

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 29 JUNE 2022 AT 10:30 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES

To receive any apologies.

4 APPOINTMENT OF LICENSING AND PUBLIC PROTECTION COMMITTEE

To note the appointment by the City Council of the Committee and Chairman for the Municipal Year 2022/2023 as follows: -

Labour Group (10)

Councillor Phil Davis (**Chairman**)
Councillor Diane Donaldson
Councillor Barbara Dring
Councillor Sam Forsyth

Councillor Zafar Iqbal
Councillor Ziaul Islam
Councillor Narinder Kooner
Councillor Mary Locke
Councillor Saddak Miah
Councillor Sybil Spence

Conservative Group (2)

Councillor Adam Higgs
Councillor Simon Morrall

Liberal Democrat Group (2)

Councillor Izzy Knowles
Councillor Penny Wagg

Green Party (1)

Councillor Julien Pritchard

5 **ELECTION OF DEPUTY CHAIR**

To elect a Deputy Chair for the municipal year 2022/23.

5 - 8

6 **FUNCTIONS, POWERS AND DUTIES**

To note the Committee's Functions, Powers and Duties, as set out in B13 of the Constitution.

Overview presentation from each of the Heads of Service.

9 - 18

7 **COMMITTEE CODE OF PRACTICE FOR MEMBERS AND OFFICERS**

To note the Committee's Code of Practice for Members and Officers as set out in C9 of the Constitution.

8 **DATES OF MEETINGS OF LICENSING AND PUBLIC PROTECTION COMMITTEE**

The Committee is recommended to meet on the following Wednesdays at 1030 hours at the Council House, Victoria Square, Birmingham B1 1BB: -

2022

29 June 2022
20 July 2022 - Informal
21 September 2022
26 October 2022 - Informal
16 November 2022
14 December 2022 - Informal

2023

18 January 2023
15 February 2023 - Informal
15 March 2023

9 **LICENSING SUB-COMMITTEES 2022/2023**

(i) To note the membership of Sub-Committees A, B and C appointed by the City Council for the Municipal Year 2022/2023 as detailed below:

(ii) Each Sub-Committee comprises 3 Members (with a quorum of 3) and will determine matters relating to The Licensing Act 2003, The Gambling Act 2005, Hackney Carriage Licences, Private Hire Licences and such other business as may be referred to them by the Director of Regulation and Enforcement Services.

(iii) The Chairs of the Licensing and Public Protection (Licensing Sub-Committee's role is to chair the Licensing Sub-Committee meetings, deal with subsequent actions of appeals and assist in finding substitutes for Members as required.

Any Member nominated must have had formal training as set out in the Licensing Procedure Rules.

Licensing Sub-Committee A – Mondays (1000 hours)

Cllrs	Phil Davis (Chairman)	Lab	Billesley Ward
	Mary Locke	Lab	Stirchley Ward
	Simon Morrall	Con	Frankley Great Park

Licensing Sub-Committee B – Tuesdays (1000 hours)

Cllrs	Diane Donaldson	Lab	Bromford & Hodge Hill	Ward
	Saddak Miah	Lab	Garretts Green	
	Adam Higgs	Con	Highters Heath	Ward

Licensing Sub-Committee C – Wednesdays (1000 hours)

Cllrs	Sam Forsyth	Lab	Quinton Ward
	Narinder Kooner	Lab	Handsworth Wood Ward
	Penny Wagg	L/D	Acocks Green Ward

19 - 26

10 **MINUTES**

To confirm and sign the Minutes of the last meeting held on 9 March 2022.

- 27 - 40** 11 **LPPC OUTTURN REPORT 2021/22**
The report of the Interim Assistant Director of Regulation & Enforcement
- 41 - 86** 12 **LICENSING POLICIES PROCEDURES AND DELEGATIONS 2022**
The report of the Interim Assistant Director of Regulation & Enforcement
- 87 - 100** 13 **REGULATION & ENFORCEMENT ACTIVITY REPORT (QUARTER 4) – 2021/22**
The report of the Interim Assistant Director of Regulation & Enforcement
- 101 - 146** 14 **PROSECUTIONS AND CAUTIONS REPORT – FEBRUARY, MARCH, APRIL 2022**
The report of the Interim Assistant Director of Regulation & Enforcement
- 147 - 150** 15 **CHAIRS AUTHORITY REPORT – JANUARY TO MAY 2022**
The report of the Interim Assistant Director of Regulation & Enforcement
- 16 **OTHER URGENT BUSINESS**
To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.
- 17 **AUTHORITY TO CHAIR AND OFFICERS**
Chair to move:-

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

B13. LICENSING AND PUBLIC PROTECTION COMMITTEE

13.1 Role

- i. To exercise the powers and duties of the Council with regard to regulatory, licensing and registration matters under all relevant legislation relating to the Licensing service, waste enforcement, Trading Standards service and Environmental Health Service;
- ii. Exercise and monitor the Council's powers; in respect of regulation and enforcement, monitoring performance of the Councils regulation and enforcement services as well as any hosted regional or national programmes;
- iii. Set fees, as applicable, in respect of trading standards, environmental health, licensing, highways skip permits, street trading, registration of births deaths and marriages (all services); private rented services.
- iv. Set conditions relating to Hackney carriage and private hire matters.
- v. Set conditions for any licensable activity allowed by legislation as appropriate
- vi. To exercise the powers and duties of the Council with regard to public protection matters which are non-executive functions.

13.2 Functions

- i. The Licensing and Public Protection Committee is authorised to discharge the following functions:
 - Set fees and charges, grant, refuse Issue, renew, suspend, revoke, or otherwise control any licences, authorisations, permits, registrations as appropriate under the scheme of delegations or powers provided to the council through enactments, regulations or bylaws;
 - Where applicable approve any pre application tests and requirements, in relation to any licences, authorisations or registrations issued by the Licensing Service
- ii. Members of Licensing Sub-Committees will sit as a statutory Licensing Committee as defined by the Licensing Act 2003 and the Gambling Act 2005 when carrying out functions of and ancillary to those Acts and is not required to observe political balance. Members of the Licensing & Public Protection Committee will sit as a general Licensing Committee when dealing with any other licensing functions of the Council and appointments must be politically proportionate.

- iii. The Committee is authorised to exercise the powers and duties of the Council under all relevant legislation and relating to the non-executive functions of the Committee except where
- Any function of the licensing authority under the Licensing Act 2003 (the 2003 Act), the Gambling Act 2005 (the 2005 Act), or the Police Reform and Social Responsibility Act 2011 (the 2011 Act) has been reserved to full Council; or
 - Any licensing function where Council has referred a matter to another committee.
 - Functions relating to any other hearings required under the 2003 Act or the 2005 Act that have not been reserved to the Licensing Committee.
 - The function of determining any matter where an officer has considered they should not exercise their delegated authority and has referred the matter to the subcommittee for determination.
- iv. A Sub Committee is not authorised to discharge functions where the application relates to an event in the open air, in a temporary structure and where the proposed capacity of the event exceeds 30,000 people.

13.3 Membership

- i. Members of the Licensing and Public Protection Committee, and its Chair, are appointed by Full Council. There are fifteen members of the committee, and the quorum is five.
- ii. Substitute Members: no substitute Members are appointed for the Licensing and Public Protection Committee. In relation to each ordinary business Licensing Sub-Committee, the Licensing Committee has appointed substitute Members, comprising all other suitably trained members of the Licensing and Public Protection Committee.
- iii. A substitute Member shall be entitled to attend in place of a regular Member provided that Committee Services has been notified of this before the meeting begins. Once the meeting has begun, the regular Member in respect of whom notification has been received, shall no longer be entitled to attend that agenda item as a Member of the Licensing SubCommittee concerned.
- iv. A substitute Member will have all the powers and duties of any regular Member of the Licensing Sub-Committee but will not be able to exercise any special powers or duties exercisable by the person for whom s/he is substituting.
- v. The Licensing Committee Code of Practice for Councillors and Officers can be found in Part C9 of the Constitution.

13.4 Procedure Rules

- i. Committee meetings will be called in accordance with Part C2 of the Constitution: *Access to Information*.
- ii. The provisions of the Licensing Act 2003 (Hearings) Regulations 2005 shall apply to any hearings conducted under the provisions of the Licensing Act 2003 and in the event of any conflict between the Relevant Regulations and the Council Procedure Rules/Access to Information Procedure Rules in relation to such hearings the provisions of the Relevant Regulations shall prevail. Licensing Act 2003 matters fall outside of the remit of the Local Government Act 1972.
- iii. The provisions of the Gambling Act 2005 (Proceedings of Licensing Committees and Sub Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 shall apply to the exercise of functions under Section 162 (1) and (2) and Section 201 (4) of the Gambling Act 2005 and in the event of any conflict between the Relevant Regulations and the Council Procedure Rules/Access to Information procedure rules in relation to the exercise of such functions the provisions of the Relevant Regulations shall prevail.
- iv. The Licensing functions of the Council shall be carried out by the following bodies:
 - Licensing and Public Protection Committee (15 Members with a quorum of 5)
 - Sub-Committees to be established by the Licensing and Public Protection Committee, comprising three Members drawn from the full Committee, to deal with matters under the Licensing Act 2003 and the Gambling Act 2003 as assigned and matters in respect of hackney carriages, private hire, vehicles drivers and operators. The Chairs of the Licensing and Public Protection (Licensing Sub)-Committee's role is to chair the licensing sub-committee meetings, deal with subsequent actions of appeals and assist in finding substitutes for members as required.
- v. Before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.
- vi. Except where authorised by statute, business shall not be transacted at a meeting unless a quorum is present.

C9. LICENSING COMMITTEE CODE OF PRACTICE FOR MEMBERS AND OFFICERS

Purpose of This Code

- i. This Licensing Code of Practice ('the Licensing Code') has been prepared to guide Members and officers in the discharge of the City Council's statutory Licensing functions. This Code will also inform potential applicants and the public generally of the high standards of ethical conduct adopted by the Council in the exercise of its Licensing powers.
- ii. The Licensing Code is in addition to Birmingham's Code of Conduct for Members, which was adopted by the City Council in June 2012. For the avoidance of doubt, when an Executive Member attends and participates in the decision-making of the Licensing Committee, s/he does so as a Member of the Committee and not as a Member of the Executive. Accordingly, s/he must, along with other Members of the Committee, exercise an independent mind on issues before the Committee.
- ii. The provisions of this Licensing Code are designed to ensure that Licensing decisions are taken on proper grounds, are applied in a consistent and open manner and that Members making such decisions are held accountable for those decisions. The Licensing Code is also designed to assist Members and officers in dealing with approaches from applicants or those who already have a relevant Licence/permit, etc.
- iii. Throughout this Code, reference is made to the Licensing Committee. This refers to the Licensing and Public Protection Committee ("LPPC"), in the context of its determination of applications for licences i.e where the Committee performs the functions of the Licensing Authority, rather than in the context of non-Licensing Authority decisions.
- iv. Any reference to Licensing Committee equally refers to any Licensing Sub-Committee.

Context

- i. This Licensing Code applies to both Councillors and officers– it is not therefore restricted to Licensing Committee members. The successful operation of the Licensing system relies on mutual trust and understanding of each other's role. It also relies on both Members and officers ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.
- ii. The Human Rights Act provides additional safeguards for citizens, and encourages the application of best practice. Article 6 is concerned with guaranteeing a right to procedural fairness, transparency and accountability in the determination of civil rights and obligations.
- iii. This code must be read in conjunction with (where appropriate):
 - The LPPC Policies, Procedures and Delegations;

- The Statement of Licensing Policy;
- Home Office Guidance (s182) – issued under S182 Licensing Act 2003;
- The Statement of Gambling Principles and relevant guidance issued by the Gambling Commission;
- The Sexual Entertainment Venue Policy;
- Code of Conduct for Members;
- Code of Conduct for officers.

General Considerations

- i. In relation to Hackney Carriage and Private Hire applications (generally speaking) the Licensing Authority MUST NOT issue a licence to a driver, operator or vehicle proprietor unless they are satisfied the applicant is a fit and proper person.
- ii. In relation to Licensing Act matters, where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn, the licensing authority MUST grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act.
- iii. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations.
- iv. Birmingham City Council's Code of Conduct for Members (section C4) must be complied with throughout the decision making process, which includes mandatory requirements with regard to Member interests.
- v. The responsibility for declaring an interest rests with individual Members and officers of the Council. This Licensing Code outlines further rules applicable to the Licensing process in Birmingham.
- vi. Councillors and officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst officers are responsible to the Council as a whole. This applies equally to traditional forms of political management based on Committees and to models based on forms of executives or elected mayors. Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual Councillors, and it follows that instructions may only be given to officers through a decision of the Council, the Executive or a Committee. A successful relationship between Councillors and officers can only be

based upon mutual trust, respect, Birmingham City Council Constitution Part C Codes and Protocols May 2021 C9 Licensing Committee Code of Practice for Members and Officers courtesy and understanding of each other's positions. This relationship, and the trust which underpins it, should never be abused or compromised.

- vii. Both Councillors and officers are guided by Codes of Conduct, Birmingham's Code of Conduct for Members (section C4) provides standards and guidance for Councillors. Employees are subject to the Employees' Code of Conduct (sections C6). In addition to these codes, a Council's standing orders set down rules which govern the conduct of Council business. There is also a Member / Officer Protocol that assists in defining the relation with both.
- viii. Birmingham's Code of Conduct for Members sets out the requirements on Councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to Council business, including the need to register and declare interests, but also appropriate relationships with other Members, staff and the public, which will impact on the way in which Councillors participate in the Licensing process. Of particular relevance to Councillors serving on the Licensing Committee or Executive, or who become involved in making a Licensing decision, is the requirement that a Member must not use their position improperly for personal gain or to advantage friends or close associates.
- ix. The basis of the Licensing system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved.
- x. From time to time applicants or other parties may submit confidential information, for example a financial appraisal, or evidence from an ongoing criminal matter in relation to an application. Such information will be taken into account in relation to determination of the application, but such information may be exempt from the requirement from disclosure.

Public Speaking

- xi. During public speaking at Licensing Committee, the following should not occur:-
 - Members should not cross-examine members of the public at any time;
 - Members should not ask leading questions of officers or members of the public as by way of introducing new facts to the debate;
 - Members should only ask relevant questions; and
 - Late evidence should not be introduced by speakers at Committee – unless authorised at the discretion of the Chairperson with the agreement of all parties.

Conflicts of Interest

- xii. Some Members in general are more likely than others to be uncomfortable in the role of Licensing Committee Member owing to the combined pressures of their local business interests, the Ward Member advocate role, and the constraints of the Licensing system.

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Any potential licence-related background may also give rise to a perception by the public that they are more likely to be in favour of an application, even where they are determining cases completely impartially. In order to minimise the risk for the Council and the Member concerned, the Member in question should discuss their position carefully with the Assistant Director of Regulation and Enforcement and Monitoring Officer for the Council, to see whether it would be suitable for him/her to become a Member of Licensing Committee or if already a Member take part in the determination of any applications before them.

Lobbying and Attendance at Public Meetings

General

- i. Given the requirement that Members of the Licensing Committee should exercise an independent mind to applications in accordance with the relevant considerations, Members must not favour any person, company, group or locality. Members can, of course, form and express a personal opinion on Licensing applications but they are advised to indicate that they will only form a final opinion about an application after full consideration of all the evidence, representations and submissions made. Members should be careful not to publicly commit themselves to a particular outcome on an application prior to its full consideration at Committee, as to do so could be perceived by others as the Member having closed his/her mind to hearing all the relevant considerations. If that were to happen, he/she should be asked by the Chairman of the Committee, the Assistant Director of Regulation and Enforcement and/or the Monitoring Officer (or their representatives) not to:
 - a) Take any further part in the consideration of the application; and
 - b) Vote on the application. This can only be transparently demonstrated by the relevant Member not attending the meeting or leaving the Committee Room in order to ensure the integrity of the whole decision making process. If the relevant Member wishes to speak at Committee then they should declare their pre-determined position and withdraw from the meeting. This is to ensure Members of the Licensing Committee do not, by their presence, influence or seek to influence the remainder of the decision making body. Members should always notify Committee of any approach by any group, person or company prior to the discussion of the relevant matter.
- ii. Members of the Committee who may be involved in the determination of an application are, of course, free to listen to a point of view about a proposal, give procedural advice and agree to forward any comments, but should then refer the person to officers. Members in this situation may indicate (or give the impression of)

support for or opposition to a proposal, but should avoid giving the impression of a closed mind.

