and responses to the public budget consultation process.
- 5.14 The cumulative implications for the Committee are set out in the table below. Most savings are for 2018/19 with no further step-ups planned.

Service Area	2018/19	2019/20	2020/21	2021/22
	£m	£m	£m	£m
Register Office	(0.172)	(0.172)	(0.172)	(0.172)
Trading Standards	(0.050)	(0.050)	(0.050)	(0.050)
TOTAL	(0.222)	(0.222)	(0.222)	(0.222)

- 5.15 The Savings Programme includes £0.050m agreed as an ongoing step-up in the 2016/17 Budget Process, £0.172m in new savings, £0.330m agreed as part of the Cross-cutting workforce strategy which are allocated to employee budgets across a range of services excluding grants and ring-fenced services and £0.096m reflecting an inflation target to be achieved through income generation and/or reductions in expenditure.
- 5.16 The total savings are therefore £0.648m as detailed in Appendix 1

- 5.17 Licensing and Public Protection Committee savings for 2018/19 includes a wide range of components and will include the following actions to successfully deliver these savings:
- Maintaining a freeze on current vacant posts.
 - Delivering efficiencies on non-employee expenditure
 - Maximising the opportunities to generate additional income from services (including provision to other Local Authorities).
 - Temporary use of available reserves from prior years.

Capital

- 5.18 A revised business case for the Capital programme within Mortuary and Coroners is being drafted and this will detail the exact works to be undertaken, the costs and funding. It is anticipated that the works will commence in 2018/19 and the outstanding budget from 2017/18 carried forward for this purpose.

Grants

- 5.19 Within Regulatory Services, there are two grant funded programmes: Illegal Money Lending and Scam-busters. The funding, currently showing as nil, will be built into budgets once confirmation of 2018/19 allocations from the grant awarding bodies is received.

Reserves

- 5.20 The reserves are all ring-fenced and currently total £2.113m (Month 10), as summarised in Appendix 5. These will be reviewed and updated to reflect the outturn for 2017/18 to arrive at the 1 April 2018 position. It is estimated that £0.202m reserves will be required in 2018/19 (£142k towards licensing fees, £60k POCA monies towards Community schemes).

6. Evaluation of Alternative Option(s):	
6.1	During the course of 2018/19 the financial position will be closely monitored and reported, options identified to resolve budgetary pressures as necessary, and alternative savings proposals developed to meet new and emerging pressures.

7. Reasons for Decision(s):	
7.1	This report informs the Licensing and Public Protection Committee of the Revenue and Capital Budget for 2018/19.
7.2	The position in respect of the Licensing and Public Protection Committee's Savings Programme and the present risks identified in its delivery.

Signatures	
Chris Neville Acting Service Director Regulation and Enforcement	
Clive Heaphy Corporate Director Finance and Governance	
Date	

List of Background Documents used to Compile this Report:
Licensing & Public Protection - Revenue and Capital Budget 2017/18 – 15 March 2017
Licensing & Public Protection - Budget Monitoring 2017/18 (Month 08) - 17 January 2018
Licensing & Public Protection - Budget Monitoring 2017/18 (Month 10) – 14 March 2018

List of Appendices accompanying this Report (if any):	
1.	Appendix 1 – Analysis Revenue Budget Changes 2017/18 (Month 10) to 2018/19
2.	Appendix 2 – Service and Subjective Analysis of 2018/19 Budgets
3.	Appendix 3 – Budget 2018/19 to 2021/22
4.	Appendix 4 – Indicative Workforce Plan
5.	Appendix 5 – Reserves
Report Version	3.0
Dated	27 February 2018

Licensing and Public Protection Committee
Revenue Budget 2018/19

Analysis of Budget Changes 2017/18 to 2018/19

Service	Current Budget 2017/18 Month10	Funding For Pressures	Existing (Step Up) Savings	Fall-out of Policy Contingency	New Savings	WOC1	Internal Re - Alignment	2% Pay Award	Inflation	Superan nuation	Pension Fund Strain	PSS Restructure	Original Budget 2018/19
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s
Environmental Health	4,021	155				(147)	(73)	120	(44)	83	0	(308)	3,807
Pest Control	4	300				(26)		22	(8)	15	0		307
Register Office	878				(172)	(79)		64	(23)	48	0	(11)	705
Mortuary and Coroners	1,196	500				(43)	(1)	35	(12)	24	0		1,699
Trading Standards	1,443	0	(50)	(60)		(35)	105	29	(9)	24	(15)	(171)	1,261
Illegal Money Lending	0												0
Scambusters	0											0	0
Licensing and Enforcement	12	32					(32)			16		(33)	(5)
Total Regulatory Services	7,554	987	(50)	(60)	(172)	(330)	(1)	270	(96)	210	(15)	(523)	7,774
Highways Regulatory	(91)						(20)						(111)
Access / Development	74												74
Total Highways	(17)	0	0	0	0	0	(20)	0	0	0	0	0	(38)
TOTAL LPPC	7,537	987	(50)	(60)	(172)	(330)	(21)	270	(96)	210	(15)	(523)	7,736

APPENDIX 1

Licensing and Public Protection Committee

Revenue Budget 2018/19

Service and Subjective Analysis of 2018/19 Budget

Commitment Item	Environmental Health	Pest Control	Register Office	Mortuary and Coroners	Trading Standards	Illegal Money Lending	Scam busters	Licensing and Enforcmnt	Regulatory LPPC Budget	Highways Regulatory	Access / Develop ment	Total LPPC Budget
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s
Employees Direct	3,870	751	2,381	1,209	1,036	2,943	220	1,766	14,177	0	0	14,177
Premises	185	0	209	171	152	54	1	192	965	2	0	967
Transport and Moveable Plant	13	120	4	5	42	115	5	17	321	0	0	321
Supplies and Services	601	79	28	960	279	334	96	543	2,920	121	74	3,115
Capital Financing	8	0	104	69	27	15	0	0	223	0	0	223
Recharge Expenditure	0	0	0	0	0	159	14	440	613	0	0	613
Total Budgeted Expenditure	4,677	951	2,725	2,414	1,537	3,621	335	2,959	19,218	123	74	19,415
Grants	0	0	0	0	0	(3,605)	(335)	0	(3,940)	0	0	(3,940)
Fees and Charges	(752)	(644)	(1,917)	0	(121)	0	0	(2,822)	(6,254)	(235)	0	(6,489)
Rents	0	0	0	0	0	0	0	0	0	0	0	0
Miscellaneous Income	0	0	0	(646)	0	0	0	0	(646)	0	0	(646)
Recharge Income	(110)	0	0	0	(68)	0	0	0	(178)	0	0	(178)
Total Budgeted Income	(862)	(644)	(1,917)	(646)	(189)	(3,605)	(335)	(2,822)	(11,018)	(235)	0	(11,253)
Asset Revenue Management	(8)	0	(104)	(69)	(27)	(15)	0	0	(223)	0	0	(223)
Planned Use of Reserves					(60)			(142)	(202)	0	0	(202)
Total Net Provisional Budget	3,807	307	705	1,699	1,261	0	0	(5)	7,774	(112)	74	7,736

**Licensing and Public Protection Committee
Revenue Budget 2018/19**

Budget 2018/19 to 2021/22

Ref			2018/19 £'000s	2019/20 £'000s	2020/21 £'000s	2021/22 £'000s
	LPPC Current Budget 2017/18 Month 10		7,537	7,537	7,537	7,537
	Resources Provided for New & Existing Pressures					
EGJ7	Reversal of Saving for Business Advice	New	32	32	32	32
	Environmental Health - Pilot to address fly tipping	New	155	155	155	155
	Mortuary and Coroners - removal of bodies, laboratory fees etc.	Existing	500	500	500	500
	Pest Control - writeout income target	New	300	300	300	300
	Total		987	987	987	987
	New & Existing Savings					
EGJ8	Creation of a West Midlands-wide Trading Standards service	Existing	(50)	(50)	(50)	(50)
PL011	Register Office Increases to non-statutory fees	New	(172)	(172)	(172)	(172)
	Total		(222)	(222)	(222)	(222)
	WOC1 Workforce Savings		(330)	(484)	(580)	(580)
	2% Pay Award		270	270	270	270
	Inflation		(96)	(96)	(96)	(96)
	Superannuation increase to 33.5%		210	210	210	210
	Policy Contingency Reversal (Trading Standards)		(60)	(60)	(60)	(60)
	Pension Fund Strain		(15)	(15)	(15)	(15)
	Highways Fees Adjustment (Internal to Highways)		(21)	(21)	(21)	(21)
	Other (Internal re-alignment)		(1)	(1)	(1)	(1)
	PSS Restructure		(523)	(523)	(523)	(523)
	Total		(236)	(236)	(236)	(236)
	LPPC Budget 2018/19 +		7,736	7,582	7,486	7,486