- iii. Whilst Members involved in making decisions on applications may begin to form a view as more information and opinions become available, a decision can only be taken by the Committee after all available information is to hand and has been duly considered. In this regard, any political group meetings prior to the Committee meeting should not be used to determine how Councillors should vote. Decisions can only be taken after full consideration of the evidence, representations and submissions made.
- iv. The Chairman of the Committee should attend a briefing with officers prior to a Full Committee meeting, to help give an effective lead in the Committee.
- v. Councillors involved in decision making on Licence applications should not, whether orally or in writing, organise support or opposition to a proposal, lobby other Councillors, act as advocate or put pressure on officers for a particular recommendation. However, other Councillors (who are not part of the decision making process) within that Committee Member's Ward, can make written representations to the Licensing Committee.
- vi. A Member involved in determining applications may respond to lobbying by openly expressing an opinion prior to the full report of the Assistant Director of Regulation and Enforcement to a Committee meeting (and there may be particular local circumstances where this is considered appropriate) but should indicate they will not make a final decision until after full consideration of all the evidence, representations and submissions.
- vii. If a Member involved in determining applications goes so far as to make it clear beyond doubt that they have a completely closed mind which could not be shifted, this would amount to predetermination and the Member concerned should respond as in C9.4i.
- viii. Where Members involved in the determination of applications are in attendance at public meetings or Ward meetings they may listen to the debate on current applications, provide advice about procedures involved in determining an application and express a view about an application but should respond as in C9.4vi.

Members Predetermination of Applications

- ix. Section 25 of the Localism Act 2011 states that prior indications of a view of a matter do not amount to predetermination in the following situations:
 - (2) A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because-
 - (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter and

- o (b) the matter was relevant to the decision.

- x. The advice provided by the Monitoring Officer is that this is the present position with regard to the Legislation but, whilst Members are entitled to express a view in relation to an application, Members should indicate they still have an open mind in relation to an application until they have had the opportunity to consider the report of the Assistant Director of Regulation and Enforcement and that the final decision in relation to the application can only be made by Committee. This caveat is intended to safeguard so far as possible the decision made by Committee from Judicial Review until further case law and guidance has assisted with the interpretation of Section 25 of the Localism Act 2011.

Dealing with Correspondence

- xi. Members of the Committee and Executive often receive correspondence from constituents, applicants and other interested parties asking them to support or oppose a particular proposal. Members should forward a copy of the correspondence to the Director of Regulation and Enforcement or inform him/her at the Committee if time is short. Merely forwarding the correspondence onto the relevant officer would not prevent the Member being involved in determining the application.

- xii. Communication which is intended to be an objection to (or support for) a licence application MUST be properly served on the Licensing Service, not with elected members or other Council Officers. Such communication should be forwarded immediately to the Licensing Offices.

Pre-Application Discussions

- xiii. When involved in pre-application discussions, officers should always act fairly to all and completely impartially by providing accurate advice and assistance when required or requested by the general public, applicants or Members. A written record of all such discussions must be retained on the Licensing file.

Site Visits by Members with Officers (Uncommon)

- xiv. The deferral of a relevant application for a site visit should not be on the basis of exposing members of the Committee to local opinion, but should be on sound and proper Licensing reasons, which shall be recorded in the minutes of the meeting.

- xv. Under the Chairman's guidance the role of the Licensing Officer attending the site visit will be:
 - a) To brief Members on the Licensing applications(s), the subject of the visit and explain the reasons why the application was deferred for a visit;

 - b) To ensure that the views of all interested parties are heard by all Members on the site visit and accurately recorded. Officers will prepare a written report of the site visit which will be taken back to Licensing Committee to form the basis of a further discussion at a subsequent meeting.

- xvi. The Chairman (or Member chairing the visit) shall explain the purpose of the visit and how it will be conducted to all persons present at the site visit.

- xvi. Officers shall ensure, where practical, that applicants, Members and interested parties are invited to attend the visit and that they are able to view all key parts of the site, which is the subject of the Applications.
- xvii. The purpose of a site visit conducted by Members and officers is to gain information relating to the land or buildings which are the subject of the Licensing application and which would not be apparent from the Licensing application to be considered by the Committee. A site visit may also assist Members in matters relating to the context of the application in relation to the characteristics of the surrounding area, and is an opportunity to hear the views of the members of the public, applicants and other interested parties. Discussions on site visits shall be confined to the application as currently submitted. A Member of Committee who has an interest in a Licensing application, or who has acted in a way that amounts to predetermination, cannot attend the site visit in his or her capacity as a Member of Licensing Committee. However, the Member concerned would be entitled to attend the site visit in his or her personal capacity as a member of the public.
- xix. Whilst on site visits, Members of Committee can express an opinion on the application or its merits, but should avoid making comments or acting in a way which makes it clear beyond doubt that they have a completely closed mind, as this would amount to predetermination. Whilst Members of Committee are not prevented from engaging individually in discussion with applicants or objectors, to ensure transparency of public dealing by Members and effective /orderly management of the site visit, it is recommended that any question of the applicant(s) / objector(s) by the Licensing Officer and/or Members should be made in the presence of the other parties (or their representatives if there is a large scale public interest).
- xx. Members and officers are obligated not to waste Council resources and, as such, a site visit is only likely to be necessary if:
- the impact of the proposed application is difficult to visualise from the plans and any supporting material, including photographs taken by officers (although if that is the case, additional illustrative material should have been requested in advance); or
 - there is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- xxi. Where there is substantial public interest in a proposal and relevant representations have been made, the Council may invite all parties to visit the site so that they may point out all the areas of contention to Members of the Licensing Committee and give their views. A note of proceedings will be taken at these meetings and minutes kept as part of the official record.
- xxii. Results of the site visit will be reported to the next available meeting of the Committee. Birmingham City Council Constitution Part C Codes and Protocols May 2021 C9 Licensing Committee Code of Practice for Members and Officers

- xxiii. Once the results of a site visit have been reported back to Committee, Members of the Committee who were not present at the site visit can ask questions, offer opinions, take part in discussions and vote in relation to that Licensing application.

The Role of Ward Councillors and MPs on Site Visits

- xxiv. Where relevant representations have been made, Ward Councillors and MPs may attend and participate in site visits putting forward their point of view. However, the determination of Licensing applications rests solely with the Licensing Committee and no indication should be given by Members of the Committee of the likely decision during the course of the site visit.

Meetings of the Licensing Committee

- i. A Member shall not vote in relation to any Licensing application unless he or she has been present in the meeting of the Licensing Committee for the whole of the deliberations on that particular application.
- ii. A senior legal officer should always attend meetings of the Licensing Committee to ensure the probity and propriety of the Licensing and decision-making processes.
- iii. Where there is any doubt as to the voting or of the actual counting of votes in relation to any particular application, clarification should be immediately sought by the Chairman prior to dealing with the next agenda item, by requesting from each Member as to how they have voted, noting this and the Member's name.
- iv. Chairmanship: the chairman should ensure
 - Members' comments at Committee only relate to the relevant merits of the application before them;
 - Reference at Committee to matters which are not relevant should be disregarded;
 - The cross-questioning of speakers should only take place if there is need for clarification of what a speaker has already outlined; and done in accordance with the appropriate Procedural Rules for the Hearing in question.

Training

- i. Members dealing with Licensing issues will attend such training sessions as required each year to receive guidance in relation to Licensing matters and processes and on procedural matters such as declaration of pecuniary or non-pecuniary interests. Training will be conducted in accordance with the training for Councillors standard. Members who fail to attend such training will be excluded from meetings of Licensing Committee. This training should include a balance of the following:-
 - Short (half day) sessions on special topics of interest or where appeals have indicated problems with Licensing policy;

- • Special topic groups to consider thorny issues in depth;
- • Formal training by internal and external speakers;
- • Quick presentations by officers on hot topics, e.g. new legislation, white papers and their impacts, followed by a brief question and answer session.

Licence Applications Submitted by Councillors and Officers

- i. Serving Councillors or their relatives who act as agents for people pursuing a Licensing matter will not be permitted to play any part in the decision making process for that proposal. Similarly, should they or their relatives submit their own proposal to the Council, they will take no part in its processing, as in both cases they will have an interest in the matters.
- ii. In cases where officers of this Department or members of their family submit a licence application, or where they have an interest in a particular application they should inform the Assistant Director of Regulation and Enforcement and Monitoring Officer accordingly (e.g. where an application is submitted by a limited company and an Officer is a director (or similar) of the company).

Registration and Declaration of Interests

- i. The Localism Act 2011 and the Birmingham Code of Conduct for Members place requirements on Members on the Registration and Declaration of their interests and the consequence for the Members' participation in consideration of an issue in the light of those interests. These requirements must be followed scrupulously and Members should review their situation regularly. Guidance on the registration and declaration of interests is dealt with by the Birmingham Code of Conduct for Members.

Complaints about the Determination of Licensing Applications

- i. Whatever procedures the City Council operates, it is likely that complaints will be made. However, the adoption of the advice in this guidance should greatly reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place.
- ii. There is a city-wide procedure for dealing with complaints, as well as customer comments and compliments. Complaints alleging a breach of the Birmingham's Code of Conduct for Members must be reported to the Monitoring Officer.
- iii. So that complaints may be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. The guiding is that every application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, why and how it had been reached. Particular care needs to be taken with applications determined under the powers delegated to the Assistant Director of Regulation and Enforcement, where there is no report to a Committee. Such decisions should be well documented and form part of the case file.

- iii. It is preferable to use the complaints procedure prior to any recourse to the Local Government Ombudsman.
- iv. Where any right of appeal exists against a decision of the Licensing Committee, that right is to be communicated at the time of the notification of decision.
- v. Where the complaint relates to the decision made by the Licensing Committee, this decision cannot be overturned other than by following the statutory appeal process if one exists. No complaint procedure can overturn the decision of the Committee.

10. Concluding Remarks

- vii. Maintaining high ethical standards enhances the general reputation of the City Council, its Members and its officers. Open and transparent decision making enhances local democracy and should lead to better informed citizens. A common understanding of the various roles, responsibilities and accountabilities should also enhance citizen participation. This Licensing Code, along with Birmingham City Council's Code of Conduct for Members, therefore, serves an essential part in the local and corporate governance of Birmingham City Council.
- viii. The City Council's Head of Paid Service, the Monitoring Officer and the Section 151 Officer have been consulted over this Licensing Code.
- ix. If any person believes that a Member or Officer has breached any aspect of this Licensing Code, s/he should refer the matter to the City Council's Monitoring Officer.

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
9 MARCH, 2022**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 9 MARCH, 2022 AT 1030
HOURS AT BMI, CHARLES DICKENS ROOM,
MARGARET STREET, BIRMINGHAM**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Alex Aitken, Adam Higgs, Nagina Kauser, Mike
Leddy, Mary Locke, Mike Sharpe and Mike Ward

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NOTICE OF RECORDING/WEBCAST

1442 The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTEREST

1443 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

APOLOGIES

1444 Apologies were received from Councillors Nicky Brennan, Diane Donaldson and Martin Straker-Weld for non-attendance.

MINUTES OF THE LAST MEETING AND MATTERS ARISING

1445 It was noted that Councillor Higgs was not present at the last meeting. Subject to this amendment the minutes of the last meeting held on 19 January, 2022, having been previously circulated, were confirmed and signed by the Chairman.

MATTERS ARISING

The Chairman confirmed that he had spoken to Councillor Cotton regarding the need for a policy on begging at junctions and Councillor Cotton had undertook to write to Councillor Sharpe. Councillor Sharpe said he had been informed the issue had been passed on to the Local Partnership Delivery Group. Councillor Sharpe stressed the need for action to be taken. Members commented on the issue and agreed that the matter should be referred back to the Cabinet Member. It was:-

1446 **RESOLVED:-**

That the Committee continues to be concerned over the issue of begging at junctions in the City and the matter be referred back to the Cabinet Member.

DUGDALE CRESCENT VILLAGE GREEN APPLICATION REPORT

The following report of the Interim City Solicitor was submitted:-

(See document no. 1)

It was noted that Councillor Merion Jenkins was in attendance for this item. Tarndip Sidhu presented the report giving a brief summary and stating that the application was unusual but within the remit of Licensing and Public Protection Committee.

The Application had been received from a local resident in the Sutton New Hall ward (“the Applicant”) on behalf of a group referring to itself as ‘Friends of the Green’ under section 15(2) of the Commons Act 2006 to register the land at Dugdale Crescent, Sutton Coldfield, B75 5EU (“the Application Site”) as a town/village green. No objections had been received. Reference was made to 5.3 and 5.4 of the report relating to the Statutory Test. Councillor Merion Jenkins spoke in support of the application and in response to comments from Councillor Mike Leddy. Councillor Mike Ward also spoke in support of the recommendation. Councillor Merion Jenkins said that the application should be approved.

1447 **RESOLVED:-**

That the application for the registration of a town/village green at ‘The Field’, Dugdale Crescent, Sutton Coldfield, B75 5EU (“the Application Site”) be approved.

LPPC FINANCIAL MONITORING 2021/22 – QUARTER 3

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

Licensing and Public Protection Committee – 9 March, 2022

(See document no 2)

David Jones gave a summary of the report to the Committee. Some further information regarding Covid work per service area had been requested at the last meeting and this was set out in appendix 2. Following a brief further discussion it was:-

1448

RESOLVED:-

- i) That the latest Revenue budget position at the end of December 2021 (Quarter 3) including Forecast Outturn pressure of £0.140m including both Covid response and non-Covid implications as detailed in Appendix 1 be noted;
- ii) that the forecast Covid-19 financial pressure for services as set out in Appendix 2 be noted;
- iii) that the analysis of ring-fenced Licensing expenditure and income set out in Appendix 3 be noted
- iv) that the analysis of ring-fenced grant funded services as set out in Appendix 4 be noted; and
- v) That the position on reserves and balances, as detailed in Appendix 5 be noted.

LPPC FINANCIAL BUDGET 2022/23

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

(See document no. 3)

David Jones gave a summary of the report setting out the Licensing and Public Protection Committee's (LPPC) Revenue Budget for the 2022/23 financial year and details of the approved savings programme for 2022/23 and responded to questions from Members.

1449

RESOLVED:-

That the Licensing and Public Protection Committee:-

- i) note the 2022/23 Revenue Budget Changes as detailed in Appendix 1;
- ii) note the 2022/23 Service and Subjective Budget in Appendix 2;
- iii) note the Budget 2022/23 to 2025/26 in Appendix 3; and
- iv) note the latest 2022/23 Reserves position as detailed in Appendix 4.

REGULATION & ENFORCEMENT FEES AND CHARGES REPORT

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

(See document no. 4)

Paul Lankester presented the report and responded to questions from Members. It was pointed out that some areas had no Neighbourhood Office. Sajeela Nasser informed that they were working with the general regulatory office to review the fees to at least meet costs.

1450

RESOLVED:-

- i) That the changes to the fees and charges for Trading Standards Services, as detailed in **Appendix 1**, are approved to take effect from 1 April 2022.
- ii) That the changes to the fees and charges for Environmental Health Services, as detailed in **Appendix 2(a)**, are approved to take effect from 1 April 2022.
- iii) That the changes to the fees and charges for Animal Welfare Services, as detailed in **Appendix 2(b)**, are approved to take effect from 1 April 2022.
- iv) That the changes to the fees and charges for Environmental Health Fixed Penalty Notices, as detailed in **Appendix 2(c)**, are approved to take effect from 1 April 2022.
- v) That the changes to the fees and charges for Pest Control Services, as detailed in **Appendix 2(d)**, are approved to take effect from 1 April 2022;
- vi) That the changes to the non-statutory fees and charges for the Registration Service, as detailed in **Appendix 3**, are approved to take effect from 1 April 2022;
- vii) That the statutorily set charges for the Registration Service, as detailed in **Appendix 3(a)** be noted;
- viii) That the changes to the fees and charges for Coroner's Services as detailed in **Appendix 4**, are approved to take effect from 1 April 2022;
- ix) That the changes to the fees and charges for Birmingham Account Team (Acivico-Building Consultancy) as detailed in **Appendix 5**, are approved to take effect from 1 April 2022; and

Licensing and Public Protection Committee – 9 March, 2022

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

MANDATORY HMOS FEES AND CHARGES 2022-23 REPORT

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

(See document no. 5)

The Committee was given a summary of the details as set out in the report. Details of the Fees were set out in appendix 1. In reply to questions the Committee was informed that exempt accommodation was not included as they did not require a licence. Paul Lankester informed that exempt accommodation was regulated nationally rather than locally. It was suggested that the appropriate representative be invited to a future meeting when a report on exempt accommodation should be submitted to the Committee also looking at how it was dealt with by other Local Authorities. Paul Lankester undertook to make representations to the Government on behalf of the Committee following the Elections. Following some further discussion the Chairman put on record his personal thanks to Sajeela Nasser for the her work in improving the service.

1451

RESOLVED:-

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

PROSECUTIONS AND CAUTIONS REPORT – DECEMBER 2021 AND JANUARY 2022

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

(See document no. 6)

Paul Lankester made introductory comments relating to the report. A summary of the outcome of legal proceedings taken by Regulation and Enforcement during the month of December 2021 and January 2022 was set out in the report. It was noted that the Chairman was attending the Housing and Neighbourhoods Enquiry to comment on flytipping and fixed penalty notices.

1452 **RESOLVED:-**

That the report of the Interim Assistant Director of Regulation & Enforcement be noted.

REGULATING THE COMMONWEALTH GAMES - FEBRUARY 2022

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

(See document no. 7)

Paul Lankester gave a presentation with the use of slides informing the Committee how the service was involved in the Commonwealth Games and how it had been involved during the 2 year lead up to the games. The Key task for Birmingham City Council was to deliver the plan and have a legacy for the future. During the discussion and following questions from Members Paul Lankester advised that Members were welcome to see how the intelligence database was working. There was also a planned programme of Ward visits as part of the lead up to the games.

1453 **RESOLVED:-**

That the report of the Interim Assistant Director of Regulation & Enforcement be noted.

UPDATE ON FOOD PROGRAMME

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

(See document no. 8)

Nick Lowe, Operations Manager Food presented the Recovery Plan setting out the Food Standards Agency's (FSA) guidance and advice to local authorities for the period from 1 July 2021 to 31 March 2023. The Chairman gave credit to Nick Lowe and his colleagues for ensuring that the programme was now on track. It was:-

1454 **RESOLVED:-**

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

DATE AND TIME OF NEXT MEETING

1455 The date of the next formal meeting was to to be determined.

OTHER URGENT BUSINESS

- 1456 Councillor Sharpe thanked everyone for their help and support throughout the years. The Chairman gave his best wishes and good luck to Members standing in the elections and thanked them for their help over the years. An informal meeting of Committee members would take place on 13 April, 2022.
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AUTHORITY TO CHAIR AND OFFICERS

- 1457 **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 1210 hours.

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CHAIRMAN

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	INTERIM ASSISTANT DIRECTOR REGULATION AND ENFORCEMENT AND DIRECTOR OF COUNCIL MANAGEMENT	
Date of Committee:	29 JUNE 2022	
SUBJECT:	LICENSING AND PUBLIC PROTECTION – FINANCIAL OUTTURN 2021/22	

1. Purpose of Report:
<p>1.1 This report sets out the outturn income and expenditure for 2021/22 incurred on services that are the responsibility of the Licensing and Public Protection Committee.</p> <p>1.2 The Cabinet approved the City Council's Outturn Report for 2021/22 on Tuesday 28 June 2022 although the figures are still subject to audit by the City Council's approved external auditors.</p>

2. Decision(s) Recommended:
<p>The Licensing and Public Protection Committee is requested to:</p> <p>2.1 Note the revenue outturn non-Covid related underspend of £0.483m shown in Appendix 1.</p> <p>2.2 Note the financial pressure due to Covid of £0.510m shown in Appendix 2</p> <p>2.3 Note the expenditure on ring-fenced licensing services in Appendix 3</p> <p>2.4 Note the expenditure on grant funded and PoCA programmes in Appendix 4.</p> <p>2.5 Note the position on reserves, as detailed in Appendix 5.</p>

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

3. Consultation
<p>3.1 <u>Internal</u></p> <p>The Revenue and Capital Outturn position for the City Council as a whole was considered by Cabinet on Tuesday 28 June. The Chair of Licensing and Public Protection Committee, the Interim Assistant Director of Regulation and Enforcement and the Director of Council Management have been consulted in the preparation of this report.</p> <p>3.2 <u>External</u></p> <p>Not applicable.</p>

4. Compliance Issues:
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The budget is integrated with the Council Business Plan, and resource allocation is directed towards policy priorities.</p> <p>4.2 <u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p>This Licensing and Public Protection Financial Outturn report gives details of monitoring of service delivery within available resources of the Place Directorate.</p> <p>4.3 <u>Legal Implications</u></p> <p>Section 151 of the Local Government Act requires the Chief Financial Officer (as the responsible officer) to ensure proper administration of the City Council's financial affairs. This report forms the concluding part of the Council's budgetary control cycle for 2021/22. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on Cabinet Members, Committees, and Members of Executive Team by the City Council in discharging this statutory responsibility. There are no specific implications in relation to other policies.</p> <p>4.4 <u>Public Sector Equality Duty</u></p> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p>

5. Relevant Background/Chronology of Key Events:

Revenue Budget 2021/22

- 5.1 The City Council approved the overall budget for 2021/22 on 23 February 2021.
- 5.2 The Licensing and Public Protection Committee noted the net revenue budget of **£6.445m** on 10 March 2021.
- 5.3 Adjustments in Quarter 3 were presented to Licensing and Public Protection Committee at their sitting on 09 March 2022.
- 5.4 There were two adjustments made corporately in the final quarter
- An allocation of £0.047m to meet the actual cost incurred by your services in relation to the Apprenticeship Levy.
 - An allocation of £0.239m for all service areas to support meeting the previously unbudgeted cost of the 1.75% pay award from April 2021 for your employees.

- as set out below

Budget Movements from April – March 2022	
Description	£'m
Budget at start of year – (LPPC 10 March 2021)	6.445
Licensing Street Trading – remaining funding transfer	0.063
Additional funding for increments (part of corporate allocation)	0.251
Approved transfer from Register Office to support the increasing Computed Tomography Post Mortem (CTPM) programme	(0.080)
Budget at Quarter 1 – (LPPC 08 September 2021)	6.679
Centralisation of postage budgets (Environmental / Coroners)	(0.006)
Budget at Quarter 2 – (LPPC 10 November 2021)	6.673
De-centralisation of ICT budgets relating to ring fenced services	0.125
Budget at Quarter 3	6.798
Additional funding to meet actual cost of Apprentice Levy	0.047
Additional funding to meet actual cost of 2021/22 Pay Award	0.239
Budget at Quarter 3	7.084

- 5.5 The approved budget for this Committee at the year-end was £7.084m.
- 5.6 The City Council has well-established arrangements for monitoring spending against the cash limited budgets allocated to Directorates and Committees.
- 5.7 Reports are presented to Cabinet on a quarterly basis on the overall city-wide financial position. The Licensing and Public Protection Committee will normally receive quarterly financial performance reports during the financial year.

Revenue Outturn

- 5.8 The provisional revenue outturn expenditure for the Licensing and Public Protection Committee is £6.601m, which represents an overall underspend of £0.483m – However, this includes a pressure of £0.510m relating to Covid response work carried out by your services. Therefore, the “business as usual” outturn is an underspend of £0.993m. This has been incorporated into the overall City Operations Directorate year end position.

5.9 The table below sets out a high-level summary of the year end overspend by service (full details in Appendix 1).

Outturn Year End Variations			
Services	Covid-19 Response Pressures £'m	Base Budget (underspend) / Pressures £'m	Total (underspend) / Pressures £'m
Environmental Health	0.010	(0.802)	(0.792)
Pest Control	-	0.170	0.170
Register Office	0.194	(0.440)	(0.246)
Coroners	0.248	0.318	0.566
Trading Standards	0.058	(0.126)	(0.068)
Licensing & Street Trading	-	(0.020)	(0.020)
Grants (IMLT and RIT)	-	(0.066)	(0.066)
Highways	-	(0.027)	(0.027)
TOTAL	0.510	(0.993)	(0.483)

5.10 The key components include:

- **Environmental Health (£0.792m surplus)**

Environmental Health surplus was generated through a combination of factors. Most of the core staff were engaged in Covid response work and as such some of their time was recharged to these projects.

The service benefitted significantly from Covid funded programme

In addition, litter patrols restarted earlier than predicted reducing expected income loss through Fixed Penalty Notices (FPN), also other income streams re-opened earlier such as export health certificates again reducing predicted income shortfalls.

- **Pest Control (£0.170m overspend)**

The Pest Control team were unable to deliver commercial contract work for most of the previous financial year due to the effects of the Covid pandemic on businesses. This also affected the early part of 2021/22.

This is a noticeable improvement in the latter part of the year and mitigating activity was continued to be actively progressed alongside the easing of restrictions and opening up of businesses.

- **Registration Service (£0.246m net underspend)**

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

The mainstream service has focussed on delivering a number of mitigations and in addition is seeing positive growth in income especially in the second half of the year.

Wedding ceremonies increasing after a prolonged period of lockdown and including preference for civil ceremonies where other venues have been slow to reopen at full capacity.

- **Coroners Courts (£0.566m pressure)**

The effect of the global pandemic continues to affect this service area – including changes in the latter part of the year to how deaths were to be recoded in relation to Covid. This has significantly increased workload and the service have had to contract additional staff and additional hours to ensure that there is continuous cover.

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

Non-Covid-19 pressure includes additional venue hire for two major ongoing inquests where the City Centre court venues were not suitable.

Trading Standards (£0.068m net surplus)

- The service incur expenditure in pursuing legal action through the courts and in normal circumstances would have had their costs awarded back to them as part of the successful outcome of the case. Changes to how the courts are dealing with cases during the pandemic has led to a large reduction in these awards.
- This issue is partly mitigated through the reduced use of legal services such as barrister fees that would normally be incurred for these cases.
- In addition, the team are also spearheading several investigations onto Covid-19 related financial fraud.

COVID-19 Compliance and Enforcement

- Environmental Health had continued to coordinate a city-wide compliance and enforcement programme including shopping areas, Business Improvement Districts, parks, universities and faith groups.
- The programme was originally funded through a specific grant in 2020/21 and has continued to succeed through Public Health funding in 2021/22.

6. Grant Funded Programmes

6.1 There are two grant funded programmes: Illegal Money Lending and Regional Intelligence Team (Scambusters).

6.2 The expenditure and income for each is shown in Appendix 3

Illegal Money Lending

- 6.3 The Illegal Money Lending Team (IMLT) England investigates and takes action against Illegal Money Lending or “Loan Shark” perpetrators across the whole of England.
- 6.4 The project is funded through specific grant from HM Treasury, with resources of up to £4.254m in 2021/22.
- 6.5 The revenue outturn for 2021/22 was £4.239m with the remaining £0.015m transferred to a ringfenced grant reserve with the permission of HM Treasury. This will be utilised in 2022/23 during which time it is expected that the teams activity will continue to increase as Covid measures and restrictions on businesses continue to be lifted.

Regional Intelligence Team

- 6.6 The Regional Intelligence Team (RIT) investigates and takes action against fraudsters operating across council boundaries in the central region.
- 6.7 Funding was confirmed at £0.464m for 2021/22 (£0.283m core RIT grant plus £0.181m specifically for Operation Beorma).
- 6.8 The expenditure at the end of 2021/22 was £0.441m with the remaining £0.023m transferred to a ringfenced grant reserve. This is likely to be reclaimed back by the funding organisation during 2022/23.
- 6.9 Please note that underspent grant totalling £0.043m from the previous two financial years was reclaimed in 2021/22 by the funding organisation. These had also been held in the same ring-fenced reserve specifically for this purpose and to avoid causing financial pressure. The net reduction in the reserve in 2021/22 was therefore £0.020m (£0.023m paid in, less £0.043m paid out).

7. Balances and Reserves:

- 7.1 The balances and reserves at the end of the financial year are shown in Appendix 5.
- 7.2 The balances at the start of the year (1 April 2021) totalled £0.476m and these are all specific ring-fenced resources.
- 7.3 For licensing there is an increased deficit balance in reserves and this will be addressed as an urgent issue in 2022/23
- 7.4 Proceeds of Crime Act (PoCA) reserves have been utilised for Trading Standards, Regional Intelligence Team and Illegal Money Lending. These service areas have continued to receive awarded income in 2021/22 however this is lower than in previous years and have delivered spend above that level. There is a **net** reduction in these reserves of £0.0.32m.

Reserves have reduced by a **net** £0.132m resulting in a closing balance of £0.344m.

8. Evaluation of Alternative Option(s):

8.1 This report sets out the Outturn position for 2021/22 and all the issues, financial risks and options were reported during the year to the Licensing and Public Protection Committee.

9. Reasons for Report:

9.1 The Report informs the Licensing and Public Protection Committee of the Revenue Budget for 2021/22 and the outturn position at the year end.

9.2 The position in respect of the Licensing and Public Protection Committee’s use of reserves, the Savings Programme and the risks are also identified.

Signatures
 Paul Lankester
 Interim Assistant Director Regulation and Enforcement

Rebecca Hellard
 Director of Council Management

Date

List of Background Documents used to Compile this Report:

Licensing & Public Protection Revenue and Capital Budget 2021/22 – 10 March 2021
 Licensing & Public Protection Financial Monitoring 2021/22 - Quarter 1 – 08 September 2021
 Licensing & Public Protection Financial Monitoring 2021/22 - Quarter 2 – 10 November 2021
 Licensing & Public Protection Financial Monitoring 2021/22 - Quarter 3 – 09 March 2022

List of Appendices accompanying this Report (if any):

1. Appendix 1 - Financial Performance Statement at Outturn
2. Appendix 2 – Covid Related Pressures
3. Appendix 3 – Licensing and Ring-Fenced Activities
4. Appendix 4 – Expenditure on Grant Funded Services
5. Appendix 5 - Balances and Reserves

Report Version	2.0	Dated	20 June 2022
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Licensing and Public Protection Committee - Outturn 2021/22

Analysis A - Total per Service Area

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Outturn				
	Year End Budget 2021/22	Year End Actual 2021/22	Year End Variation 2021/22	Covid Pressure 2021/22	Non-Covid Variance 2021/22
	£'000	£'000	£'000	£'000	£'000
Neighbourhoods Directorate / City Operations					
Environmental Health	3,260	2,468	(792)	10	(802)
Pest Control	302	472	170	0	170
Registration Service	782	536	(246)	194	(440)
Coroners Courts	1,641	2,207	566	248	318
Trading Standards	1,067	999	(68)	58	(126)
Licensing (see Appendix 2)	20	0	(20)	0	(20)
Grants and PoCA (Appendix 3)	67	0	(66)	0	(66)
Inclusive Growth Directorate					
Public Rights Of Way	49	62	13	0	13
Highway Licences	(47)	(101)	(55)	0	(55)
NRSA Licences	(58)	(43)	15	0	15
Net Expenditure	7,084	6,601	(483)	510	(993)

Analysis B - Total per Type of Expenditure/Income

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Outturn				
	Year End Budget 2021/22	Year End Actual 2021/22	Year End Variation 2021/22	Covid Pressure 2021/22	Non-Covid Variance 2021/22
	£'000	£'000	£'000	£'000	£'000
Employees	15,480	14,825	(655)	228	(883)
Premises	914	1,122	208	0	208
Transportation	243	425	183	0	183
Supplies and Service	3,075	4,367	1,292	119	1,173
Capital Financing	242	272	30	0	30
Recharge Expenditure	744	844	99	0	99
Total Expenditure	20,698	21,856	1,157	347	810
Rev Income	(13,420)	(14,309)	(889)	163	(1,052)
Capital Funding, levies, interest	(195)	(230)	(35)	0	(35)
Appropriations to/from Reserves	0	(716)	(716)	0	(716)
Net Expenditure	7,084	6,601	(483)	510	(993)

PoCA - Proceed of Crime Act 2002

NRSA - New Roads and Street Works Act 1991

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Licensing and Public Protection Committee - Outturn 2021/22

Covid Related Pressures

		£'000	Full Year Covid 2021/22 £'000
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Neighbourhoods Directorate / City OperationsEnvironmental Health

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

Register Office

EC032	Register Office cost of additional contracted hours for officers	164	194
EC047	Register Office - cost of PPE/infrastructure for new working arrangements	7	
HW069	Register Office - cost of additional security for public access	23	

Additional contracted hours until March 2022 to meet statutory workload, PPE for public access areas, additional security for protection of public and to assist compliance.

Coroner

HW080	Coroner - additional admin support - from May 2020. Plus additional arrangement for jury inquests	46	248
HW087	Coroner - cost of additional contracted hours for Coroner Investigators	20	
HW100	Coroner - other additional costs including additional coroner over and above holiday cover plus additional assistant coroners above BAU additional supplies and room hire for social distanced inquests.	182	

Additional Admin Support, additional investigation staff, additional coroners cover (Above BAU holiday cover)

Trading Standards

EC055	Trading Standards investigation into Covid Business Grant Fraud	58	58
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Officer time and additional temporary staff directed to Covid related fraud interventions. Also additional professional services (e.g. phone forensics).