Current Budgeted Ftes
Existing & New Pressures
Existing & New Savings
Unachievable Savings
Cross Cutting Savings (WOC1 & WOC2)
FOM
LPPC Budgeted FTE's

321.6	321.6	321.6	321.6
0.0	0.0	0.0	0.0
0.0	0.0	0.0	0.0
0.0	0.0	0.0	0.0
(8.9)	(13.1)	(15.7)	(15.7)
312.7	308.5	305.9	305.9

**Licensing and Public Protection Committee
Revenue Budget 2018/19**

Indicative Workforce Plan 2017/18 to 2018/19

	Environmental Health	Pest Control	Register Office	Mortuary and Coroners	Trading Standards	Illegal Money Lending	Scam - busters	Licensing	Total
	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE
Actual Fte's 2017/18 P10	94.3	21.3	63.2	24.8	23.5	50.0	2.5	40.5	320.0
Current Budgeted FTE's 2017/18	93.6	21.3	63.0	21.6	25.3	50.0	2.5	44.3	321.6
Existing and New Pressures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Existing and New Savings	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WOC1	(4.0)	(0.7)	(2.1)	(1.2)	(0.9)	0.0	0.0	0.0	(8.9)
FOM	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
FTE's 2018/19	89.6	20.6	60.9	20.4	24.3	50.0	2.5	44.3	312.7

Licensing and Public Protection Committee Revenue Budget 2018/19

Reserves 2017/18 and 2018/19

Balances & Reserves	Licensing	External Grant Funded Services		Proceeds of Crime Act 2002		Total Ringfenced Reserves
	Hackney Carriage & Private Hire	Illegal Money Lending Team (IML)	Scambusters	Trading Standards	Illegal Money Lending	
	£'000	£'000	£'000	£'000	£'000	£'000
Reserves and Balances Brought Forward at 01 April 2017	(639)	(279)	-	(443)	(476)	(1,837)
Use of Reserves as reported at Month10 2017/18	-	-	-	162	317	479
Contribution to Reserves as reported at Month10	-	-	-	(203)	(552)	(755)
Position at Month 10 and Estimated Reserves at 01 April 2018	(639)	(279)	-	(484)	(711)	(2,113)
Planned Use of Reserves during 2018/19	142	-	-	60	-	202
Estimated Reserves at 31 March 2019	(497)	(279)	-	(424)	(711)	(1,911)

Notes

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

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

BIRMINGHAM CITY COUNCIL

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

14 MARCH 2017
ALL WARDS

RECOMMENDED CHANGES TO DRIVER'S MEDICAL FREQUENCIES

1. **Summary**

- 1.1 Dr Cathcart on behalf of Birmingham City Council Occupational Health has recommended changes to retirement age and recognition of the DVLA's schedule for medicals for PSV and LGV drivers should be reflected in Birmingham City Council Licensing Service medical requirements.
- 1.2 This would mean fit and healthy licensed drivers would not need to have yearly medicals until after their sixty fifth birthdays, at present they are required from age sixty.

2. **Recommendation**

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

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

3. Background

- 3.1 The current requirements for medical frequency are detailed at 3.2 and 3.3 below.
- 3.2 All applicants for the grant of a driver's licence are required to undertake and pass a Group II medical examination for vocational drivers before a licence can be issued. The medical is conducted at Birmingham City Council's Occupational Health Service.
- 3.3 Once licensed, drivers remain subject to further medical checks as follows:
- Drivers aged 45 and under - every 5 years.
 - Drivers between 45 and 60 - every 3 years.
 - Drivers over 60 - every year.
- 3.4 Occupational Health Officers recommend policy to change to reflect retirement age and DVLA requirements for group II.

4. Suggested Amendment

- 4.1 Doctor Cathcart has made the following submission for your consideration.
- 4.2 After discussion with all senior Doctors in the Occupational Health Department we are agreed that we should advise that the medical interval between the ages of 60 and 64 years should be increased from yearly to 3 yearly where the driver's health permits.
- 4.3 We feel that as the retirement age has now been raised to 66 years and the DVLA medical intervals for LGV and PSV licences only require yearly medicals after 65 years, this would be in keeping with current medical practice.
- 4.4 The present system we operate depends on the age of the driver at the taxi medical:
- Up to 44 years 5 year pass.
 - 45-59 3 year pass.
 - 60+ 1 year pass.

Shorter intervals are given where the drivers medical history indicates.

- 4.5 The new system would be as follows:
- Up to 44 years 5 year pass.
 - 45-64 3 year pass.
 - 65+ 1 year pass.

Drivers would continue to be subject to more frequent medical review if their medical history indicated it was necessary.

- 4.6 Doctor Cathcart has indicated the Occupational Health Service is in a position to implement the new standard as soon as your Committee agrees the necessary changes to policy.

5. Consultation

- 5.1 No consultation has been carried out in respect of this matter.

6. Implications for Resources

- 6.1 The recommended changes would not impact on the Licensing Service budget. Occupational Health advise they are aware of an impact on their own budget as a result of reducing medical frequency for this group of drivers, but consider the question to be of an ethical, rather than financial dimension. It being unreasonable to require licensed drivers to take a medical more frequently than legally necessary, in order to preserve the income of the Occupational Health Service.

7. Implications for Policy Priorities

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

8. Public Sector Equality Duty

- 8.1 Decreasing the medical frequency for healthy drivers in line with the recommendation would not adversely affect the protected characteristics of drivers or passengers and is likely to be financially beneficial to fitter, older licensed drivers.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

BIRMINGHAM CITY COUNCIL

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

14 MARCH 2018
ALL WARDS

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

1. Summary

- 1.1 In September 2016 a report was presented to the Licensing and Public Protection Committee introducing a Code of Conduct for Members of the Licensing and Public Protection Committee.
- 1.2 The same Report proposed an amendment to the City Council's Constitution in respect of the then Code of Conduct for Members & General Guidance concerning i) references for Hackney Carriage and Private Hire Licence holders or candidates, and, ii) a prohibition on seeking to influence or overturn a decision on these matters by the Licensing Authority.
- 1.3 At the meeting of your Committee in November 2017 it was suggested that officers consider the introduction of a policy regarding the acceptance of references from Members of Parliament at Licensing Sub-Committees meetings in respect of Hackney Carriage and Private Hire applications.
- 1.4 This report seeks to respond to this suggestion.

2. Recommendations

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

on the proposed changes to Committee policy as set out at Paragraph 4.8 of this Report;

2.1.3 If Members are minded not to proceed with a revised Policy, that Officers are instructed to ensure dealing with references is suitably addressed in the mandatory Member training.

2.2 That outstanding minute 942(iii) is discharged.

Contact Officer: Emma Rohomon, Licensing Operations Manager
Telephone: 0121 303 9780
e-mail: emma.rohomon@birmingham.gov.uk

3. Background

3.1 In February 2015 the Government published the report of Louise Casey CB into child sexual exploitation (CSE) in Rotherham. The 154 page report considered whether Rotherham was fit for purpose as a Local Authority. Part of her report considered the role played by the Rotherham's Licensing Service in relation to the link between CSE and taxi and private hire licensing.

3.2 In September 2016, as part of the City Council's response to the Casey Report, a Code of Conduct for Members of the Licensing and Public Protection Committee was agreed, as well as a proposal for an amendment to the Constitution for the City Council to insert the following paragraphs:

"No Councillor shall provide or offer to provide a formal reference for any candidate for or holder of a Hackney Carriage or Private Hire Licence of any kind with Birmingham City Council as to do so may be perceived as bringing an unacceptable pressure to bear on the decision maker(s)."

and

"No Councillor shall seek to influence or overturn any decision of the Licensing Authority in relation to a Hackney Carriage or Private Hire Licence of any kind."