Forecast Covid Pressure 2021/22		510	510
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Licensing and Public Protection Committee - Outturn 2021/22

Expenditure on Licensing Ring Fenced Activities

VAN04F1200 Licensing Hackney Carriage Private Hire

CBP620 - Corporate Monitoring Report - Revenue	Year End Actual 2021/22
	£'000
Employees	515
Premises	1
Transportation	86
Supplies and Service	83
Recharge Expenditure	917
Total Expenditure	1,602
Income from Licensing	(1,046)
Net Expenditure	556
Appropriation from reserves	(556)

VAN04F1300 Licensing Entertainment & General

CBP620 - Corporate Monitoring Report - Revenue	Year End Actual 2021/22
	£'000
Employees	319
Premises	0
Transportation	0
Supplies and Service	92
Recharge Expenditure	611
Total Expenditure	1,022
Income from Licensing	(869)
Net Expenditure	153
Appropriation from reserves	(153)

VAN04F1400 Street Trading

CBP620 - Corporate Monitoring Report - Revenue	Year End Actual 2021/22
£'000	£'000
Employees	111
Premises	15
Transportation	1
Supplies and Service	15
Recharge Expenditure	0
Total Expenditure	142
Income from Licensing	(110)
Net Expenditure	32
Appropriation from reserves	(32)
Licensing Net Expenditure	741
Appropriation from reserves	(741)

Licensing and Public Protection Committee - Outturn 2021/22

Expenditure on Grant Funded Activities

England Illegal Money Lenders Team (IMLT)

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Outturn		
	Year End Budget 2021/22	Year End Actual 2021/22	Year End Variation 2021/22
	£'000	£'000	£'000
Employees	3,601	3,376	(225)
Premises	74	106	32
Transportation	77	80	3
Supplies and Service	464	486	22
Capital Financing	58	58	0
Recharge Expenditure	90	242	152
Total Expenditure	4,364	4,348	(16)
Grant Income	(4,254)	(4,315)	(61)
Capital Funding, levies, interest	(48)	(48)	0
Net Expenditure	62	(15)	(77)
Appropriation to Reserves	0	15	15

Regional Intelligence Team (RIT)

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Outturn		
	Year End Budget 2021/22	Year End Actual 2021/22	Year End Variation 2021/22
	£'000	£'000	£'000
Employees	233	306	73
Premises	2	7	5
Transportation	2	2	0
Supplies and Service	72	105	33
Capital Financing		0	0
Recharge Expenditure	21	12	(9)
Total Expenditure	330	432	102
Grant Income	(327)	(413)	(86)
Capital Funding, levies, interest	1	1	0
Net Expenditure	4	20	16
Net Appropriation from Reserves	0	(20)	(20)

Proceeds of Crime Act 2002 (PoCA)

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Outturn		
	Year End Budget 2021/22	Year End Actual 2021/22	Year End Variation 2021/22
	£'000	£'000	£'000
Expenditure	4	326	322
Income	(4)	(294)	(290)
Net Expenditure	0	32	32
Net appropriation from Reserves	0	(32)	(32)
Grants/ PoCA Net Expenditure	66	37	(29)
Net appropriation from Reserves	0	(37)	(37)

Licensing and Public Protection Committee - Outturn 2021/22

Use of Ring-Fenced Reserves

	Balance at 01Apr2021	Use of Reserves in 2021/22	Contribution to Reserves in 2021/22	Balance at 31Mar2022
	£'000	£'000	£'000	£'000
Ring-Fenced Licensing Reserves				
Hackney Carriage and Private Hire *	863	556	0	1,419
Entertainment and General *	169	153	0	322
Street Trading *	0	32	0	32
Ring-Fenced Grant Reserves				
England Illegal Money Lending Team	(348)	0	(15)	(363)
Regional Intelligence Team	(43)	43	(23)	(23)
Covid Enforcement / Compliance Support	(42)	42	0	0
Ring-Fenced Proceeds of Crime Act				
Trading Standards (Birmingham)	(493)	1	(81)	(573)
Trading Standards Specific Compensation	0	17	(99)	(82)
Regional Intelligence Team (Midlands)	(1)	0	(48)	(49)
Illegal Money Lending (England)	(581)	300	(58)	(339)
Total	(476)	1,144	(324)	344
		Net appropriations in 2021/22	820	

BIRMINGHAM CITY COUNCIL

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

**29 JUNE 2022
ALL WARDS**

LICENSING AUTHORITY POLICIES, PROCEDURES AND DELEGATIONS

1. Summary

- 1.1 This report outlines the policies, procedures and delegations, which have been built up over many years in relation to licensing authority issues, allowing the Licensing Authority to delegate the bulk of the administration associated with the licensing regime to be carried out by Officers.
- 1.2 It also ensures that the Committee itself acts in a manner which is as open and consistent as circumstances allow.
- 1.3 The report consolidates existing policy, procedures and delegations for clarity and ease of reference.

2. Recommendations

- 2.1 The Committee approve the schemes of delegation detailed within the report.

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3. Background

- 3.1 The City Council has a number of licensing, regulatory and registration powers and duties and the exercise of these powers and duties is delegated to the Licensing and Public Protection Committee. The granting and issuing of specific licences, permits and registrations is delegated to the Interim Assistant Director of Regulation and Enforcement on the understanding that any applications giving rise to concern or difficulty may be referred to the Licensing and Public Protection Committee or its sub-committees for determination where appropriate.
- 3.2 As detailed in the Constitution, formulation of a strategic policy sits with the Executive, unless otherwise specified in legislation. In the case of licensing and registration, this falls within the remit of the Leader of the Council.
- 3.3 The Licensing and Public Protection Committee is responsible for all other aspects of the licensing and registration function, save for Scrap Metal (See Section 5 below) and hackney carriage fares and as such will have the opportunity to influence any proposed new policies or changes to existing policies.
- 3.4 The Licensing Service is responsible for the administration of grants, renewals and transfers as appropriate of hackney carriage and private hire vehicles, drivers and operators licences and for issuing licences under the Licensing Act 2003 and Gambling Act 2005, sex establishment, street trading and animal welfare legislation, and issuing permits for charitable collections and massage and special treatments etc. as well as the associated variations, amendments and transfers, which are carried out under policies delegated by your Committee.

4. Licensing and Public Protection Committee

- 4.1 The licensing function of the City Council is disposed of through the processes and procedures of the Licensing and Public Protection Committee, sub-committees and officers by virtue of the Local Government Acts and other relevant statutory provisions.
- 4.2 The Court of Appeal stated in the “Hope and Glory” case (2011) that the licensing function of the licensing authority is an administrative function, by contrast with the function of the magistrates, which is a judicial function. The Court of Appeal said this:

“The licensing authority has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure, but the decision itself is not a judicial or quasi-judicial act. It is the exercise of power delegated by the people as a whole to decide what the public interest requires.”

This means that it must act in accordance with the two rules of natural justice. These are firstly that everyone has a right to be heard and secondly the rule against bias.

- 4.3 The right to be heard requires that a person directly affected by the matter under consideration must be given a fair opportunity both to state his/her case and to know of and to respond to any objections.
- 4.4 The rule against bias prohibits members participating in any decision if they have a financial or other interest in the outcome. Members will be familiar with this requirement from their general duties as Councillors.
- 4.5 Further guidance on the determination of matters concerning licensing appears at Annexe 1.
- 4.6 In September 2016 Members of the Licensing and Public Protection Committee agreed a Code of Conduct for its members, when sitting as the Licensing Committee. This Code was adopted into the Constitution in September 2019 by City Council.
- 4.7 The provisions as set out in the appendices to this report summarise the Council's policies in respect of the activities it licences.
- 4.8 The Statutory Policies have review mechanisms built in which require them to be reviewed or revised on a regular basis.

5. Matters Outside of the Licensing and Public Protection Committee Scope

5.1 Scrap Metal:

Matters relating to Scrap Metal Dealers are defined by legislation as an executive function of the City Council and cannot be determined by the Licensing and Public Protection Committee. Your officers still carry out the functions, but under a Policy and delegations reported to the appropriate Cabinet Member.

5.2 Safety at Sports Grounds – Safety Advisory Groups (SAGs).

Previously, it has been the Licensing and Public Protection Committee who nominated the elected members to sit on Safety at Sports Grounds SAGS. This responsibility now lies with Full Council with up to 4 members per group.

6. Consultation

- 6.1 This report seeks to reproduce in one document a number of policies which have been implemented over a number of years.
- 6.2 Any new policies or significant amendments to existing policies will be subject to a consultation process where appropriate.

7. Implications for Resources

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

8. Implications for Policy Priorities

- 8.1 The issues addressed in this report relate to the City Council outcome 4 "Birmingham is a great, clean and green city to live in".

9. Public Sector Equality Duty

- 9.1 This report seeks to reproduce in one document a number of policies which have been implemented over a number of years. It does not seek to introduce any changes which would impact upon the protected characteristics.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Birmingham City Council Constitution

APPENDIX 1

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING	
Policy Document	
<p>This document details the policies of the Licensing and Public Protection Committee applicable to Hackney Carriage and Private Hire. Policies are codified for ease of reference, and legislative requirements are also cited for completeness and clarity.</p>	
<p>The legislation impacting on hackney carriage and private hire vehicles is the Town Police Clauses Act 1847, Birmingham City Council Hackney Carriage Byelaws 2008, the Local Government (Miscellaneous Provisions) Act 1976, Transport Act 1985, and the Equalities Act 2010.</p>	<p>TPCA 1847, LGMPA 76, TA 85, EA 2010</p>
<p>Although both hackney carriages and private hire vehicles are licensed to carry passengers, there is a distinct difference in the way vehicles can be made available for hire.</p>	<p>TPCA s45</p>
<p>Hackney carriages (“black cabs”) are the only vehicles licensed to ply for hire, which means that they may stand on taxi ranks, respond to a flag down in the street, and are generally available for immediate hiring.</p>	<p>TPCA s45</p>
<p>Private hire vehicles must be pre-booked in advance, through a licensed private hire operator and may not use taxi ranks, respond to a flag down in the street, or be offered for immediate hiring.</p>	<p>TPCA s45</p>
<p>Hackney carriage vehicles must be fitted with a taximeter which calculates the fare according to time and distance travelled.</p>	<p>TPCA s68</p>
<p>The meter is tested and sealed to ensure accuracy and compliance with the fare structure agreed by the Council (this is an Executive function).</p>	<p>(byelaw 6)</p>
<p>The current table of fares must be displayed in the vehicle.</p>	<p>TPCA s68 (byelaw 10)</p>
<p>There is no power for the licensing authority to control the fares charged for private hire journeys, the fare structure for each company being set by the licensed operator.</p>	
<p>Conditions of licence require the operator’s table of fares to be displayed inside each private hire vehicle.</p>	<p>Conditions (new combined condition 12)</p>
<p>Although both hackney carriages and private hire vehicles are commonly referred to as taxis, the word “taxi” has a statutory definition, by virtue of the Transport Act 1985, and may only be applied to a licensed hackney carriage.</p>	<p>TA 1985 s13</p>
<p>For this reason Birmingham’s licensing conditions prevent private hire operators, vehicles or drivers from using the words “taxi” or “cab” in relation to their business.</p>	<p>Conditions (Operator 17)</p>
<p>The hackney carriage fleet is made up exclusively of purpose-built cabs, all of which are equipped for wheelchair accessibility.</p>	<p>Policy HCV1</p>
<p>At present there is a moratorium on the issue of new hackney carriage vehicle licences which was agreed by the former Licensing Committee in September 2008. This moratorium was reviewed in September 2010 and again in September 2014 and 2017 whereupon it was extended for a further three years. The Committee has the authority to revert to the previous arrangements, whereby no limits were imposed, if that is considered appropriate.</p> <p>**The review of the moratorium is currently in abeyance until the effects of the pandemic/lockdown have subsided.</p>	<p>Policy HCV2</p>

In addition to the requirements for an annual vehicle inspection and meter test, vehicle owners must also produce insurance for the vehicle, covering its use for public or private hire as appropriate before a licence can be issued. Further, the insurance for licensed vehicles must be maintained continuously throughout the duration of the licence.	Policy Veh1
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Licensing Hackney Carriage and Private Hire Drivers	
Individuals must satisfy the authority that they are fit and proper to be licensed drivers.	LGMPA 76 s51
<p>The following application process is designed to ensure services delivered within the City are of a good standard and is subject to the appropriate fees being paid:</p> <ul style="list-style-type: none"> • application received • entitlement to drive in the UK checked • entitlement to work in the UK checked • knowledge test • criminal record check • medical • driving test • disability and safeguarding awareness course ('The awareness course') • licence fee paid • licence issued • (It may be necessary for an application to be referred to for a decision at any stage of this process.) 	
Application Received:	
The application form will be checked and details entered onto the Licensing Service computer system.	
Entitlement to drive in the UK Checked:	
An EU or EEA licence is acceptable as long as the counterpart licence issued by DVLA (for EU and EEA drivers) accompanies it. However, vocational drivers may not drive indefinitely on an EU or EEA licence and must produce a United Kingdom DVLA driving licence if they have been resident in the UK for five years or more. An applicant for a hackney carriage or private hire driver's licence must have held a full DVLA driver's licence (or EU equivalent) for at least two years.	Policy DVLA1

Entitlement to work in the UK checked	
The Immigration Act 2016 (the 2016 Act) amended existing licensing regimes in the UK to seek to prevent illegal working in the private hire vehicle (PHV) and taxi sector. With effect from 1 December 2016, the provisions in the 2016 Act prohibit any licensing authorities across the UK from issuing to anyone who is disqualified by reason of their immigration status. This duty is discharged by conducting immigration checks. Birmingham City Council has been checking a new applicant's right to live and work in the UK since 2009, so the impact of this new legislation has been minimal.	IMMIGRATION ACT 2016
Knowledge Tests	
Knowledge folders are prepared annually for hackney carriage licences and should remain current for three years from the date of first issue (in exceptional circumstances it may become necessary to amend this duration).	Policy KT1
An applicant may take the test associated with a knowledge folder at any time after issue, up to and including the expiry date subject to test appointment availability.	Policy KT2
Candidates absent or cancelling, within five clear working days, without an adequate and evidenced reason will forfeit their test fees.	Policy KT4
Knowledge folders contain a combination of legal, licence condition, route and two point location questions applicable to the licence type. Candidates must identify and memorise the answers to those questions and answer a selection of questions as detailed below.	Policy KT5
Knowledge Test - Hackney Carriage	
The hackney carriage knowledge test is conducted in-house and under normal test conditions (no communication with another person except the examiner, no reference to any material during the test except the test paper).	PolicyHCKT1
The test must be completed within two hours if conducted verbally, and three hours if written. (If a candidate wishes to take a written knowledge test, they must also complete the verbal communications test (VCT).)	PolicyHCKT2
The test consists of 106 questions (6 legal, 80 two-point locations and 20 routes) selected at random from the relevant knowledge folder.	PolicyHCKT3
All six legal questions must be answered fully and correctly.	PolicyHCKT4
The applicant must answer 90% of the remaining routes and two point location questions correctly in order to pass the test.	PolicyHCKT5
The applicant must pass this test to progress their application and is allowed three attempts.	PolicyHCKT6
The application process is terminated if the applicant fails the third test. The applicant can re-apply after a period of twelve months from the date of the last failed knowledge test.	PolicyHCKT7
Knowledge Test Private Hire	
The private hire knowledge test is conducted under normal test conditions (no communication with another person except the examiner, no reference to any material during the test except the answer sheet).	Policy PHKT1
The test is intended to check basic English and communication skills and understanding of Law and licence conditions applicable to a private hire driver. The test does not require any geographical knowledge. The test consists of eighteen questions, six on The Law, six on conditions of licence and further six questions about plying for hire.	Policy PHKT2

The test is conducted verbally and candidates indicate the correct answer on a multiple choice answer sheet.	Policy PHKT3
No more than two wrong answers are allowed in each of the Legal and Conditions sections and a candidate giving three wrong answers in one of those sections will fail the test outright.	Policy PHKT4
The six plying for hire questions must all be answered correctly. Failure to do so is an outright failure of the test.	Policy PHKT6
An applicant is allowed three attempts at a test.	Policy PHKT7
The application process is terminated if the applicant fails the third test. The applicant can re-apply after a period of twelve months from the date of the last failed knowledge test.	Policy PHKT8
All forms of mobile communication device are barred from the test and must be switched off and placed on the table in full view of the examiner before the test begins. Any person found attempting to use a mobile device or whose mobile device activates in any way during the test will be disqualified.	Policy PHKT9
Criminal Record Check	
All applicants and drivers are required to undertake an enhanced Disclosure and Barring Service (DBS) check. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 and convictions are, therefore, never spent.	PolicyDBS1
On initial application, and every three years thereafter, where a licence is granted a driver will be subject to a criminal record check facilitated by the DBS.	PolicyDBS2
Where the DBS check reveals cautions or convictions relating to drugs, dishonesty, violence, or offences of a sexual nature, or reveals any information giving cause for concern, the applicant, or licensed driver will be referred to the Licensing Sub-Committee where the individual's fitness to hold a licence will be considered, unless those matters have already been taken into consideration and passed by Committee.	PolicyDBS3
All new applicants who have been resident abroad as adults must produce evidence of good conduct in that country or the equivalent of a DBS disclosure before their application can be considered. Any matters revealed will be dealt with in the same way as any revealed by the DBS check.	PolicyDBS4
An applicant who has fled an oppressive regime or has other reasonable grounds to believe that obtaining such documentation would be impossible or dangerous may apply for an exemption and should support that application with a Statutory Declaration and a verifiable character reference from an individual employed in a Prominent 'Regulated Occupation'. Further details in this respect are available on request.	PolicyDBS5
Drivers' licences are currently renewed at the choice of the licensee for one, two or three years, to coincide with the DBS check.	
On renewal, applicants are required to show their current DVLA driving licence for any possible endorsements. This is done by producing their (valid) photocard AND a check code issued by DVLA. This can be obtained at https://www.gov.uk/view-driving-licence	Policy DVLA1
Where a DVLA driving licence check reveals matters or information that gives cause for concern the application can be referred for consideration in accordance with the scheme of delegations (unless previously considered and passed by Committee).	Policy DVLA2
Medical	
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.	Policy Med1

Once licensed, drivers remain subject to further medical checks as follows: <ul style="list-style-type: none"> • Drivers aged 45 and under - every 5 years • Drivers between 45 and 64 - every 3 years • Drivers 65+ - every year. (unless otherwise specified by Occupational Health)	Policy Med2
Driving Test	
Qualified examiners based within the City Council's Driver Training Service conduct the driving test.	Policy DT1
The applicant must pass the test in order to progress their application and is allowed three attempts.	Policy DT2
The application process is terminated if the applicant fails the third test.	Policy DT3
The applicant is eligible to re-apply after a period of twelve months from the date of the last driving test.	Policy DT4
Disability and Safeguarding Awareness Training	
All new applicants for the grant of a driver's licence must undergo the Birmingham City Council approved awareness training. The course is mandatory and subject to a fee, payable by the applicant.	Policy AT1
Fee Paid and Licence Issued	
An application will not be considered complete until such time as all fees have been paid. A licence is issued with attached conditions and the licensee is considered to have accepted those conditions unless appealed to Magistrate's Court within 21 days of issue, or granted exemption /alternative by a Licensing Sub-Committee.	LGMPA 76 s53
Whilst an application for the grant of a licence is pending the applicant will undertake such tests and checks as the Licensing and Public Protection Committee deem appropriate and this may include new tests introduced whilst the application is in progress.	Policy APP2
An incomplete application on which there has been no activity for a period of twelve months or more, will be deemed abandoned and treated as withdrawn. Where an applicant returns to the Licensing Service to pursue an application deemed abandoned they will be required to submit new forms and undertake all tests.	Policy APP3
Driver Licence- Renewal	
A driver's licence is eligible for renewal from a date ten weeks prior to the expiry of the licence. The renewal of a licence will be subject to the policies relating to medicals, DBS checks, outstanding enforcement issues, and DVLA licence checks. An expired driver's licence may be renewed up to one calendar month after the expiry date.	Policy DREN1
Late renewal	
The period of one month after the licence has expired is referred to as the "late renewal period" and any renewal application submitted within the late renewal period will attract the fee associated with the grant of a licence. Any application submitted more than one month after expiry will be considered a new application and will be required to include all tests and checks applicable to a new application. Where there are exceptional circumstances which may warrant an exemption from that requirement, Officers may refer the matter for consideration in accordance with the scheme of delegations for determination or to agree a later renewal.	Policy DREN2

Multiple Driver Licence Types	
If a driver already holds one type of licence and applies for another type of licence they must undergo all the relevant tests that were either not applicable or not in force at the time the first licence was granted.	Policy MultiBadge 1
In any case where a medical or DBS check on the original licence is more than 12 months old, an applicant will be required to undertake another, the new check becoming current for both licences.	Policy MultiBadge 2
Driving test and Disability and Safeguarding course passes can be carried over to the new application.	Policy MultiBadge 3
Private Hire Knowledge test passes will not be carried over for Hackney carriage Badge applications.	Policy MultiBadge 4
Any person may request their application be referred for consideration in accordance with the scheme of delegations; however, the Head of Licensing or their nominated deputies, in consultation with the Chair of the Licensing and Public Protection Committee, may refuse such a request where the request is considered to be frivolous, vexatious or repetitious.	Policy-SubRefusal
Lost or Stolen Driver Licence (Badge)	
In the event a badge is lost or stolen this information must be reported to the Licensing office within three working days (not including Saturday and Sunday).	Policy LossBadge1
If the badge has been stolen the Police must be informed and a Police report number obtained.	Policy LossBadge2
If the badge has been lost a declaration to this effect must be made to the Licensing Offices.	Policy LossBadge3
A replacement badge will be issued on payment of a fee and satisfactory driving licence checks.	Policy LossBadge4
A person may not legally work as a hackney carriage or private hire driver without being in possession of a current badge.	LGMPA 76 s54(2)(a)

Licensing Hackney Carriage and Private Hire Vehicles	
The Law states no-one can drive a hackney carriage or private hire vehicle licensed by Birmingham City Council unless they are licensed to do so i.e. they hold a current valid hackney carriage or private hire driver's licence, as appropriate, issued by Birmingham City Council.	LGMPA 76 s46
Insurance	
Vehicle proprietors must produce current, valid, insurance covering the use of the vehicle for public or private hire as applicable, before a licence can be issued.	LGMPA 76 s48(1)(b)
Transfer of vehicle licence	
Transfer of interest in a licence shall be completed only when the old identity plate(s) and licence are returned to the Licensing Office.	Policy Transfer1
If this cannot be done, the previous owner must sign a declaration informing the Licensing Office of the whereabouts of the vehicle identity plates or the reason the identity plates cannot be produced. This declaration will be used to assist in progressing with the transfer application.	Policy Transfer2
The transfer fee will be charged where interest in a vehicle licence is transferred to another proprietor. Where a renewal or replacement is conducted simultaneously both fees will be due.	Policy Transfer3
Vehicle Replacement	
The replacement fee will be charged when a vehicle is replaced during the life of a licence. Where a renewal or transfer is conducted simultaneously both fees will be due. If transfer, replacement and renewal transactions are conducted simultaneously the replacement fee will be waived.	Policy REP1
Lost or Stolen Vehicle Licence (Plate)	
In the event a vehicle identity plate is stolen the Police must be informed and a Police report number obtained. If the identity plate is lost a signed declaration must be made to this effect. This information must be reported to the Licensing Office within three working days. A replacement plate will be issued on payment of a fee and production of a valid insurance document and DVLA driving licence.	Policy LossPlate1
Licensing a vehicle registered to another keeper:	
Where an applicant for a vehicle licence provides a registration document indicating that the registered keeper is another individual, or legal entity, the applicant will be required to provide a letter from the registered keeper indicating that use of the vehicle as a hackney carriage or private hire vehicle by the applicant, is done with their full knowledge and consent.	Policy Keeper1
Where an applicant for a vehicle licence provides a registration document indicating that the registered keeper is another individual, or legal entity, the applicant will be required to provide a letter from the insurers indicating that they are aware of the arrangement and content to provide appropriate insurance cover in those circumstances.	Policy Keeper2

Expired Hackney Carriage Vehicle Licence	
When a hackney carriage vehicle licence has expired and more than one calendar month has elapsed any attempt to re-licence the vehicle must be considered in accordance with the scheme of delegations.	Policy ExpHack1
Approved Vehicle Types – Hackney Carriage	
The Licensing Authority has set down a series of specifications that a vehicle will need to comply with prior to it being accepted as a licensed vehicle:	
<ul style="list-style-type: none"> Vehicles specifically adapted for wheelchair carriage which meet the M1 European standard. All vehicles must meet the requirements of the Specification for wheelchair accessible HCV's. 	Policy HCVSpec1
<ul style="list-style-type: none"> Any M1 vehicle adapted to be a hackney carriage where the adaptations are approved by the Vehicle Certification Agency (VCA) and the adaptations have VCA certification to European Whole Vehicle Type Approval (EWVTA) or G/B/ Low Volume (Small Series) Type Approval. 	Policy HCVSpec2
<ul style="list-style-type: none"> The front seat of a hackney carriage vehicle will not be included in the seating capacity indicated on the vehicle licence. 	Policy HCVSpec3
<ul style="list-style-type: none"> Any MPV or van derived M1 class vehicle to be licensed as a hackney carriage must be black in colour and must not be fitted with full-body advertising livery. 	Policy HCVSpec4
<ul style="list-style-type: none"> Purpose built Hackney Carriage vehicles cannot be licensed for the purposes of private hire. 	LGMPA 76 s48(1)(a)(ii)
<ul style="list-style-type: none"> With effect from 1 January 2026, any new or replacement vehicle presented for licensing must qualify as an Ultra Low Emission Vehicle (ULEV) 	Policy HCVSpec5
Approved Vehicle Types – Private Hire	
The private hire licensing provisions apply to a variety of vehicles ranging from four-door saloon vehicles to people carriers, however, those vehicles should be:	
<ul style="list-style-type: none"> built to M1 specification. 	Policy PHVSpec1
<ul style="list-style-type: none"> be capable of carrying a minimum of four average sized adults in comfort. 	Policy PHVSpec2
<ul style="list-style-type: none"> All vehicles must be right hand drive and must not have fewer than four road wheels. 	Policy PHVSpec3
<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 PHVSpec4
<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 PHVSpec5
<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 PHVSpec6
<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, unless they meet the minimum seat size requirements. 	Policy PHVSpec7

<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 PHVSpec8
<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 PHVSpec9
<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 PHVSpec10
<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 PHVSpec11
<ul style="list-style-type: none"> Seat belts must be provided for all passengers according to the licensed capacity of the vehicle. 	Policy PHVSpec12
<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 PHVSpec13
<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 PHVSpec14
<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 PHVSpec15
<ul style="list-style-type: none"> With effect from 1 January 2026, any new or replacement vehicle presented for licensing must qualify as an Ultra Low Emission Vehicle (ULEV) 	Policy PHVSpec16
Private Hire Vehicle Signage Requirements	
<ul style="list-style-type: none"> Unless specifically granted exemption to all or part of the private hire vehicle signage policy, all licensed private hire vehicles must display the full range of prescribed signage throughout the duration of the licence. 	Policy PHVSign1
<ul style="list-style-type: none"> The rear licence plate must be fixed to the exterior rear of the vehicle, in such a position as to be clearly visible. The plate should be attached using a purpose made bracket, or other appropriate fixing in order to render it impossible to remove without the use of tools. 	Policy PHVSign2
<ul style="list-style-type: none"> The Semi-permanent door signs must be applied to the centre of both rear passenger doors and must remain in place for the duration of the licence 	Policy PHVSign3
<ul style="list-style-type: none"> The double sided front windscreen sign must be fixed inside the nearside bottom corner of the windscreen, in a position where it is visible to an observer outside the vehicle and to a front seat passenger. 	Policy PHVSign4
<ul style="list-style-type: none"> A Call Sign number, to be issued by the Licensed Operator, must be displayed in the upper nearside corner of the rear window and the upper nearside corner of the front windscreen. 	Policy PHVSign5
<ul style="list-style-type: none"> All plates and signage displayed on the vehicle must be kept clean, unobstructed and must not be altered or tampered with in any way. 	Policy PHVSign6
<ul style="list-style-type: none"> A private hire vehicle must not be driven or operated, unless it is displaying in the manner prescribed, the vehicle identification plates, which must remain continuously attached throughout the duration of the licence, unless the licence is surrendered, suspended or revoked. 	Policy PHVSign7
<ul style="list-style-type: none"> No Smoking signage must be displayed in the vehicle and comply with current smoke free legislation. 	Policy PHVSign8

<ul style="list-style-type: none"> Private Hire Operator Door Signs must be displayed on the front doors of the vehicle whenever the vehicle is employed on a job or available for dispatch. Vehicles MUST display the door sign appropriate to the job on which they are employed and MUST NOT display more than one door sign at the same time or display the door sign for one operator, when undertaking work on behalf of another. 	Policy PHVSign9
<ul style="list-style-type: none"> The plates and signage may only be displayed on the Birmingham City Council licensed private hire vehicles for which they were issued. No one may cause or permit the plates or signs to be placed on any other vehicle. 	Policy PHVSign10
<ul style="list-style-type: none"> If a Private Hire Vehicle Licence expires, is suspended, revoked or refused renewal, the vehicle identity plates issued by the Licensing Authority, must be returned to the Licensing Office within 7 days. 	Policy PHVSign11
<ul style="list-style-type: none"> Vehicles granted exemption from any of the requirements of the Private Hire Vehicle Signage Policy must carry the exemption letter at all times and it must be produced on request to a Police Officer or an authorised officer of Birmingham City Council or any other local licensing authority. 	Policy PHVSign12
Transfer of Hackney Carriage Vehicle Licence	
A proprietor of a hackney carriage vehicle may replace, swap or change their vehicle with another licensed hackney carriage vehicle provided it is less than 15 years old..	Policy HCVTran1
In this policy it is understood that the licence and its related vehicle will remain together and not be separated.	Policy HCVTran2
Transfer of Private Hire Vehicle Licence	
Private hire vehicle licences may only be transferred to a vehicle that is less than 8 years old.	Policy PHVTran1
The licence to be transferred into the proprietor's name must relate to a vehicle, that is less than 12 years old. Failure to comply with this policy will result in the private hire vehicle licence being transferred for the duration of the life of the licence; however, the Council will refuse to renew that licence when it expires.	Policy PHVTran2

Replacement of Hackney Carriage Vehicle Licence	
A hackney carriage vehicle licence may only be transferred to another vehicle (that is to say separated from its related vehicle and moved to another vehicle) that is younger/newer than the age of the vehicle currently licensed.	Policy HCVRRep1
Replacement of Private Hire Vehicle Licence	
A licensed private hire vehicle can only be replaced with a vehicle which, is less than 8 years old at the time of the transaction.	Policy PHVRep1
Failure to comply with this policy will result in the refusal of the application.	Policy PHVRep2
Age Limit – Hackney Carriage Vehicles	
No vehicle over the age of 15 years will be granted a licence.	Policy HCVAge1
No vehicle over the age of 15 years will have its licence renewed	Policy HCVAge2
Age Limit - Private Hire Vehicles	
No vehicle over the age of 8 years will be granted a licence.	Policy PHVAge1
No vehicle over the age of 12 years will have its licence renewed	Policy PHVAge2
Clean Air Zone Mitigation Exemption for Hackney Carriage Vehicles	
A limited exemption from the moratorium on the issue of new hackney carriage vehicle licences can be allowed for proprietors of hackney carriage vehicles who surrender or allow their vehicle licence to expire between 1 January 2019 and 1 January 2024, to the effect they may apply for the grant of a new hackney carriage vehicle licence irrespective of any moratorium requirement, so long as the applicant meets all of the qualifying criteria below. The vehicle must be of a suitable type and all licensing prerequisites applicable at the time of licensing must be complied with	Policy MitEx1
<ul style="list-style-type: none"> The applicant must be a hackney carriage proprietor who held a current, valid hackney carriage vehicle licence between 1 January 2019 and 1 January 2024. Entitlement to request a new issue hackney carriage plate cannot be transferred to any other party. 	Policy MitEx2
<ul style="list-style-type: none"> The licence in question must have expired or been surrendered between those dates. There will be no entitlement to request issue of a new licence if the original vehicle was sold and/or the licence was transferred to another proprietor. 	Policy MitEx3
<ul style="list-style-type: none"> The transaction must be completed within 24 calendar months to the day of the surrender or expiry of the original licence. Any attempt to obtain a licence after that period, will be treated as a normal grant request and dealt with according to the normal requirements of a grant application, including any restrictions on the issue of new plates applicable at the time of the new application. 	Policy MitEx4
<ul style="list-style-type: none"> A new issue hackney carriage vehicle licence can be issued for a suitable vehicle qualifying as a replacement for the last vehicle associated with the expired or surrendered licence, subject to compliance with the replacement vehicle policies and any requirements of the CAZ applicable at the time of application. 	Policy MitEx5

<ul style="list-style-type: none"> The transaction will be a new licence application and the fees charged will be those appropriate to a new licence application at the time of the transaction. 	Policy MitEx6
<ul style="list-style-type: none"> All normal requirements for the issue of a licence will apply, including but not limited to MOT, insurance, log book, age and emission standards applicable at the time of the transaction. 	Policy MitEx7
Vehicle Testing – ALL Vehicles	
All vehicles are subject to a standard MOT test to determine mechanical fitness and a more stringent supplementary test dealing with the vehicle's condition, appearance and suitability prior to licensing.	LGMPA 76 s48
An MOT certificate presented for the purpose of replacement of a vehicle or the renewal or granting of a licence must be less than ten weeks old at the time of the transaction, that time period to be calculated from the date of inspection.	Policy Veh2
The law provides that a private hire vehicle cannot, in its type, design or identification, lead anyone to believe that it is a hackney carriage.	LGMPA 76 s48(1)(a)(ii)
Private Hire Operators	
All Birmingham licensed operators must operate from premises within the City boundaries.	LGMPA 76 S46
Operators' fares are not regulated but each operator is required to ensure that their particular charges are displayed or available on request to each person travelling in a private hire vehicle.	(new combined condition 12)
An applicant for the grant of or renewal of an operator's licence will be asked to disclose details of any previous convictions and also an applicant for the grant of an operator's licence will be asked for details of any previous experience of working within the private hire industry including any other licences held, either currently or previously and whether any such licence has ever been revoked or suspended for any reason..	Policy Op1
Planning permission must be obtained for the premises where the operation is to be based, unless the applicant can provide confirmation from the Planning Department that such permission is not required.	Policy Op2
The records to be maintained include records of all journeys undertaken, and information and documentation relating to the vehicles and drivers operated, together with their "call signs".	LGMPA 76 s56
The fee payable for an operator's licence reflects the structure of the operation and the number of drivers and vehicles managed, in that it is set according to the officer time afforded to the licence. This fee is payable at the time the application is submitted.	Policy Op3
Renewal applications for operator licences must be submitted to the Licensing Office at least 14 days before expiry, fully completed and with all necessary accompanying paperwork.	Policy Op4
Failure to comply with this requirement may prevent a new licence from being issued on or before the expiry of the old licence.	Policy Op5
Private Hire Operator Door Signs	
Operators must provide a pair of appropriate door signs for each vehicle operated by their company and take steps to ensure drivers fix the signs in the centre of the front doors of their private hire vehicles, whenever employed on a job or available for dispatch.	Policy OpSign1
Operator Door signs may be of such design as the operator deems appropriate, subject to compliance with the following requirements.	Policy OpSign2