3.3 The 2016 report stated that there were *"instances where officers have been contacted by Elected Members and asked to reconsider decisions which have been made in relation to Hackney Carriage and Private Hire matters, the response from officers is always to explain that a decision has been made in accordance with the proper procedures and legal principles, and to advise of the appropriate mechanism of appeal. It should be emphasised that such interventions are not effective. However, it can put officers in a difficult position."*

3.4 The report also stated: *"Where a licence holder or applicant is before the Committee for consideration of a matter which calls into question whether they are a fit and proper person, there are many occasions where the Committee will be presented with a 'character reference' from another elected*

member. This could put Members in a difficult position as they may well make a decision which is contrary to that of one of their colleagues.”

- 3.4 There was, and remains, no evidence to suggest Members are not considering each case/application on its own merits in accordance with the principles of natural justice, but both behaviours identified in 3.3 and 3.4 could give an impression of bias or influence which could damage confidence in the decision making process.

4. References from Members of Parliament

- 4.1 The question to be addressed is whether there is a comparable risk to the perception of the integrity of the Committee decision if a reference in support of an applicant or driver were to be provided by a Member of Parliament.
- 4.2 It could be argued that, the circumstances referred to above at Paragraph 3.3 and 3.4 may well also be applied to Members of Parliament.
- 4.3 The fundamental difference between the two is that elected Members discharge certain legal functions on behalf of the City Council, on whose behalf the Licensing Sub Committees make decisions. They are a part of the same unitary authority, whereas Members of Parliament do not have that statutory function or role.
- 4.4 Neither the Licensing and Public Protection Committee nor Birmingham City Council has any authority to prevent Members of Parliament from providing character references for whomever they wish.
- 4.5 An applicant or existing licence holder before a Sub-committee has a right to expect that the hearing will accord with the principles of natural justice, and they could potentially argue that any reference which has been provided to them should be able to be presented to a Sub Committee.
- 4.6 Character references might be provided by various individuals such as accountants, volunteer leaders, churches or other such organisations. To prohibit those provided by Members of Parliament may appear inconsistent.
- 4.7 The overarching consideration to be remembered is that it is a matter for each Sub-Committee to consider the matters placed before them, and to give any documentation or verbal testimony presented to them whatever weight they believe it deserves. Each case must be considered on its individual merits.
- 4.8 Should Committee be minded to agree that a restriction on references from MP's is necessary, the following policy wording is proposed subject to any appropriate public consultation:

“Members of the Licensing and Public Protection Committee and its Sub-Committees will not accept character references provided by

Members of Parliament in relation to Hackney Carriage and Private Hire matters.

5. Consultation

- 5.1 No consultation has been carried out in respect of this report but officers suggest that public consultation takes place prior to any decision on implementation of the aforementioned policy.

6. Implications for Resources

- 6.1 It is the responsibility of the Committee Chairman and the Director of Regulation and Enforcement to ensure the services provided by the Committee are contained within the approved budget.

7. Implications for Policy Priorities

- 7.1 The issues addressed in this report relate to the City Council priorities associated with creating a cleaner, greener and safer city and providing excellent services.

8. Public Sector Equality Duty

- 8.1 The matters identified in this report are in accordance with Regulation and Enforcement's enforcement policies which ensure that equality issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil

BIRMINGHAM CITY COUNCIL

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

14 MARCH 2018
ALL WARDS

VEHICLE ENGINE SIZES AND ELECTRICALLY POWERED VEHICLES

1 Summary

- 1.1 In October 2017 your Committee approved a vehicle emissions policy for private hire vehicles and hackney carriages which will be effective from 1st January 2020. That policy ensures that Birmingham's licensed vehicles will be compliant with the emission standards required for vehicles entering a Clean Air Zone.
- 1.2 The new emissions policy is only one part of a range of tools that the Council will use to improve poor air quality in the City. On 12th September 2017 Birmingham's Health and Social Care Overview and Scrutiny Report entitled 'The Impact of Poor Air Quality on Health' identified that in Birmingham up to 900 deaths per year are linked to man-made air pollution.
- 1.3 Our existing policy for private hire vehicles stipulates that a vehicle cannot be licensed unless it has an engine size of at least 1600cc. This policy is clearly inconsistent with the Council's ambition to improve air quality and with the new licensing emissions policy which is designed to reduce harmful emissions.
- 1.4 This report sets out proposals to permit private hire vehicles to be licensed with engines smaller than 1600cc and to permit licensed private hire vehicles and hackney carriages to be powered by electric motors. It recommends that a consultation be carried out based on this proposition.

2. Recommendations

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

- 2.2 That officers be instructed to consult with taxi and private hire trade representatives and the wider general public on the proposals in paragraphs 6.1 to 6.4 for a period of 6 weeks, as outlined in paragraph 7.2 of this report.
- 2.3 That a further report be brought to the Committee at the first opportunity to make final recommendations based on the results of the consultation.
- 2.4 That outstanding minute 968 of 17 January 2018 be discharged.

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

3. Background

- 3.1 On 23 October 2017 your Committee approved a new vehicle emissions policy for licensed vehicles, namely: that Birmingham City Council will not license or permit the use of any vehicle as a hackney carriage or private hire vehicle after 31 December 2019 that does not meet the minimum emission standards of Euro 4 for petrol engines, Euro 6 for diesel engines or is Ultra Low Emission or a Zero Emission Capable Vehicle.
- 3.2 One of the recommendations approved within the same report was: that a short-life officer/member working group be created to consider what criteria or specification Birmingham should adopt for engine sizes or power outputs for electric vehicles and for that working group to make recommendations to the Licensing and Public Protection Committee. That recommendation is recorded as outstanding minute 968 of 17 January 2018.
- 3.3 The need to develop a policy for engine sizes arises because of the existing policy that was established many years ago that requires private hire vehicles to have engines no smaller than 1600cc. That policy was created at a time when no importance was attached to emissions. A correlation was drawn between bigger engines and the comfort and safety of passengers. Generally speaking bigger engines were thought of as being better than smaller engines because they were capable of carrying a car full of passengers and luggage and they were capable of faster acceleration.
- 3.4 We are now far more environmentally aware of the impact that bigger combustion engines have on levels of air pollution and of the health effects of pollution on people. Local authorities have been charged under the DEFRA's UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations (The UK Plan), to 'develop local plans and implement them at pace so that air quality limits are achieved within the shortest possible time.'
- 3.5 The Committee's new emissions policy that was agreed last October responds to the duty placed on the Council to achieve improvements to air

quality (in particular with respect to oxides of nitrogen), but that policy is inconsistent with the current policy which does not allow us to license vehicles with engines smaller than 1600cc, and by implication, does not allow us to license vehicles powered only by an electric motor. Even hybrid vehicles are not permitted under this policy. The widely used Toyota Prius, which has a 1500cc petrol engine and an electric motor, had to be given a special exemption in September 2014 from your Committee to permit their use as private hire vehicles.

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

4. Health and Social Care Overview and Scrutiny Report

- 4.1 On 12th September 2017 Birmingham's Health and Social Care Overview and Scrutiny Committee published its report 'The Impact of Poor Air Quality on Health'. It identified that in Birmingham up to 900 deaths per year are linked to man-made air pollution. In adults air pollution is linked to heart disease, diabetes, asthma, obesity, cancer and dementia. In children it is linked to still births, infant deaths, low birth weight, organ damage and premature death. In high pollution areas children are four times more likely to have reduced lung function when they become adults. Taxi and private hire drivers are three times more exposed to pollution than anyone else. The report's first recommendation says:

There is now clear and compelling evidence that poor air quality has an impact on general population health and child development. The evidence also shows that diesel vehicle emissions are the most prevalent and impactful source of health-affecting air pollution in Birmingham. The City Council needs to demonstrate leadership and take ownership of this issue by developing a strategy to address this effectively, with particular emphasis on selected priority hotspot zones where the risk of public exposure is highest.

- 4.2 The most harmful types of pollution are nitrogen oxides and particulates (PM2.5 and PM10). Both pollutants are mainly created by road transport. The largest source is emissions from diesel cars and vans. Just under 40% of cars in the UK now use diesel fuel.
- 4.3 The conclusion of the Scrutiny Report is copied below:

The impact of poor air quality on health and the need to take action urgently to tackle the problem is becoming increasingly clear. The evidence demonstrates that poor air quality is a major public health issue. In Birmingham, Public Health estimate that poor air quality causes approximately 900 premature deaths a year. It is rapidly becoming clear that exposure to air pollution is associated with a much

greater public health risk than had previously been understood and evidence about associated adverse health effects is emerging all the time.