<ul style="list-style-type: none"> The sign must include the company name as displayed on the licence certificate. 	Policy OpSign3
<ul style="list-style-type: none"> The sign must include the phrase BE BOOKED, BE INSURED, in block capital letters using as a minimum 120 point Arial font (30mm in height) in a contrasting colour, so as to be easily seen. 	Policy OpSign4
<ul style="list-style-type: none"> The sign must not be designed either in colour or style, to mimic the sign used by another operator in Birmingham or any surrounding authority 	Policy OpSign5
<ul style="list-style-type: none"> Any new sign must be approved by officers before being issued for use on vehicles. As such it is recommended a draft copy be submitted for approval before signs are printed. A sign considered inappropriate by officers, must not be issued to drivers. 	Policy OpSign6
Committee Policies Relating to Hackney Carriage and Private Hire Drivers	
An applicant for a hackney carriage or private hire driver's licence must have held a full DVLA driver's licence for at least two continuous years.	Policy Dri1
Disqualification from Driving	
The Licensing Service will not be disposed to grant new applications or applications for renewal of hackney carriage or private hire driver's licences from persons who have been disqualified from driving until such time that such applicants have gained sufficient recent driving experience and become re-acquainted with driving conditions following reinstatement of DVLA licences; further that the period of further driving experience should be at least equivalent to the period of disqualification. For example, a driving disqualification of six months will mean a rehabilitation period of six months from the date the DVLA licence is reinstated. However, a rehabilitation period may be reduced at the discretion of the Committee where an applicant has successfully completed an approved driving course as part of the sentence.	Policy Dri2
Driving Offences Associated with Drink or Drugs	
The Licensing Service will not be disposed to grant or renew applications for licences to drive hackney carriage or private hire vehicles where the applicant has been convicted of a driving offence associated with drink or drugs under the Road Traffic Acts for the following periods, following reinstatement of the DVLA driving licence In the case of disqualification a minimum of two years if the period of disqualification is longer Policy Dri2 will apply. two years where there is no disqualification.	Policy Dri3

Plying For Hire: First and Any Subsequent Offences	
Drivers convicted of a first offence of plying for hire, and driving with no insurance should be revoked.	Policy Dri4
Drivers convicted only of plying for hire should be subject to suspension for a minimum period of six months for the first offence.	Policy Dri5
For any subsequent offence, consideration should be given to the ultimate penalty of revocation of a drivers licence.	Policy Dri6
Refusal of Applicants with a Conviction for any Sexual Offence	
An applicant with a conviction for any sexual offence should normally be refused.	Policy Dri7
An Applicant Refused or Revoked by another Authority	
Where an applicant has had a licence refused or revoked by another local authority, that application shall be referred to and determined by the Licensing Sub-Committee.	Policy Dri8
Further Applications from Applicants or Drivers Refused or Revoked	
An application for the grant of a hackney carriage or private hire driver's licence must be referred to the Licensing Sub-Committee for determination under any of the following circumstances:	Policy Dri9
<ul style="list-style-type: none"> • application previously refused; 	Policy Dri10
<ul style="list-style-type: none"> • licence previously revoked or refused upon renewal; 	Policy Dri11
Further, an application will not be considered within 12 months of the date of refusal, revocation or unsuccessful appeal, whichever is the later.	Policy Dri12
Refusal of Applicants with a Conviction for a Drugs Related Offence	
An applicant with a conviction for a drug-related offence should normally be refused.	Policy Dri13
Failure of Three or More Knowledge Tests per Application	
Where an applicant has failed three knowledge of the city tests in connection with an application for a hackney carriage or private hire driver's licence, that application will be refused on the grounds that the person is not considered to be a fit and proper person to hold such a licence.	Policy KT6
An applicant may re-submit an application for the grant of a driver's licence one year after the date of the third knowledge test. This application will be treated as a new application and the applicant must undertake and pass the appropriate tests.	Policy KT7
Failure of Three Driving Tests per Application	
Where an applicant has failed three driving tests in connection with an application for a driver's licence that application will be refused on the grounds that the applicant is not considered to be a fit and proper person to hold such a licence.	Policy DT3
An applicant may re-submit an application for the grant of a driver's licence one year after the date of the third driving test, however, should a further failure occur this application will be presented for consideration in accordance with the scheme of delegations	Policy DT4

Working Dogs	
Since March 2001 licensed hackney carriage and private hire drivers in England have been under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers can apply for an exemption from the duty on medical grounds if they have a condition that is aggravated by contact with dogs to allow them to continue in the trade. Drivers must comply with the requirements of the exemption.	EA 2010 s168-171
Wheelchair Accessibility	
licensed hackney carriage and private hire drivers must: <ul style="list-style-type: none"> • transport wheelchair users in their wheelchair • provide passengers in wheelchairs with appropriate assistance • charge wheelchair users the same as non-wheelchair users 	EA 2010 s165
Suspension, Revocation and Refusal to Renew Licences	
A hackney carriage or private hire vehicle licence may be subject to suspension, revocation or refusal, or renewal, by the Licensing Sub- Committee, on the following grounds: <ul style="list-style-type: none"> • The vehicle is unfit for use as a hackney carriage or private hire vehicle. • Any offence or non-conformity with the legislative provisions by either the operator or the driver. • Any other reasonable cause. 	
A hackney carriage or private hire driver's licence may be suspended, revoked or refused on renewal the following grounds: <ul style="list-style-type: none"> • Since the grant of the licence the driver has been cautioned or convicted of an offence involving drugs, dishonesty, indecency or violence. • Any offence or non-compliance with the legislative provisions by the driver. • Any other reasonable cause. 	LGMPA 76 s61
In all the above cases, and where applicants for the grant of a licence have been refused, there is a right of appeal against the decision to the Magistrates' Court. The outcome of all appeals is reported to the Licensing and Public Protection Committee on a regular basis.	LGMPA 76 s61-63

Immediate Action on the grounds of Public Safety:

Where information is received regarding a licensed driver which indicates there may be an immediate risk to public safety, that information will be shared with the Chair of the Licensing and Public Protection Committee to consider the immediate suspension or revocation of the driver's licence. Such action to be reported to the next available Licensing and Public Protection Committee as part of the Actions Taken by the Chair between Meetings report.

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

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

SCHEME OF DELEGATIONS (HCPH)

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

Hackney Carriage / Private Hire	Decision to be made by:		
Matter to be dealt with:	Full Committee	Sub- Committee	Officers (Senior Licensing Officer or above)
Where the applicant has 11 points on their DVLA licence or a conviction or caution for an offence that does not fall within the category of drugs, violence, dishonesty or of a sexual nature.			All Cases
Where an applicant has cautions over two years old, such application will be granted.			All Cases
Where an applicant has a conviction(s) for dishonesty, whatever the sentence, including a prison sentence, then such application will be granted provided at least ten years has lapsed since the last conviction for dishonesty.			All Cases
Where an applicant has an absolute discharge for any offence, with no other offences, such application will be granted.			All Cases
Where an applicant has failed 3 verbal communication tests, or 3 Knowledge tests, or 3 driving tests, then such application will be refused.			All Cases
Where an applicant has previously been refused or his/her licence revoked, whether by Birmingham City Council or another Local Authority, any further application will be refused within a 12 month period starting from the date of the refusal/revocation of the previous licence.			Ops Manager Panel
Where a private hire driver is convicted for plying for hire (first offence), then their private hire driver's licence will normally be suspended for a minimum period of 6 months.			Ops Manager Panel
Where a private hire driver is convicted for plying for hire and no insurance, then their private hire driver's licence will normally be revoked.			Ops Manager Panel
Grant/renewal of a licence where a driver is convicted of a drink/drug related driving offence or has been subject to a driving ban			Ops Manager Panel
Renewal of a drivers licence after the late renewal period where the circumstances for the lateness are on medical grounds only. (late renewal fee applies)			All cases

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

GENERAL LICENSING POLICY DOCUMENT

(Matters not addressed by Statement of Licensing Policy, Statement of Gambling Principles or Sexual Entertainment Policy)

The General Licensing Team is responsible for a wide range of licensing functions, which include sales of alcohol, late night refreshment, regulated entertainment, sex establishments, charitable collections, scrap metal and gambling premises.

Administration of the Animal Welfare licensing function is under the remit of Environmental Health. The Senior Animal Welfare Officer and the Animal Welfare Team are located at Garretts Green. Inspection and enforcement are carried out by the Senior Animal Welfare Officer and the Senior Dog Warden/Enforcement Officer.

Massage and Special Treatment Establishments

Birmingham City Council Act 1990.

- Only a very small number of local authorities in the country have similar powers. The legislation was originally aimed at controlling massage and various treatments which could carry a health and safety risk to the public, e.g. water borne disease and exposure to UV rays. The Act has led to a whole range of premises being included, from health and fitness centres to hairdressing salons.
- Anyone conducting an establishment for treatment by way of massage is required to be licensed; other forms of treatment also include Solaria, Therapeutic Spa Baths, Sauna, Turkish Baths, Aromatherapy massage and Herbal Baths.
- Each licensed premises is subject to an annual visit by a Licensing Enforcement Officer.
- When considering applications for licences consultation is carried out with West Midlands Police. There are also statutory requirements placed on applicants to post notices on the premises giving passers-by opportunity to comment or object.
- All licences are subject to a set of conditions which regulate the manner in which the premises must be operated.

Sex Establishments

Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the "Act").

The Act gives local authorities the adoptive powers to control sex establishments which are defined as a sex shop, a sex cinema or a sexual entertainment venue (SEV)

Sex Shops and Sex Cinemas

A sex shop is a premises used for a business, which consists, to a significant degree, of selling what are termed sex articles. These commonly include magazines, DVDs and different forms of sex aids.

A sex cinema is any premises used to a significant degree for showing of films, which are concerned primarily with, or relate to, or are intended to stimulate or encourage sexual activity.

The key words in the statutory definition are the words "to a significant degree". This is not defined by the Act but case law suggests 'significant' implies a higher standard than 'more than trifling'. In almost all cases the ratio between the sexual and other aspects of the business would be material: the absolute quantity of sales, the character of the remainder of the business, the nature of the display and the nature of the articles themselves are all considerations. No single factor is decisive and the Committee must decide which considerations are material and what weight to attach to them.

When considering applications for licences consultation is carried out with West Midlands Police, Ward Councillors and the Licensing Enforcement Team. There are also statutory requirements placed on applicants to advertise in the local press and post notices on the premises giving passers-by opportunity to comment or object.

The criteria for consideration are:

- the suitability of the applicant;
- whether the person applying will actually be responsible for operating the business
- the location and suitability of the premises; and
- whether the number of sex establishments within that locality is equal to or exceeds the number which the Council considers appropriate for the area.

Other than where the suitability of the applicant is concerned, there is no automatic right of appeal against a decision to refuse a licence and, therefore, an applicant's only remedy would normally be by way of judicial review.

Sexual Entertainment Venues

A Sexual Entertainment Venue (SEV) is defined as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

The meaning of ‘relevant entertainment’ is “any live performance or live display of nudity which is of such nature that 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)”.

These definitions would apply to the following forms of entertainment as they are commonly known: lap dancing; pole dancing; strip shows; peep shows; and live sex shows.

The legislation provides exemptions from the definitions of SEVs as follows:

- Sex shops and sex cinemas (these 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:

- no relevant entertainment has been provided on more than 11 occasions within a 12 month period
- no such occasion has begun within a period of one month beginning with the end of the previous occasion; and
- no such occasion has lasted longer than 24 hours.

On 12th October 2010, Birmingham City Council resolved to adopt the provisions to control SEVs. A separate Sexual Entertainment Venue Policy, to apply to the whole of Birmingham, was published and became effective from 3 January 2011. This Policy is was revised in October 2014 and was effective since 1 November 2014. The policy is currently under review.

The Sexual Entertainment Venue Policy document contains full details of the licensing regime applicable to Birmingham including application procedures, standard conditions and delegations. The Standard conditions were revised with effect from 1st November 2014 (on all licences granted or renewed after that date).

Charitable Street Collections

Police, Factories etc., (Miscellaneous Provisions) Act 1916.

The Act prescribes Regulations, which govern the conduct of collections being made for charitable or other purposes in any street or public place.

This could include a collecting box or tin, or even the sale of any articles or magazines where there is a representation at the point of sale that part of the proceeds are being applied to charitable or other purposes.

Organisations do not have to be a registered charity but checks are made to ascertain that the organisation is genuine, and for new organisations or charities, copies of the latest accounts may be requested. Details of the promoter are forwarded to the West Midlands Police to afford them the opportunity to comment on the suitability of the applicant. The promoter of the collection or permit holder is also required to submit a return within one month of the collection taking place to show the amount collected and details of how the proceeds have been applied particularly on expenses.

In September each year, an advertisement is placed on the Birmingham City Council website inviting applications to be lodged by 1 November for the following year. In order to allow for a fair opportunity of collection dates for all prospective charitable organisations, applications are restricted to either one collection that covers the "whole city" or two separate dates for a selection of districts.

All applications received by 1 November each year are given priority for dates and areas and efforts are made to allocate preferred dates to each of the individual organisations. To avoid any clash of interest permits are not granted to two separate organisations to collect in the same place on the same day. For those organisations applying later than 1 November, applications are allocated on a first come first served basis provided that the requested date and area is still available.

"Face to face" fundraising usually relates to the collection of direct debits / standing orders from shoppers/pedestrians. Such appeals are normally conducted by professional fundraising companies that are remunerated by charities. Where a professional fundraiser is involved in a charitable street collection on behalf of a charity, our procedures require that a copy of the statutory fundraising agreement is submitted with the application as this gives details of the costs of the fundraising.

Under the Model Street Collection Regulations, "no payment shall be made out of the proceeds of a collection, directly or indirectly, to any other person connected with the promotion or conduct of the collection other than payments which have been specifically approved by the Council."

All such face-to-face street collection applications are, therefore, referred to Committee for consideration with the expectation that an applicant demonstrates how any potential donors are made fully aware of the remuneration costs involved and the relationship between the company and the charity.

There is no right of appeal against the refusal to grant a street collection permit.

The Charities Act 2006 was introduced to change the way in which charitable collections were regulated, however, the Act was implemented in phases and to date the provisions relating to public charitable collections have still not been introduced.

It should be noted that a part of the Charities Act 2006 that was introduced, amended the Charities Act 1992 in relation to the statement required to be made by professional fundraisers when raising money for particular charitable institutions. The statement must give the method by which the fundraiser's remuneration in connection of the appeal is determined and the notifiable amount of that remuneration.

House to House Collections

House to House Collections Act 1939.

Whereas street collection permits are normally issued to cover a period of one or two days, a house to house collection licence can be granted for any period up to one year.

With regard to vetting and checking to ascertain whether the organisation applying is genuine or not, the same procedures apply as for street collections.

There is a requirement for the promoter of the collection to make a return following the collection.

Collections generally take place from door to door or from one public house to another.

Some of the larger well-known charities such as British Red Cross, Christian Aid, Shelter, RNLI etc., have a Government exemption from having to apply for a licence, but most of the smaller, and particularly local groups and organisations need a licence before they can collect money (or articles which they intend to give away or sell later), from door to door.

As with the procedure for street collections, where a charitable organisation is utilising the services of a professional fundraising company, our procedures require that a copy of the statutory fundraising agreement is submitted with the application.

Unlike street collections, there is a statutory right of appeal against the refusal to grant a house to house collection licence. In this case, the right of appeal is to the Secretary of State, and the grounds for refusal are set out in the Act.

Skin Piercers

Local Government (Miscellaneous Provisions) Act 1982 Part VIII

Local Government Act 2003

Local Government (Miscellaneous Provisions) Act 1982 Part VIII applies to the registration of persons operating at premises to provide the following types of skin piercing: Acupuncture, Tattooing and Electrolysis.

Byelaws were introduced in 1985 to regulate these activities.

The Local Government Act 2003 came into effect on 1 April 2004 and introduced the registration and inspection of all businesses which carry out cosmetic skin piercing and semi-permanent skin colouring.

Byelaws were introduced in 2006 to regulate these activities.

Inspection and enforcement is carried out by officers of Birmingham's Environmental Health Service.

This is purely a registration function, with no provision for objection or refusal. Registration Certificates are issued by Senior Licensing Officers or above.

Village Greens

The Commons Act 2006

The Local Authority is the 'Registration Authority' for the purposes of the legislation.

Applications can seek the inclusion in the register of town and village greens of land which is claimed to have qualified for registration by virtue of continuous usage by inhabitants of the locality for lawful sports and pastimes as of right over a period of 20 years. In order for an application to succeed it must satisfy all parts of the statutory test.

Applications are reported to the Licensing and Public Protection Committee via Legal Services (Finance & Governance)

In cases where objections give rise to a serious dispute of fact between the applicant and the objectors, a public inquiry may be held before an independent inspector, who will then put forward a recommendation to the Registration Authority.

The final decision will be taken by the Licensing and Public Protection Committee, or a Licensing Sub-committee if so delegated.

Animal Welfare

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

The new Regulations came into force 1 October 2018 and require inspection by a suitably qualified inspector prior to issue of a licence. The Regulations introduced numerous changes including powers to the local authority to suspend, vary or revoke a licence. There is a star rating system where operators can achieve a higher standard and therefore a longer licence period. There are also general and specific conditions provided in relation to the following activities;

Anyone involved in the business of providing accommodation for other people's animals (being cats or dogs). Licensed premises include home dog boarders, where individuals board dogs in their own home and also dog day care centres.

Dog Breeding – the regulations now require a licence where a person breeds 3 litters of puppies in any 12 month period (reduced from a previous 5 litter test), or if any person is in the business of breeding and selling dogs. All new licence applications are required to be inspected by a veterinary surgeon.

Selling Animals as Pets – pet shops are now required to keep additional documentation in respect of animals' health and welfare, provide environmental enrichment for animals and the minimum cage sizes for animals has been increased.

Exhibiting Animal – the regulations changed the previous certificate of registration requirement for performing animals into a formal licensing arrangement and tightens up the scope to reflect the modern use of animals, e.g. mobile zoos, ponies for parties.

Riding Establishments – any person who is in the business of hiring out horses or ponies for riding or instruction must be licensed. When considering applications there is a requirement for an independent report to be obtained from an approved veterinary surgeon. An applicant for the grant or renewal of a licence must undergo or present an enhanced Disclosure and Barring Service (DBS) record check (not more than 3 months old) with the submission of an application form.

Dangerous Wild Animals

The Dangerous Wild Animals Act 1976 (as amended)

The Act contains a schedule detailing a variety of animals for the purposes of the Act e.g. venomous snakes and certain monkeys etc.

Zoos, pet shops and circuses are exempt from the provisions of the Act. There are no current licences in place; however, the Act provides powers to the Council to seize any animal being kept on premises which are unlicensed.

There is a requirement for an independent report to be obtained from a veterinary surgeon before a licence can be granted.

Zoos**Zoo Licensing Act 1981**

This Act classes a Zoo as any establishment, other than a circus or pet shop, where non-domesticated animals are kept for public exhibition.

Licences are initially granted for four years and then renewable every six years.

Zoos must observe standards of modern zoo practice which have been specified by the Secretary of State.

Inspections are carried out annually by the Senior Animal Welfare Officer, however, at least twice during the term of the licence; formal inspection must be carried out by Secretary of State appointed inspectors.

Notices

Where applications carry a requirement to advertise in the local press, it is recommended advertisements are placed in The Birmingham Mail, The Birmingham Post, or, for applications relating to premises in Sutton Coldfield, the Sutton Observer.

Policy
Notice1

Should applicants wish to use an alternative publication they are advised to consult with officers at the Licensing Service.

In circumstances where Birmingham City Council Licensing Service is required to publish notices in the local press such notices will be placed in the Birmingham Mail or the Birmingham Post.

Policy
Notice2

Film Classification

On 21st March 2012 Birmingham City Council's Licensing Committee agreed a formal procedure for dealing with requests to exhibit films that have no certificate from the British Board of Film Classification (BBFC).

Requests for film classification must be submitted 28 days prior to the proposed screening, be made in writing and give details of the following:

- where and when the film is to be exhibited,
- intended audience profile,
- suggested film classification,

All requests must be accompanied by a brief synopsis and a copy of the film in standard DVD format.

Where Birmingham City Council has determined the classification of a film it will be subject to the following standard conditions:

- *A notice must be displayed both inside and outside of the premises to ensure that persons entering are readily aware of the classification attached to any film or trailer.*
- *No person is to be admitted to any part of the programme unless they are of the age permitted by the relevant classification. This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person's parent or legal guardian is obtained.*

General information

If a premises licence, issued under the Licensing Act 2003 authorises film exhibitions, the licence holder **must** comply with any recommendation by the British Board of Film Classification (BBFC), or if the film has no classification, then in accordance with any recommendation by the Licensing Authority.

A Licensing Authority can either determine the appropriate classification of any film which has not been the subject of classification by the BBFC; or determine a different classification to that determined by the BBFC to apply generally in Birmingham.

The BBFC classifies films in the following way:

U	Universal (suitable for all).
PG	Parental Guidance (some scenes may be unsuitable for young children).
12	Suitable for age 12 years and over.
12A	Suitable for age 12 years and over, or younger when accompanied by an adult.
15	Suitable for age 15 years and over.
18	Suitable for 18 years and over.

Exemptions

The Licensing Act 2003 sets out exemptions for the provision of regulated entertainment from requiring a licence under the Act:

- Film exhibitions for the purposes of advertisement, information or education; if the sole main purpose of the exhibition is to demonstrate any product, advertise any goods or services, or provide information, education or instruction, even if they simultaneously entertain;
- Film exhibitions in museums and art galleries; if the exhibition consists of or forms part of an exhibition put on show for any purpose of the museum or art gallery, even if they amount to the provision of entertainment.

Enforcement

Licensing Enforcement Officers and Licensing Compliance Officers are issued with an identity card and authorisation. They enforce the provisions of the legislation for which they are authorised.

This includes but is not limited to:

- Birmingham City Council Act 1990
- Equalities Act 2010
- Gambling Act 2005
- House to House Collections Act 1939
- Licensing Act 2003
- Local Government Act 1972 (Section 222)
- Local Government Act 2003
- Local Government (Miscellaneous Provisions) Act 1976 Part II
- Local Government (Miscellaneous Provisions) Act 1982 Part I, II, III, VII X
- Police Factories, etc. (Miscellaneous Provisions) Act 1916 (Street Collections)
- Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002
- Private Security Industry Act 2001
- Town Police Clauses Act 1847 and 1889
- Hackney Carriage Byelaws,

Officers undertake inspections, offer advice, deal with requests for assistance, investigate complaints and take part in planned exercises including operations with other enforcement agencies.

The premises and individuals licensed under the above Acts will be risk rated and inspected as and when appropriate in line with that rating, to ensure compliance with the legislation and any conditions attached to their licences. Inspections may also take place upon the grant, renewal or transfer of a licence or upon the receipt of a complaint.

Private hire operators will be risk rated and inspected an appropriate number of times during the year. Officers will check that the documents and records relating to drivers, vehicles and bookings are as prescribed by their conditions of licence. All operators will receive at least one inspection during the course of the operational year.

Stop check exercises are regularly undertaken with the assistance of the Police. Licensed vehicles are stopped and inspected to ensure that they and their drivers are complying with conditions of licence and are safe to carry members of the public. If defects on the vehicle are noted such as loose radios, bald tyres or defective lights, the plate licence may be suspended until the issues are rectified.

As well as routine inspections and high visibility exercises, Officers undertake exercises, where they pose as members of the public and make test purchases. Again this is to check licensees are complying with the legislation and their conditions of licence.

Officers also work jointly with agencies such as the Police and DVSA (formerly VOSA).

Further information can be found within the Regulation and Enforcement, Enforcement Policy.

Street Trading Consent	Decision to be made by:			
	Full Council	Cabinet Member	Full Committee	Officers (Senior Licensing Officer or above)
Matter to be dealt with:				
Application for grant.				All cases
Application for renewal, transfer, or variation				All Cases
Revocation of Licence				All Cases
Make/amend regulations prescribing standard conditions, terms and restrictions			All cases	
Setting of fees			All cases	

To make and amend policy relating to Street Trading Consents		All cases		
Street Trading Consent			Decision to be made by:	
Matter to be dealt with:	Full Council	Cabinet Member	Full Committee	Officers (Senior Licensing Officer or above)
Designation of Streets	All cases			
To enforce the provisions of Part III and Schedule 4 of the Local Government Miscellaneous Provisions Act 1982				All Authorised Officers

SCHEME OF DELEGATIONS

(For matters not addressed in individual policy documents)

Miscellaneous	Decision to be made by:		
Matter to be dealt with:	Full Committee	Sub-Committee	Officers (Senior Licensing Officer or above)
Massage & Special Treatment Licence		If objection received	If no objection received
Skin piercing registration			All Cases
face-to-face street collection applications		All cases where collectors are paid, or where fundraisers are paid directly or indirectly from proceeds of collection	All other cases
House to House collections applications		Cases referred by Licensing Officers for determination	All cases (unless application raises concerns i.e. allocation of proceeds)
Village Green Consideration of application	All cases		
Village Green – instruction of independent inspector	All cases		
Village Green – determination of application	All Cases		

Matter to be dealt with:	Decision to be made by:		
The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018		Environmental Health Operations Manager (or above)	Senior Animal Health and Welfare Officer
Grant			All cases
Refusal		All cases	
Variation		All cases	
Suspension		All cases	
Revocation		All cases	

DELEGATION OF FUNCTIONS REGARDING THE LICENSING ACT 2003**(Extract from Statement of Licensing Policy)**

Subject	Sub Committee	Officers
Application for personal licence.	If a Police objection is made.	If no objection.
Application for personal licence with relevant unspent convictions.	If a Police objection is made.	If no objection
Application for premises licence/ club premises certificate.	If a relevant representation is made.	If no relevant representations.
Application for provisional statement.	If a relevant representation is made.	If no relevant representations.
Application to vary premises licence/club premises certificate.	If a relevant representation is made.	If no relevant representations.
Request to vary designated premises supervisor.	If a Police objection is made.	All other cases.
Request to be removed as designated premises supervisor.		All cases.
Application for transfer of premises licence.	If a Police objection is made.	All other cases.
Application for interim authorities.	If a Police objection is made.	All other cases.
Application to review premises licence/club premises certificate.	All cases.	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.		All cases.
Decision to object when Local Authority is a consultee and not the relevant authority considering the application.		All cases.
Determination of application to vary premises licence at community premises to include and alternative licence condition	If a Police objection is made.	All other cases.

Determination of a Police objection to a STANDARD temporary event notice.	All cases.	
Application for minor variation of premises licence/club premises certificate		All cases (for decision whether to consult other Responsible authorities and for Determination)
Determination of a Police / EH objection to a temporary event notice.	All cases except where objection requires inclusion of conditions from existing premises licence and applicant is in agreement	Where objection requires inclusion of conditions from existing premises licence and applicant is in agreement
Attachment of Conditions from existing premises licence to TEN	Where applicant objects to conditions	If applicant is in agreement
Issuing of Counter notice for STANDARD TEN	Following determination hearing	Where limits are exceeded
Issuing of counter notice for Late TEN		All cases
Suspension of licence for non payment of fees		All cases
Requests for a change to the film classification awarded by the BBFC	All cases	
Requests for classification of films where there is no BBFC classification	Where there is concern about the content of any film submitted or the proposed exhibition of the film	Where appropriate procedure is followed and no concerns as to content
Request for implementation of Early Morning Restriction Order	FULL Committee	
Request for imposition of Late Night Levy	Full City Council	
Statement of Licensing Policy	Full City Council	
Cumulative Impact Assessment		

DELEGATION OF FUNCTIONS REGARDING THE GAMBLING ACT 2005**(Extract from Statement of Gambling Principles)**

Subject	Full Council	Licensing & Public Protection Committee	Licensing Sub-Committees	Officers
Three year licensing policy	X			
Policy to permit casino	X			
Fee setting (when appropriate)		X		
Application for premises licence			Where representations have been received and not withdrawn	Where no representations received, or representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received, or representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Gambling Commission	Where no representations received, or representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received, or representations have been withdrawn
Review of a premises licence			X	

Application for a club/gaming club machine permits			Where representations have been received and not withdrawn	Where no representations received, or representations have been withdrawn
Cancellation of club gaming/club machine permits				X
Application for other permits			Where an application is received to operate more than 4 gaming machines on an alcohol licensed premises	Where an application is received to operate 4 or less gaming machines on an alcohol licensed premises
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Decision to attach/exclude a premises licence condition			X	
To administer and carry out all other functions not specifically mentioned in the delegation to the Licensing & Public Protection Committee, which are capable of being delegated to an officer as provided in the Gambling Act 2005 and any regulations made under that Act, together with any related functions				X

Sexual Entertainment Venues

(From SEV Policy)

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 subcommittee, or a sub-committee may refer a matter to full committee. Decision to be made by:			
Matter to be dealt with:	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

GOOD PRACTICE AND PROCEDURE

The following are points that your Committee should bear in mind when making decisions concerning individual licences and should be read in conjunction with the Members' Code of Conduct and the Member/Officer Protocol. They are based on the large number of legal cases in which the courts, including the European Courts, have considered different aspects of a local authority's licensing functions. However, your Committee should be aware that in certain cases there are additional requirements resulting from specific legislation.

1. Political/Party Group Meetings

Group meetings should be concerned with policy reports, not the discussion of individual licence applications etc. The use of a party political whip is inconsistent with the rules of natural justice and should be avoided by Councillors sitting on the Licensing and Public Protection Committee.

2. Members

Members should be mindful of the requirements concerning the disclosure of interests and when it is necessary for a member to vacate a meeting. In cases of doubt the Director of Legal Services, or his representative, should be consulted. Details are set out in the Council Constitution.

3. Social Media

What are social media?

Social media is the term to describe websites and online tools which allow people to interact with each other by creating their own content. The content could, for example, be blogs, videos or short messages, known as tweets, via twitter.

On social media sites users share information, discuss opinions and may create interest groups or pages. Ultimately people use these sites and tools to build online communities and networks which encourage participation and engagement.

Types of Social Media:

- Blogging and microblogging – online journals – Twitter is an example of microblogging, where entries are limited to 140 characters
- Online Forums – people with similar interests sharing information and opinions – AccyWeb is an example

- Social networking sites – these facilitate connections between people who already know each other, often in a social context, but are increasingly used by businesses to promote their products or services- Facebook is an example
- Video and photo publishing – sharing videos and photographs worldwide – Flickr is an example

Some general legal issues:

- **Libel** – If you publish an untrue statement about a person which is damaging to their reputation, they may take a libel action against you. The same thing may happen if, for example, someone else publishes something libellous on your website, you know about it and don't take swift action to remove it. A successful libel claim could result in the award of damages against you,
- **Copyright** – Placing images or text on your site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore don't publish anything you are unsure about, or obtain prior permission. A successful claim for breach of copyright would be likely to lead to an award of damages against you.
- **Data Protection** – Do not publish the personal data of individuals unless you have their express permission.
- **Bias and Predetermination** – if you are involved in making licensing decisions, do not say anything through social media (or indeed anywhere) that suggests you have completely and irrevocably made your mind up on an issue that is due to be formally decided upon. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence and arguments, and were genuinely persuadable to a different view. If you weren't, the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the council for damages.
- **Wednesbury Unreasonableness** – members must also always be seen to acting reasonably in relation to the Committee process and consideration of all applications; if detriment arises a Third Party may commence Judicial Review proceedings.

Use of Social Media by Members of Committee

- Although the use of Social Media can be an invaluable tool for a Member of the Council/Committee Member it is important that such usage is properly managed at all times and that particularly a clear distinction is maintained between Private usage and Member usage. It is important that Social Media is not perceived by any Third Party to interfere with the proper decision making process. Members are advised to exercise extreme caution before commenting on social media, or in the conventional press, on any licensing decisions which they are, or are likely to be involved in making. This is to ensure that their comments may not be interpreted to mean that members have already determined a licence application, which could be used against the local authority.
- The same applies to Council Members who are not members of the Licensing & Public Protection Committee, but whose comments or actions on social media could be

misinterpreted. If elected Members make any comments when representing residents who are objecting to licence applications they must not link their comments in any way to members of the Committee.

- During Committee hearings it is particularly important that mobile communication devices, including telephones and tablet computers or Social Media are not used, whether for research or communication purposes. The use of any form of Social Media or mobile telephones at Committee may lead to an inference of bias, pre-determination or Wednesbury Unreasonableness.

4. The Applicant

Ordinarily the applicant should be given the opportunity of being heard by your Committee before the application is determined, even if this is not an express requirement of the relevant statute. The applicant should also be allowed to be accompanied by a legal or other representative if they so desire.

5. Third Parties to a Hearing

Any person or body wishing to make representations or objections in respect of an application or notice should be given the opportunity to do so. Subject to any statutory restriction the nature of the representations or objections should be disclosed to the applicant in advance of the meeting so that they may consider their response. The identity of an objector should not be disclosed to the applicant without their consent, unless any statutory provision state otherwise.