There is also growing recognition that air quality is a major cross-cutting issue. It has a wide impact and any effective response to the issue will require a joined-up approach across a number of Council areas of responsibility. It will also necessitate joint working together with communities, businesses and other partners across the city and across the wider West Midlands region with the West Midlands Combined Authority and the West Midlands Mayor.

Birmingham needs to respond to the challenge of improving air quality and achieving compliance with air quality limits as soon as possible. But local action alone will not be sufficient to produce a successful solution to reducing emissions. Responding to the problem successfully, achieving compliance and bringing about the scale of behaviour change needed will require a very clear and consistent message to be communicated about the health implications of poor air quality. The City Council needs to continue to collaborate with the West Midlands Mayor to build on the vision set out in the Birmingham Connected Transport Strategy and to take a lead to get clarity and commitment about the measures needed to both support sustainable and inclusive growth and to achieve compliance with air quality limits across the region.

- 4.4 The Scrutiny report evidences the need for all parts of the Council to take action to improve air quality. The Licensing and Public Protection Committee can play a key role in supporting the Council's aims through its hackney carriage and private hire vehicle licensing policies.

5. Officer / Member Working Group

- 5.1 Officers from Licensing met with the Chair and Vice Chair of the Licensing and Public Protection Committee on 11 January 2018. The meeting was attended by Jacob Roberts, a Technical Project Manager from the Energy Saving Trust to provide a technical perspective.
- 5.2 The Working Group took into account the following considerations in reaching its recommendations, based on its technical advice:
- Engine efficiency has greatly improved in recent years.
 - The improved efficiency of modern engines means that a small engine can be as powerful as a larger older engine.
 - The relationship between vehicle performance and engine size is no longer as clear as it once was.

- Small modern engines are often turbo charged to compensate for the reduced engine size, making their performance and power comparable to larger size engines.
 - Petrol engines generate more power per cubic centimetre than diesel engines. A 1.0 litre petrol engine can generate similar levels of power to a 1.6 litre diesel engine.
 - Electric vehicles have better acceleration properties than vehicles with combustion engines, partly because they do not have a gearbox, meaning that all the power generated by the motor is available immediately. In city traffic they perform better than vehicles with combustion engines.
- 5.3 Birmingham is unusual amongst Licensing Authorities in specifying a minimum engine size for its licensed vehicles. For example, in London, Transport for London (TfL) will license a vehicle irrespective of its engine size or whether it is diesel, petrol, electric or hybrid. TfL will also license very small vehicles, such as two-door cars, but in the case of a two-door car it will only license it for one passenger.
- 5.4 If the Committee tries to adopt a policy that is based on engine size the obvious question that arises is how big does an engine need to be? That question is almost impossible to answer as it will vary according to the weight and size of the vehicle and the power output and there is no obvious correlation between power output and engine size. It would require every model of vehicle to be individually assessed to determine its performance based on power output relative to weight of the vehicle, but based on an arbitrary benchmark figure.

6. Conclusions of the Working Group

- 6.1 The Group concluded that the Committee should cease to make a requirement that private hire vehicles must have a minimum engine size. Instead, we should accept any vehicle as suitable for licensing, subject to the vehicle being built to carry a minimum of 4 passengers with 4 doors and that we should retain our current dimensional standards for the vehicle and the size of seats. Those criteria are copied below from our approved policies, procedures and delegations report agreed annually by your Committee. These would still apply under a new policy, with the exception of the minimum engine size in the second bullet point, which has been crossed out. The requirement would include that the vehicle should be unmodified and built to the manufacturer's standard. The Working Group recommends that the Committee should accept that a vehicle that has been produced by a manufacturer to carry 4 passengers and their luggage is capable of safely transporting that many people.

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"> have a minimum engine size of 1600cc (1500cc for second generation Toyota Prius.) 	Policy PHVSpec2
<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

<ul style="list-style-type: none"> • Vehicles identified as stretched limousines, or novelty vehicles will be considered outside the scope of this definition, in line with current practice. 	Policy PHVSpec16
--	---------------------

6.2 Retaining the existing dimensional standards would exclude the approval of very small cars, irrespective of the form of propulsion. This is based on the Working Group considering that passengers in private hire vehicles should be able to expect a reasonable standard of comfort. The Working Group was opposed to the prospect of licensing 2-door cars. Even though as in London's case, it is possible to limit the number of passengers by virtue of the vehicle licence, there would be a temptation for drivers to take more passengers than their licence permitted.

6.3 The policy that is proposed above would be applicable to private hire vehicles and taxis, provided that taxis would still be required to be manufactured as purpose built hackney carriage vehicles, or be approved van derivatives.

6.4 The approval of the recommendations of the Working Group will enable the Licensing Service to respond to a growing demand from vehicle drivers, owners and operators to license vehicles with smaller combustion engines and electric motors which are far cleaner and less polluting than vehicles with large petrol and diesel engines. It will also remove the need for drivers to seek individual exemptions from sub-committees to license non-standard vehicles and ensure that the Committee's policy decisions are consistent.

7. Consultation

7.1 The proposals put forward by the Working Group were explained at the Taxi and Private Hire Trade Liaison meeting on 30 January 2018. The proposals were generally welcomed by the trade who have been asking for such a policy change for some while.

7.2 If the Committee approves the recommendations of the Working Group, the proposed policy will be published for public consultation. It is recommended that this should be no longer than 6 weeks. The consultation would be carried out directly with trade representatives and more widely with the general public, private hire operators, drivers and vehicle owners through the Council's BeHeard consultation website.

8. Implications for Resources

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

9. Implications for Policy Priorities

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

10. Public Sector Equality Duty

- 10.1 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.
- 10.2 The recommendations contained in this report will not have any effect on any of our duties under the Equality Act 2010. It is more likely to provide greater opportunity to licence holders rather than to restrict them in their choice of vehicles and it will not affect owners of vehicles that are already licensed.
- 10.3 For the reasons set out in paragraphs 10.1 and 10.2, we have concluded that an initial Equality Analysis is not deemed appropriate or necessary.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers:

BIRMINGHAM CITY COUNCIL

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

14 MARCH 2018
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
TAKEN DURING JANUARY 2018**

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

Contact Officer: Chris Neville, Acting Director of Regulation and Enforcement
Telephone: 0121 303 6111
E-mail: chris.neville@birmingham.gov.uk

3. Summary of Appeal Hearings for January 2018

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

4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In January 2018 no costs have been requested either by or against Birmingham City Council.
- 4.3 For the fiscal year thus far, April 2017 to January 2018, costs associated to appeal hearings have been requested to the sum of £27253.05 with reimbursement of £20884.30 (76.6%) ordered by the Courts.

5. Implications for Policy Priorities

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

6. Public Sector Equality Duty

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

7. Consultation

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Tahir Akhtar	08.01.2018	Allowed	Nil (contra BCC)	Nil	In December 2016 Mr Akhtar was convicted for the offence of perverting the course of justice and was sentenced to 8 months' imprisonment: he had activated a speed camera and nominated as the driver a person who does not exist, in order to evade points on his licence and a fixed penalty. On 14 November 2017 Committee considered and resolved to revoke the licence as he was not considered a fit and proper person to hold such a licence. The Magistrates on 8 January 2018 stated that such an offence and the resulting prison sentence do not constitute Mr Akhtar being considered "not fit and proper". Birmingham City Council is actively pursuing an appeal against this decision to Birmingham Crown Court.
2	Mohammed Saeed	n/a	Withdrawn pre Court	Nil	Nil	On 14 November 2017, as the result of the appellant having been detected speeding on three occasions within a period of six days in August 2016, which resulted in his licence being endorsed with a total of 9 points, Committee considered and resolved that the renewal of the licence be refused for a period of 2 months. An appeal was lodged at the Magistrates' Court and a hearing listed for 19 January 2018; the appeal was abandoned on or about 12 January 2018. No application was made for costs.

BIRMINGHAM CITY COUNCIL

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

14 MARCH 2018
ALL WARDS

PROSECUTIONS AND CAUTIONS – JANUARY 2018

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

Contact Officer: Chris Neville, Acting Director Regulation and Enforcement
Telephone: 0121 303 6111
E-Mail: Chris.Neville@birmingham.gov.uk

3. Results

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

- One Licensing case was finalised resulting in a fine of £250, prosecution costs of £614 and compensation in the sum of £60. Seven simple cautions were administered as set out in Appendix 1.
- 21 Environmental Health cases resulted in fines of £228,600 and a suspended prison sentence with 100 hours of unpaid work. Prosecution costs of £38,256 were awarded together with clean-up costs in the sum of £1,605 and compensation of £100. Four simple cautions were administered as set out in Appendix 2.
- One Trading Standards case resulted in a fine of £1,400 and prosecution costs of £750. Two simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in January 2018 and cases finalised by district April - January 2018.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team from April to December 2017.

4. Consultation

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

5. Implications for Resources

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

5.2 For the year April 2017 to January 2018 the following costs have been requested and awarded:

Licensing

£14,911 has been requested with £9,156 being awarded (61%).

Environmental Health

£302,689 has been requested with £249,614 being awarded (82%).

Trading Standards

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

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

Licensing

£614 has been requested with £614 being awarded (100%).

Environmental Health

£42,934 has been requested with £38,256 being awarded (89%).

Trading Standards

£1,555 has been requested with £750 being awarded (48%).

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	18/1/18	Mohammed Waqus 13 West Heath Road Winson Green Birmingham B18 4DL	Equalities Act 2010 Pleaded guilty to one offence of refusing to carry out a booking made by a disabled person because they were accompanied by their assistance dog.	£250 £614 costs (£614 requested) £60 compensation.	Soho	Quinton

LICENSING SIMPLE CAUTIONS

During the period of January 2018 seven simple cautions have been administered:

Local Government (Miscellaneous Provisions) Act 1976

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

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

Section 54(2) & 73 One caution was issued for failing to wear the drivers badge in a position and manner as to be plainly and distinctly visible and wilfully obstructing an officer.

Section 64(3) One caution was issued for waiting on a Hackney Carriage stand without being licensed as Hackney Carriage.

WASTE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	4/1/18	Badham Ahmadzai 1161 Pershore Road Birmingham B30 2YS	Environmental Protection Act 1990 Pleaded guilty to four offences; one offence of knowingly causing or permitting controlled waste from New Apna Supermarket, 342 Stratford Road, Birmingham to be deposited by a litter bin near 348 Stratford Road. One offence of failing to prevent waste from New Apna Supermarket being deposited on Stratford Road. Two offences of failing to comply with notices requiring written information to be provided, within 7 days, as to how waste from the business was disposed of.	£535 – offence 1 No separate penalty for remaining offences. £1,859 costs (£1,859 requested)	Selly Oak	Sparkbrook
2	4/1/18	Baljit Panesar 28 Fulham Road Birmingham B11 4QA	Environmental Protection Act 1990 Found guilty in his absence of one offence of failing to comply with a notice requiring the removal of controlled waste and eradicate rodents from land to the rear of 63/65 Fulham Road, Birmingham within 28 days.	£3,400 £4,115 costs (£4,115 requested)	Sparkbrook	Sparkbrook
3	4/1/18	Mohammed Banaras 2 Spring Road Sparkhill Birmingham B11 3DL	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely large vehicle parts, on a grass verge in Bolton Road, Small Heath, Birmingham.	£480 £500 costs (£995 requested)	Springfield	Nechells

4	4/1/18	<p>Premier Retailing Ltd 128 Stoney Lane Smethwick B67 7BD</p> <p>Dunit Trading Ltd 26 Moat Lane Digbeth Birmingham B5 5BD</p>	<p>Environmental Protection Act 1990</p> <p>Pleaded guilty to four offences; two offences of failing to comply with notices requiring written information to be provided, within 7 days, as to how waste from the business was disposed of. Two offences of knowingly permitting controlled waste, namely black bags and cardboard from 735 Bristol Road South, Birmingham, to be deposited on land next to 749 Bristol Road South on various dates.</p> <p>Pleaded guilty to one offence of failing to comply with a notice requiring written information as to be provided, within 7 days, as to how waste from the business was disposed of.</p>	<p>Total fine £16,000</p> <p>£10,000 – offence 1 No separate penalty for remaining offences</p> <p>£1,605 clean-up costs</p> <p>£975 costs</p> <p>£6,000</p> <p>£975 costs</p> <p>(£1,950 total costs requested)</p>	Out of area	Weoley
5	18/1/18	<p>RRB Birmingham Ltd 18 West Heath Road Northfield Birmingham B31 3TG</p>	<p>Environmental Protection Act 1990</p> <p>Pleaded guilty to two offences; one offence of depositing controlled waste, namely one black bag containing documents relating to RRB Birmingham Ltd, on a grass verge opposite 3a The Green, Kings Norton and one offence of failing to comply with a notice requiring written information to be provided, within 7 days, as to how waste from the business was disposed of.</p>	<p>£9,000 – offence 1</p> <p>No separate penalty for remaining offence</p> <p>£782 costs (£782 requested)</p>	Northfield	Kings Norton

6	18/1/18	Alex & Yanis Bross Ltd 526 Bromford Road Birmingham B36 8AL	Environmental Protection Act 1990 Found guilty in absence of two offences; one offence of failing to comply with a notice requiring written information to be provided, within 7 days, as to how waste from the business was disposed of and one offence of failing to take all reasonable measures, as a producer of controlled waste, to prevent a contravention of the Regulations in that the company had a policy to place waste from the business on St Margarets Road, Birmingham.	£9,000 – offence 1 No separate penalty for remaining offence £1,013 costs (£1,013 requested)	Hodge Hill	Hodge Hill
7	18/1/18	Neelam Hussain 34 Village Road Witton Birmingham B6 6RB	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing a carrier bag, containing spray bottles and plastic bags, at the side of the road outside Yew Tree Primary School on Village Road, Birmingham.	£100 £175 costs (£175 requested)	Perry Barr	Perry Barr
8	18/1/18	Michael Markowski 107 Shenstone Road Edgbaston Birmingham B16 0PF	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely four white bin bags of household waste, on Dugdale Street, Birmingham. One offence of failing to comply with a notice requiring written information to be provided, within 14 days, as to the driver or person in charge of an Audi A3 vehicle on the date of offence.	£1,280 – offence 1 No separate penalty for remaining offence £800 costs (£1,428 requested)	Soho	Soho
9	18/1/18	James O’Leary 136 Benedon Road Sheldon Birmingham B26 2UT	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to ensure that waste was transferred to an authorised person, in that bulky waste and cardboard packaging was given to an unknown person and later found fly-tipped in Sheldon Country Park, Birmingham	£80 £635 costs (£2,221 requested)	Sheldon	Sheldon

PEST OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	18/1/18	Sherbourne Estates Ltd Moundsley Hall Walkers Heath Road Kings Norton Birmingham B38 0BL	Prevention of Damage by Pests Act 1949 Pleaded guilty to one offence of failing to comply with a notice requiring the removal of the accumulation of rubbish, including black bags and bulky waste, from land at the side of Sherbourne Road, Acocks Green, Birmingham which was likely to harbour and attract rats and to eradicate all rats from the land within 28 days.	£250 £747 costs (£747 requested)	Kings Norton	Acocks Green

FOOD HYGIENE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	4/1/18	Ibrahims Grill and Steak House Ltd 1159 Warwick Road Acocks Green Birmingham B27 6RG	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to one offence of failing to comply with a Hygiene Improvement Notice, in that the company continued to serve food in direct contact with damaged wooden chopping boards, which could no longer be effectively cleaned and disinfected and presented a risk of contamination to food at Ibrahim's Grill and Steak House, 1159 Warwick Road, Birmingham.	£50,000 £670 costs (£670 requested)	Acocks Green	Acocks Green

2	4/1/18	Abdul Mohammed Gaffar 31 Swanage Road Small Heath Birmingham B10 9ER	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions at Café Raznur, 553 Coventry Road, Small Heath, Birmingham. There were no adequate procedures in place to control pests and mouse droppings were found throughout the premises. The premises were not kept clean and there was an accumulation of dirt and grease in the refrigerator and behind the cooker and tandoori oven. There were holes in the floor in the doorway and in a skirting board which could have allowed access to pests. Food was not protected against contamination, gnawed cucumbers were in the storeroom and there was an uncovered pan of cooked chicken curry on the floor in the kitchen.	£1,335 – offence 1 No separate penalty for remaining offences £1,201 costs (£1,201 requested)	Bordesley Green	South Yardley
3	18/1/18	Jammengs Ltd 844 Bristol Road South Northfield Birmingham B31 2NS	Food Safety and Hygiene (England) Regulations 2013 Found guilty in absence of six offences relating to conditions at Jam-Eng of 844 Bristol Road South, Birmingham. The premises were not kept clean. The wash hand basin in the rear kitchen was obstructed with food items and there were no materials for cleaning or drying hands. There were no permanent procedures based on HACCP. A chopping board was dirty and damaged and a saucepan was filthy with extensive build-up of char. The drawer storing equipment was dirty and damaged. Full bin bags of waste were stored beneath a shopping trolley next to packets of food on the floor. There was an excessive amount of cardboard stored in the rear yard and there was evidence waste was being burnt there.	£6,000 – offence 1 No separate penalty for remaining offences £944 costs (£944 requested)	Northfield	Northfield

4	18/1/18	Aum Gurudev Ltd Desai & Co Accountants Desai House 9-13 Holbrook Lane Coventry CV6 4AD	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions at Victorian Restaurant, 16 Great Western Arcade, Birmingham. Mouse droppings were found throughout the premises and there were a number of holes in the main premises that could allow pest ingress. There was a build-up of dirt on ledging behind a dishwasher and touch points were dirty. A pot of Tesco healthy living fat free cottage cheese was placed on the market for sale that was passed its use by date.	Total fine £4,000 £667 costs (£667 requested)	Out of area	Ladywood
5	18/1/18	Afzal Ahmed 181 Montague Road Smethwick B66 4PW	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to 12 offences relating to conditions at Owais Frozen Foods, Unit 2, Northside Business Centre, Wellington Street, Winson Green, Birmingham. The premises were not kept clean and there were holes in the exterior doors which could allow access to pests. Food storage crates, chopping boards and a slicing machine were dirty. A potato rumbler was dirty with mouldy potatoes inside. Uncovered trays of spring rolls, cooked spring rolls and other products were stored in dirty crates. Rat and mouse droppings were found on the floor of the food packaging storage room. The ceiling in the food packaging area and floor of the cooking area had defective areas and could not be effectively cleaned. No procedures based on HACCP were in place. Minced meat kebabs and lamb samosas were placed on the market in conditions that contravened requirements of the Regulations.	£320 – offence 1 No separate penalty for remaining offences £2,420 costs (£2,420 requested)	Out of area	Soho

6	18/1/18	Hadi Ahmadi Shooli Apartment 1 Burlington Court 79 New Street Erdington Birmingham B23 6TU	Food Safety and Hygiene (England) Regulations 2013 & Prevention of Damage by Pests Act 1949 Pleaded guilty to 15 offences: four of failing to comply with Hygiene Improvement Notices served in October 2016 requiring a wash hand basin to be provided in the front servery, the potato chipper to be repaired, evidence of a food safety management system to be provided and the premises to be kept clean at Gino's, 689 Bristol Road South, Northfield, Birmingham. Eight offences relating to the conditions found at the premises in March 2017; there were dirty food containers and equipment and the kebab spit area was dirty with congealed fat. Food was stored on the floor and next to cleaning chemicals, and open packets of raw meat were stored next to polystyrene boxes of prepared food. There was no wash hand basin in the front server and no evidence that staff were supervised, instructed or trained in food hygiene matters. There were no procedures based on HACCP. Two offences of failing to comply with Hygiene Improvement Notices served in March 2017 requiring food to be analyzed for allergens and a wash hand basin to be provided in the front servery and one offence of failing to remove the accumulation of rubbish in the rear yard, and cut back and remove overgrowth and eradicate rats within 28 days.	£120 – offence 1 No separate penalty for remaining offences £1,683 costs (£1,683 requested)	Erdington	Weoley
---	---------	--	--	--	-----------	--------

7	18/1/18	Binte Konte 51 Beddows Road Walsall WS3 1QF	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to three offences relating to conditions at African Continental Market, 307 Witton Road, Birmingham. Mouse droppings were found on shelves used to store food and on the floor by stored food. There was an accumulation of mouse droppings, dirt and food debris on floors. Packets of flour, lentils and peanuts were found on display for sale which had been gnawed by mice.	£500 – offence 1 No separate penalty for remaining offences £1,036 costs (£1,036 requested)	Out of area	Aston
8	22/1/18	Hotel Du Vin Trading Ltd 30-31 Cowcross Street London EC1M 6DQ	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to two offences relating to conditions found at Hotel Du Vin, 25 Church Street, Birmingham. The premises were not kept clean and mouse droppings were found on the floor in the kitchen, on shelving in the pastry area and main kitchen, inside three roasting tins and on the bottom shelf of the plate warmer. A cupboard storing sugar cubes, the stand in the pastry area, the floor beneath racking holding food equipment and the bar floor and shelving were found to be dirty. There were gaps around pipework and between walls, and ceiling tiles were missing which could allow access to pests.	Total fine £120,000 (£60,000 x 2) £12,216 costs (£12,216 requested)	Out of area	Ladywood

9	24/1/18	Chandi Chowk (Bham) Ltd 125 Soho Road Birmingham B21 9SL	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to three offences relating to conditions at Chandi Chowk Sweet & Restaurant, 125 Soho Road, Birmingham. Live cockroaches were found in the basement food preparation area and ground floor rear kitchen and dead cockroaches were found on sticky boards. There were holes in the ceiling in the ground floor rear kitchen and a gap under and between the rear external doors in the basement food preparation room. There was a build-up of dirt and grease around the cooking range in the ground floor rear kitchen. There was a build-up of grease on the fryer and a build-up of food debris and splashes around open food containers.	Total fine £5,000 £1,343 costs (£1,343 requested)	Soho	Soho
10	30/1/18 at Warwick Crown Court	Mohammed Roshani 92 Harlech Close Birmingham B32 4JS	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to 18 offences relating to conditions at Pitstop, 193-194 Broad Street, Birmingham. Three offences relating to conditions found on 30.6.16. Shelving and flooring were dirty, mouse droppings were found on a work surface, on a shelf storing food items and inside a microwave and grill, there were no systems in place based on HACCP. Five offences of failing to comply with Hygiene Improvement Notices requiring the premises to be kept clean, procedures to be implemented to control pests, to provide a wash hand basin in the servery, to put in place a documented food safety management system and to provide adequate training to staff. One offence of	9 months imprisonment suspended for 18 months. 100 hours of unpaid work £2,500 costs (£4,469 requested) Prohibited from being involved in the management of a food business.	Bartley Green	Ladywood

			failing to register the food business with Birmingham City Council. Five offences relating to the conditions found on 17.3.17. Mouse droppings were found throughout the premises, there was a large accumulation of dirt and food debris on the floors in the basement kitchen, raw chicken was being stored in bags directly next to boxes of tomatoes, there was still no evidence of a documented food safety management system and staff had little or no knowledge of food safety and hygiene matters. Four further offences relating to an inspection on 15.5.17. Raw marinating chicken was being stored uncovered next to uncovered cooked chicken, the floors were dirty, flour was stored in a cracked plastic container and there was no evidence of any systems in place based on HACCP.			
--	--	--	---	--	--	--

NOISE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	17/1/18	Lijeh (Adam) Parkes 4 Alexandra Road Birmingham B5 7NJ	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with an abatement notice prohibiting the recurrence of a noise nuisance arising from the playing of amplified music at 4 Alexandra Road, Birmingham. Originally listed for trial	£1,200 £1,000 costs (£1,000 requested) £100 compensation	Sparkbrook	Sparkbrook

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

Four simple cautions were administered during January 2018

Food Safety and Hygiene (England) Regulations 2013

Four cautions were issued for failing to comply with Food Hygiene Regulations.

TRADING STANDARDS CASES**APPENDIX 3**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward Offence committed
1	10/1/18	Saif Motors Ltd 92 St Johns Road Birmingham B11 3SG	Road Traffic Act 1988 Pleaded guilty to one offence of supplying a motor vehicle from Saif Motors Limited, 46-48 Stoney Lane, Birmingham which was in a dangerous and unroadworthy condition. Originally listed for trial.	£1,400 £750 costs (£1,555 requested)	Springfield	Sparkbrook

TRADING STANDARDS SIMPLE CAUTIONS

Two simple cautions were administered during January 2018:

Trade Marks Act 1994 Section 92(1)(c) & Tobacco and Related Products Regulations 2016

One caution was issued for having in possession, custody or control or supply, 64 packets of tobacco which bore signs identical to or likely to be mistaken for registered trademarks and having in possession for sale or supply 145 packets of tobacco products which did not carry one of a number of health warnings.

Licensing Act 2003 Section 146(1)

One caution was issued for selling alcohol to a person under the age of 18.

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

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

NORTHFIELD				
Kings Norton		1		
Longbridge				
Northfield		1		
Weoley		2		
PERRY BARR				
Lozells & East Handsworth				
Handsworth Wood				
Oscott				
Perry Barr		1		
SELLY OAK				
Billesley				
Bournville				
Brandwood				
Selly Oak				
SUTTON COLDFIELD				
Sutton Four Oaks				
Sutton New Hall				
Sutton Trinity				
Sutton Vesey				
YARDLEY				
Acocks Green		2		
Sheldon		1		
South Yardley		1		
Stechford & North Yardley				
TOTAL	1	21	0	1

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

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

NORTHFIELD				
Kings Norton		1		
Longbridge				
Northfield		2		
Weoley				
PERRY BARR				
Lozells & East Handsworth				
Handsworth Wood				
Oscott				
Perry Barr		1		
SELLY OAK				
Billesley				
Bournville				
Brandwood				
Selly Oak		1		
SUTTON COLDFIELD				
Sutton Four Oaks				
Sutton New Hall				
Sutton Trinity				
Sutton Vesey				
YARDLEY				
Acocks Green		1		
Sheldon		1		
South Yardley				
Stechford & North Yardley				
OUT OF AREA		5		
TOTAL	1	21	0	1

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	0	0	0	0	0	0	0	0	0	1
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	0	0	0	0	0	0	0	0
Environmental Health (non FPNs)	0	0	3	1	8	4	1	0	0	4	0	21
Trading Standards	0	0	1	0	0	0	0	0	0	0	0	1

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	1	0	0	0	0	0	0	1
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	0	0	0	0	0	0	0	0
Environmental Health (non FPNs)	1	1	3	2	2	3	1	1	0	2	5	21
Trading Standards	0	0	1	0	0	0	0	0	0	0	0	1

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	2	0	3	0	14	2	0	1	1	2	0	25
Environmental Health (FPNs) Not paid and prosecuted	3	1	2	0	435	1	0	5	0	0	0	447
Environmental Health (non FPNs)	3	9	14	9	51	11	15	3	1	16	0	132
Trading Standards	1	0	4	1	6	0	0	0	0	2	0	14

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	6	7	3	1	2	0	0	0	5	25
Environmental Health (FPNs) Not paid and prosecuted	18	17	25	28	51	14	31	25	6	13	219	447
Environmental Health (non FPNs)	6	9	13	15	27	7	13	6	3	14	19	132
Trading Standards	1	0	4	0	6	0	0	0	0	1	2	14

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2017 – MARCH 2018

	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Total 2017/2018
Waste Investigation Outcomes										
Investigations into commercial waste disposal suspected offences and offences	23	35	83	101	88	43	90	111	63	637
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	20	32	75	85	75	37	56	76	46	502
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	11	13	25	29	89	28	37	35	23	290
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	5	0	5	0	3	0	2	3	0	18
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400)	4	9	7	1	6	2	4	5	4	42
Prosecutions										0
Number of prosecution files submitted to legal services (number produced quarterly)			15			19			53	87

BIRMINGHAM CITY COUNCIL

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

14 MARCH 2018
ALL WARDS

FIXED PENALTY NOTICES ISSUED JANUARY 2018

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

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

3. Background

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

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

4. Enforcement Considerations and Rationale

- 4.1 The attached appendix shows the wards where FPNs were issued during the month of January 2018.
- 4.2 By identifying both the area where the FPN is issued and the ward/area that the litterer lives this demonstrates that the anti-litter message is being spread right across the city. By and large litter patrols are targeted to the primary and secondary retail areas of the city because there is a high level of footfall and they engage with a full cross section of the population. Targeted areas include locations where there are excessive levels of littering, smoking areas with high levels of cigarette waste that cause blight in the city and areas where there are known problems associated with groups gathering to eat outdoors.
- 4.3 The number of incidences of Fixed Penalty Notices being issued reflects the fact that there is still a problem with littering on our streets. Since the Health Act came into force there has been a decline in street cleanliness associated with cigarette waste. This is reflected not only in these statistics but also in the environmental quality surveys undertaken by Fleet and Waste Management that record cigarette waste being the most prevalent waste upon our streets and identify it in 98% of all samples of street cleanliness.

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

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

5. Consultation

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

6. Implications for Resources

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

7. Implications for Policy Priorities

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

8. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: FPN records

APPENDIX 1
Wards where FPN's are issued

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	Bartley Green	0	0	0	0	1	0	0	0	0	0			1
	Edgbaston	0	0	0	0	3	0	0	0	1	0			4
	Harborne	0	0	0	0	3	1	0	0	0	0			4
	Quinton	0	0	0	0	0	0	0	1	0	0			1
Erdington	Erdington	0	1	0	1	0	0	1	0	1	0			4
	Kingstanding	0	1	0	0	2	0	1	0	0	1			5
	Stockland Green	0	0	2	0	1	0	0	0	0	0			3
	Tyburn	0	1	1	1	0	2	0	0	0	4			9
Hall Green	Hall Green	0	1	0	0	0	0	0	0	0	0			1
	Moseley And Kings Heath	2	0	0	0	0	0	0	0	0	0			2
	Sparkbrook	0	1	1	0	6	0	0	0	0	0			8
	Springfield	0	0	0	0	0	2	1	0	1	4			8
Hodge Hill	Bordesley Green	0	0	0	1	1	0	0	1	2	0			5
	Hodge Hill	0	1	0	0	1	0	0	0	0	0			2
	Shard End	1	4	0	0	0	0	1	0	0	0			6
	Washwood Heath	1	0	0	1	7	15	5	2	0	1			32
Ladywood	Aston	0	2	0	1	1	0	4	0	0	7			15
	Ladywood	459	436	264	358	399	386	580	707	290	627			4,506
	Nechells	5	3	0	0	6	1	1	6	1	4			27
	Soho	5	1	2	13	28	3	3	2	3	6			66
Northfield	Kings Norton	0	0	4	3	0	0	0	0	0	0			7
	Longbridge	0	1	0	0	0	0	0	3	0	5			9
	Northfield	2	0	1	0	0	0	0	0	3	0			6
	Weoley	2	0	0	0	0	0	0	0	0	0			2
Perry Barr	Handsworth Wood	0	0	1	0	0	0	0	0	0	1			2
	Lozells And East Handsworth	0	2	2	0	1	1	0	4	0	0			10
	Oscott	0	1	1	2	0	0	0	0	0	0			4
	Perry Barr	1	0	1	0	0	0	0	0	1	4			7
Selly Oak	Billesley	1	1	0	0	0	0	0	0	1	0			3
	Bournville	0	0	2	0	0	0	1	0	0	0			3
	Brandwood	0	0	0	0	0	0	0	0	0	0			0
	Selly Oak	0	0	1	2	2	0	0	0	0	0			5
Sutton Coldfield	Sutton Four Oaks	0	0	0	0	0	0	2	6	0	0			8
	Sutton New Hall	0	0	0	0	0	0	0	0	0	0			0
	Sutton Trinity	0	0	0	0	0	0	1	1	0	1			3
	Sutton Vesey	0	0	0	0	3	0	1	0	1	0			5
Yardley	Acocks Green	6	6	1	0	2	0	0	0	0	1			16
	Sheldon	0	1	0	0	1	0	0	0	2	2			6
	South Yardley	1	1	3	0	2	0	2	9	7	2			27
	Stechford And Yardley North	1	0	1	0	0	0	0	0	0	0			2
Total		487	465	288	383	470	411	604	742	314	670	0	0	4,834

APPENDIX 2

WARD OF PERSON RECEIVING FIXED PENALTY NOTICES BY CONSTITUENCY/WARD

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

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	BARTLEY GREEN													0
	EDGBASTON													0
	HARBORNE													0
	QUINTON													0
Erdington	ERDINGTON													0
	KINGSTANDING													0
	STOCKLAND GREEN													0
	TYBURN													0
Hall Green	HALL GREEN													0
	MOSELEY AND KINGS HEATH													0
	SPARKBROOK													0
	SPRINGFIELD													0
Hodge Hill	BORDESLEY GREEN													0
	HODGE HILL													0
	SHARD END													0
	WASHWOOD HEATH													0
Ladywood	ASTON													0
	LADYWOOD													0
	NECHELLS													0
	SOHO													0
Northfield	KINGS NORTON													0
	LONGBRIDGE													0
	NORTHFIELD													0
	WEOLEY													0
Perry Barr	HANDSWORTH WOOD													0
	LOZELLS AND EAST HANDSWORTH													0
	OSCOTT													0
	PERRY BARR													0
Selly Oak	BILLESLEY													0
	BOURNVILLE													0
	BRANDWOOD													0
	SELLY OAK													0
Sutton Coldfield	SUTTON FOUR OAKS													0
	SUTTON NEW HALL													0
	SUTTON TRINITY													0
	SUTTON VESEY													0
Yardley	ACOCKS GREEN													0
	SHELDON													0
	SOUTH YARDLEY													0
	STECHFORD AND YARDLEY NORTH													0
	Ward not recorded													0
OUTSIDE OF BIRMINGHAM	OUTSIDE BIRMINGHAM TOTAL													0
	Location not recorded	487	465	288	383	470	411	604	742	314	670			4,834
Grand Total		487	465	288	383	470	411	604	742	314	670	0	0	4,834

APPENDIX 3

FIXED PENALTY NOTICES ISSUED TO PERSONS RESIDING OUTSIDE THE BIRMINGHAM AREA

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

RESIDENCE OF FPN RECIPIENT	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Grand Total
Aberdeen (S)													0
Allerdale													0
Amber Valley													0
Argyll and Bute (S)													0
Arun													0
Ashford													0
Aylesbury Vale													0
Basildon													0
Basingstoke and Deane													0
Bassetlaw													0
Bath and North East Somerset													0
Bedford													0
Blaby													0
Blackpool													0
Bolton													0
Boston													0
Bracknell Forest													0
Braintree													0
Brentwood													0
Bridgend (W)													0
Brighton & Hove													0
Bristol													0
Bromsgrove													0
Broxtowe													0
Burnley													0
Bury													0
Caerphilly (W)													0
Cambridge													0
Cannock Chase													0
Cardiff (W)													0
Cardiganshire (W)													0
Castle Point													0
Central Bedfordshire													0
Ceredigion (W)													0
Charnwood													0
Chelmsford													0
Cheltenham													0
Cherwell													0
Cheshire East													0
Cheshire West and Chester													0

Chiltern														0
Chorley														0
City of Bradford														0
City of York														0
Copeland														0
Corby														0
Cornwall														0
Cotswold														0
County Durham														0
Coventry														0
Crawley														0
Darlington														0
Dartford														0
Daventry														0
Denbighshire (W)														0
Derby														0
Derbyshire Dales														0
Dover														0
Dudley														0
Dundee (S)														0
East Devon														0
East Dunbartonshire (S)														0
East Hampshire														0
East Hertfordshire														0
East Lindsey														0
East Northamptonshire														0
East Riding of Yorkshire														0
East Staffordshire														0
Eastleigh														0
Eden														0
Edinburgh (S)														0
Elmbridge														0
Epsom and Ewell														0
Erewash														0
Exeter														0
Fife (S)														0
Forest Heath														0
Forest of Dean														0
Fylde														0
Gateshead														0
Glasgow (S)														0
Gloucester														0
Guildford														0
Gwynedd (W)														0
Halton														0

Harrogate														0
Hartlepool														0
Herefordshire														0
Highland (S)														0
Hinckley and Bosworth														0
Hyndburn														0
Ipswich														0
Isle of Wight														0
Kettering														0
Kirklees														0
Lancaster														0
LB of Barking and Dagenham														0
LB of Barnet														0
LB of Brent														0
LB of Bromley														0
LB of Camden														0
LB of Croydon														0
LB of Ealing														0
LB of Enfield														0
LB of Greenwich														0
LB of Hackney														0
LB of Hammersmith and Fulham														0
LB of Haringey														0
LB of Harrow														0
LB of Havering														0
LB of Hounslow														0
LB of Islington														0
LB of Lambeth														0
LB of Lewisham														0
LB of Merton														0
LB of Newham														0
LB of Redbridge														0
LB of Richmond Upon Thames														0
LB of Southwark														0
LB of Sutton														0
LB of Tower Hamlets														0
LB of Waltham Forest														0
LB of Wandsworth														0
Leeds														0
Leicester														0
Lewes														0
Lichfield														0
Lincoln														0
Liverpool														0
Luton														0

Malvern Hills														0
Manchester														0
Mansfield														0
Medway														0
Mendip														0
Mid Devon														0
Mid Suffolk														0
Mid Sussex														0
Middlesbrough														0
Milton Keynes														0
Mole Valley														0
New Forest														0
Newark and Sherwood														0
Newcastle-under-Lyme														0
Newcastle-upon-Tyne														0
Newport (W)														0
North Devon														0
North Hertfordshire														0
North Lanarkshire (S)														0
North Norfolk														0
North Somerset														0
North Tyneside														0
North Warwickshire														0
North West Leicestershire														0
Northampton														0
Northumberland														0
Nottingham														0
Nuneaton and Bedworth														0
Oldham														0
Outside of UK														0
Oxford														0
Perth and Kinross (S)														0
Peterborough														0
Plymouth														0
Powys (W)														0
Preston														0
RB of Kensington and Chelsea														0
RB of Windsor and Maidenhead														0
Reading														0
Redcar and Cleveland														0
Redditch														0
Reigate and Banstead														0
Renfrewshire (S)														0
Richmondshire														0
Rochdale														0

Rugby														0
Rutland														0
Salford														0
Sandwell														0
Scarborough														0
Sefton														0
Sevenoaks														0
Sheffield														0
Shropshire														0
Slough														0
Solihull														0
South Buckinghamshire														0
South Derbyshire														0
South Gloucestershire														0
South Lanarkshire (S)														0
South Somerset														0
South Staffordshire														0
South Tyneside														0
Southampton														0
St Albans														0
St Helens														0
Stafford														0
Staffordshire Moorlands														0
Stevenage														0
Stirling (S)														0
Stockport														0
Stockton-on-Tees														0
Stoke-on-Trent														0
Stratford-on-Avon														0
Suffolk Coastal														0
Surrey Heath														0
Swansea (W)														0
Swindon														0
Tameside														0
Tamworth														0
Taunton Deane														0
Teignbridge														0
Telford and Wrekin														0
Tendring														0
Test Valley														0
Tewkesbury														0
Thanet														0
Tonbridge and Malling														0
Torbay														0
Torridge														0

Trafford														0
Tunbridge Wells														0
Uttlesford														0
Vale of Glamorgan (W)														0
Walsall														0
Warrington														0
Warwick														0
Watford														0
Wealden														0
West Berkshire														0
West Lothian (S)														0
West Oxfordshire														0
Wigan														0
Wiltshire														0
Winchester														0
Wirral														0
Woking														0
Wolverhampton														0
Worcester														0
Wrexham (W)														0
Wycombe														0
Wyre														0
Wyre Forest														0
(blank)														0
Outside Birmingham	0	0	0	0	0	0	0	0	0	0	0	0	0	0

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

14 MARCH 2018

SCHEDULE OF OUTSTANDING MINUTES

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

	hearings to Licensing Sub-Committees.	
942 (iii) 15/11/2017	<u>References from Councillors and MPs for Taxi Drivers</u> The Acting Service Director of Regulation and Enforcement be requested to provide a report for Committee with a recommendation that no references for driver applicants would be accepted from Members of Parliament.	See agenda item No.8. To be discharged
968 17/01/2018	<u>Vehicle Engine Sizes</u> The Acting Service Director of Regulation and Enforcement be requested to report outlining proposals for a new draft policy on vehicle engine sizes and to facilitate the licensing of electrically powered private hire and taxi vehicles within Birmingham.	See agenda item No.9. To be discharged
976 14/02/2018	<u>Update Report On Unauthorised Encampments –</u> The Acting Service Director of Regulation and Enforcement be requested to report further in three months' time to update on the various work items contained within the report.	Report due in June 2018