6. Disclosure of Information

The applicant should be given prior knowledge of the nature of the Council's concerns, and of those of any objectors.

The extent of the disclosure should also be sufficient to avoid the applicant having to request an adjournment to allow time for proper consideration of the matters they are obliged to address.

7. Evidence

Each member of your Committee should be supplied with copies of every document that has been supplied both by and to the applicant and any third parties to the hearing. If any new documents are produced at the meeting, each party should have the opportunity to inspect them. In certain cases there may be statutory provisions which require another party's consent, if applicable, to new documentation being introduced at the meeting.

8. Adjournments

Any request for an adjournment should not be refused if to do so would effectively deny the applicant a fair hearing.

9. The Hearing

The procedure is intended as a general framework to ensure the rules of natural justice apply and that a fair hearing is presided over by an “independent and impartial tribunal”. The conduct of individual hearings may vary slightly according to circumstances and the discretion of the Chairman. In all cases, however, this general framework will be followed:

- a. Members present should identify themselves so that the applicant may be satisfied that there has been no breach of the rule against bias.
- b. A licensing officer will outline the relevant details of the application or matter under consideration.
- c. Usually the applicant will present his or her case first, at the conclusion of which members may ask questions. A similar opportunity will then be afforded to any third party to a hearing making representations or objections to the application.
- d. The applicant should be given the opportunity to ask questions of those third parties.
- e. Once the licensing officer, the applicant and any third party to the hearing have given evidence and answered any questions, the third party shall first be given an opportunity to make brief closing remarks, and then the applicant to make their final closing remarks on the application under question. All parties should leave the room, so that only the Committee, the Committee Manager and the Director of Legal Services’ representative remain.

During the hearing members must not discuss the merits of the case. This should be left until the applicant, any objectors and officers involved in the case have left the room.

The only members who may participate in the decision making are those who have seen and heard all the evidence and have been present for the subsequent discussion.

Once the applicant, any third party and officers have left the meeting they may be recalled to provide further information or clarification but all of them must return, not just the person from whom further information is required.

10. The Decision

Once the Committee has reached its decision the parties must be recalled and informed verbally of the decision with the exception of applicants and drivers for a hackney carriage or private hire licence or personal licence who only receive the decision later in writing. If reasons for the decision are to be given, which will usually be the case, this will be done in writing at a later date. Notice of any right of appeal should also be given to the parties.

BIRMINGHAM CITY COUNCIL

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

29 JUNE 2022
ALL WARDS

**REGULATION & ENFORCEMENT ACTIVITY REPORT
JANUARY/FEBRUARY/MARCH (QUARTER 4) 2021-22**

1. Summary

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

2. Recommendation

- 2.1 That the content of the report be noted.

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3.0 Background

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

4. Consultation

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

5. Implications for Resources

5.1 None

6. Implications for Policy Priorities

6.1 None

7. Public Sector Equality Duty

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

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

REGULATION & ENFORCEMENT ACTIVITY REPORT
JANUARY, FEBRUARY, MARCH 2022

Introduction

The way the Council enforces its regulatory activities under the terms of the relevant legislation has altered significantly since the Covid 19 pandemic. Changes have been made to comply with national guidance and the introduction of new legislation. This report provides a snapshot of enforcement activity for the services in Regulation and Enforcement since 1 January to 31 March 2022. While services are seeking to enter the recovery phase, many services are reliant on changes to Government legislation and guidance.

Detailed Action

The table below sets out the activities undertaken in Quarter 4 (January, February, March 2022)

Environmental Health and Trading Standards

Activity	Env. Health				Trading Standards			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Prosecution agreed*	22	199	400	190	1	1	6	2
Simple Cautions	0	5	1	0	0	1	1	1
Statutory Notices served	77	111	62	96	1	0	0	1
Coronavirus Enforcement	9	0	0	0	0	0	0	0
Requests for Assistance Received	12,463	12,253	8,832	8,168	1,393	1,338	988	1,186
Requests for Assistance closed	10,886	8,364	5,863	7,645	1,385	1,207	952	1,175

Environmental Health

	Q1		Q2		Q3		Q4		Year Total
Work type	RFA Total	PI Target met	RFA Total	PI Target met	RFA Total	PI Target met	RFA Total	PI Target met	RFA Total
H&S Accidents	91	100%	113	100%	138	100%	102	100%	444
Dogs	537	100%	581	99.5%	607	99.7%	630	100%	2,355
Infectious Disease	187	98.4%	228	98.3%	211	97.6%	184	98.4%	810
Pest Control	4811	89.2%	4,801	81.4%	3,569	81.5%	3335	80.1%	16,516
Request for Assistance	6837	79.5%	6,530	80.2%	4,307	90.3%	3917	86.1%	21,591
Total	12,463	85.5%	12,253	82.1%	8,832	87.7%	8,168	85.2%	41,716

Analysis of Requests for Assistance (RFA)

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

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

Work Type	Q1		Q2		Q3		Q4	
	QTY	%	QTY	%	QTY	%	QTY	%
Planning Consultations	758	99%	849	89%	838	94%	816	93%
Major Schemes	123		120		96		130	

Licensing

Activity in the Licensing Service has increased of late and the service is close to returning to 'business as usual', though lockdown restrictions do impact on this extensively. Activity in Licensing Sub Committees did increase following the opening of the hospitality sector.

140 matters have been finalised through the delegated process, which would have ordinarily come before the sub-committee, 39 of which were finalised in February/March.

During quarter four of 2021/22 one Summary / Expedited Review application was submitted by West Midlands Police under section 53A of the Licensing Act 2003 as amended by the Violent Crime Reduction Act 2006 which related to the following premises:

- Cross Keys Banqueting and Catering, 81 Steward Street, Springhill, Birmingham, B18 7AF

Activity	Licensing							
	HCPH*				General			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Prosecution agreed								
Simple Cautions								
Licence applications	650	656	641	544	544	639	699	644
Licence sub-committees	n/a	n/a	n/a	n/a	38	47	48	28
Of which were reviews:	n/a	n/a	n/a	n/a				
Interim steps					0	7	2	1
Expedited					0	2	4	1
Standard					4	10	3	3
Licence renewals	1384	1064	1413	1137	23	15	16	18
Requests for Actions Received	477	479	434	378	110	102	74	79
Requests for Actions closed	406	376	454	356	83	78	75	130

Analysis of RFAs

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

	Q1		Q2		Q3		Q4	
	Received	Closed	Received	Closed	Received	Closed	Received	Closed
Total	587	489	581	454	508	529	457	486
Hackney Carriage	68	59	63	54	77	74	66	62
Private Hire	409	347	416	322	357	380	312	294
Licensing Act 2003	96	76	100	70	61	66	69	121
Gambling Act 2005	0	1	0	0	1	1	5	2
Scrap Metal Dealers	10	3	2	6	3	5	3	3
Sexual Entertainment Venues	0	0	0	0	2	1	0	1
Massage & Special Treatments	0	1	0	0	2	1	2	0
Charitable Street Collections	2	0	0	1	2	1	0	0
Street Trading	1	1	0	1	2	0	0	0
Skin Piercers	1	1	0	0	1	0	0	3

Scrap Metal Dealers

There are currently 64 licences issued in Birmingham under the Scrap Metal Dealers Act 2013. The breakdown of licences issued is as follows:

Type of Licence	Number of active licences
Scrap Metal Site Licences	32
Scrap Metal Collector Licences	32

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

Type of Enforcement	Apr 21	May 21	Jun 21	Jul 21	Aug 21	Sep 21	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22
Complaints	1	0	0	0	0	0	0	0	0	0	0	0
Inspections	2	2	1	0	0	2	1	0	0	0	0	0

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

Trading Standards

Trading Standards received 1186 requests for Assistance in the final quarter. These again are across a broad range of issues, from car trade, building work, product safety, scams, supply of illicit tobacco and alcohol as well as underage sales and other consumer frauds. Some of the jobs require direct intervention whilst others are logged for intel purposes. The table below shows just a selection of the 37 categories of jobs received:

	Q1	Q2	Q3	Q4	Year Total
Work type	RFA	RFA	RFA	RFA	
Consumer Fraud	209	186	91	105	
Age Restricted Sales	37	41	23	45	
Product Safety	50	56	64	51	
Counterfeit Goods	79	67	52	61	
Car Sales	108	81	63	72	
Advice and Assistance	435	399	333	391	

In addition to dealing with the above requests for assistance other activities of note during the last quarter include:

Enforcement Operations

On 12 January 2022 a team of Trading Standards officers assisted by West Midlands Police and Trademark owner representatives executed warrants at 2 addresses - a business address in Birmingham and a residential address. This was following intelligence that a trader was selling via a website and Facebook. It was alleged that the seller was supplying significant amounts of suspected counterfeit goods.

During the search officers found a large number of copy branded items such as mirrors, clocks, rugs, vases, teacups, duvet covers, lamps, sunglasses, blankets, earrings, hair clips, slippers. They bore unauthorised trademarks e.g. Chanel, LV, Dior, Versace, Tommy Hillfiger, Gucci and Disney.

Officers removed the suspected contravening items and laptops as evidence of illegal trading. An investigation is underway.

Op Ce Ce

On 26 January 2022 TS Officers as part of Op Ce Ce targeting illicit tobacco visited 8 retail premises in the City the premises were inspected with assistance of a dog handler and sniffer dogs and assistance of WM Police Licensing unit. 4 premises were found to contain illicit tobacco this included branded cigarettes and tobacco, and tobacco not complying with labelling requirements the businesses are being investigated.

Guardian Project

On 16 February 2022 TS worked with WM police on a youth crime reduction exercise and involved members of the City Centre Police Cadets. Officers visited several city centre retailers to promote responsible selling of knives and vapes. The Cadets gave literature to ensure lawful compliance and delivered a clear message to retailers to check ID. All the retailers visited were extremely cooperative and welcomed the initiative.

Underage sales Exercise

On Saturday 19 March TS carried out a test purchase exercise for age restricted products namely alcohol and vapes to 11 retail premises in the City. A young volunteer carried out the test purchases. No sales took place which shows that the advice given by TS is being taken seriously by the businesses.

Placarding March 2022

Officers conducted another exercise tackling illegal placards across the City. Officers removed a total of 100 placards these were attributable to various businesses ranging from online dating services, martial arts, builders, blinds, and other trades. The businesses will be contacted and advised not to conduct illegal placarding in the future.

Work with the Office of Product Safety (OPSS) for safety of Insulation Boards

TS have been working with OPSS on a project to assess compliance of insulation boards within the provisions of the Construction Product Regulations. Samples were selected from Kingspan a manufacturing company of insulation products by Birmingham Trading Standards Officers these samples were submitted for testing. The results indicated the batch was not of the fire classification claimed. Due to the safety issue the OPSS issued Prohibition notices. The work was highlighted in the press the link to the article: -

<https://www.insidehousing.co.uk/news/kingspan-ordered-to-halt-sales-of-widely-used-insulation-product-following-fire-test-failures-74079>

OPSS issued further summary of their actions in relation the prohibition Notices:

<https://www.gov.uk/product-safety-alerts-reports-recalls/regulatory-statement-kingspan-insulation-products>

Licence Reviews

Super Choice News

On 16 October 2021 TS Officers carried out a test purchase with a 15-year-old volunteer at the time a bottle of WKD 700ml bottle was sold to the underage person.

The application by Trading Standards for the Review of a Premises Licence under the Licensing Act 2003, in respect of Super Choice News was considered by Licensing Sub-Committee B of Birmingham City Council on 12 January 2022.

The Licensing sub-committee decision was:-

- that the Licence be revoked
- Mr Mohammad Sajjad be removed as Designated Premises Supervisor

One Stop Food and Wine

Following a complaint two volunteers aged 15 and 16 were instructed to enter the premises of One Stop Food and Wines, Birchfield Road, Perry Barr, Birmingham and attempt to purchase a bottle of alcohol from the premises. The two volunteers were sold a bottle of Blue Alcohol mix.

The application by Trading Standards for the Review of a Premises Licence under the Licensing Act 2003, in respect of Super Choice News was considered by Licensing Sub-Committee B of Birmingham City Council on 17 January 2022.

The Licensing sub-committee decision was:-

- that the Licence be revoked
- Ashiq Hussain be removed as Designated Premises Supervisor

MAX Convenience Stores

TS Officers carried out an inspection of the premises of, after receiving a complaint from a member of the public of concerns that the Yellow Tail wine was not genuine. On inspection officers found 12 bottles of counterfeit Yellow Tail wine. The case is being investigated. A licence review application was submitted by TS.

On 8 March 2022 the Licence Review was heard by the Licensing sub-committee for MAX Convenience Stores, 135 Monyhull Hall Road, Kings Heath B30 3QG. The licence was revoked by the Licensing sub-committee.

NTS referrals Scams project

TS continue to provide scam awareness advice to those who have entered bogus prize draws. TS are receiving around 5 monthly scam victim referrals. TS are updating the National Trading Standards Scams Team on the outcome of the referrals.

TS have been as always posting scam alerts of current scams on their twitter account and supporting the NTS Scams Team on campaigns on social media.

Twitter

TS have over 3000 followers on @bhamts Twitter account. TS posted over 100 tweets each month.

England Illegal Money Lending Team (IMLT)

During quarter 4 (January-March 2022), the England Illegal Money Lending Team (IMLT) received 113 reports of illegal money lending, leading to 25 new investigations and 93 new illegal money lenders being identified.

The team executed 13 warrants across Local Authorities within England, with 10 people arrested and 73 victims provided direct or indirect support from the team.

January

- Op Raddle, Salford – One male arrested and questioned
- Op Lyrical, Middlesbrough – One male arrested and questioned
- Op Enrich, Middlesbrough – One female arrested and questioned
- Op Domino, Middlesbrough – One male arrested and questioned
- Op Sutton Park, Greater London – no arrest due to subject overseas.

February

- Op Valerian, Liverpool – Two females arrested and questioned
- Op Ridgpole, Liverpool/Lancashire – A couple were arrested and questioned

March

- Op Illinois, Scarborough – One male arrested and questioned
- Op Yeomanly, Widnes – One female arrested and questioned

The IMLT continued to assist with the investigation into fraudulent Covid business grants as part of Operation Sander.

Court results

OPERATION BUSH HILL (GREATER LONDON) - Two women who ran an illegal lending racket worth more than £4 million have been sentenced. The two women lent over £4.2 million to fellow Filipinos across South London, including many working at a London hospital. Appearing for sentencing at Kingston Crown Court, Villar was sentenced to 18 months, suspended for two years, and ordered to carry out 220 hours of unpaid work. Manipol was handed a 15-month prison sentence, suspended for two years with 200 hours of unpaid work. The defendants had pleaded guilty to illegal money lending and money laundering charges between July 2003 and October 2019 at an earlier hearing.

OPERATION SHOREHAM (NORTH EAST) - An elderly couple who ran an illegal money lending business have been ordered to repay tens of thousands of pounds. Mr & Mrs Fromson of Stockton on Tees, were handed a 10-month prison sentence, suspended for two years in November 2020. They had previously pleaded guilty to illegal money lending. At a confiscation hearing on in January 2022 at Teesside Crown Court, the couple were ordered to repay £136,623 in the next three months, or they face custody for 18 months.

OPERATION BIRCH GROVE (GREATER LONDON) - Kyaw MIN appeared before Recorder Bale-Williams at Harrow Crown court, he was sentenced to a total of 17 months suspended for 18 months. The confiscation order was made at Harrow Crown Court in January 2022 where MIN ordered to repay £136,623, or face custody for 18 months.

OPERATION SANDIWAY – Brenda & Graeme Lamb (mother & son) both entered guilty pleas to illegal money lending and money laundering. The case is ongoing.

Registration Service

Death Registrations

The service was processing death registrations in line with emergency provisions under The Coronavirus Act 2020 and the direction of the General Register Office (GRO). In late March 2020 a new process for registering was enacted and the service implemented this and honed the processes to improve performance. From midnight on 24th March 2022 the emergency provisions ceased and death registrations were carried out in accordance with The Births and Deaths Registrations Act 1953 in that they were to be undertaken in person. The transmission of documents electronically was permitted to continue under secondary legislation. These changes impacted on the timeliness of death registrations. The table below shows the level of death registrations for April 2021 to March 2022 compared to the period April – March 2020-21.

Deaths	2020/21	2021/22	% change
April	2260	811	-64
May	982	812	-17
June	767	771	+ .52
July	800	826	+3.25
August	714	877	+22.83
September	804	978	+21.64
October	903	869	-3.77
November	1132	1109	-2.03
December	1134	1006	-11.28
January	1564	1184	-24.29
February	1391	922	-33.71
March	967	800	-17.26
Total	13418	10965	-18.28

Birth Registrations

The Government reintroduced the registration of births in June 2020, with an optional alternative procedure, both procedures require face to face meetings. For operational reasons the service followed the standard process and was fully operational from mid-June. As of 28 March 2022 there were 2984 outstanding birth registrations, of which 1088 were over the statutory 42 days registration period. The table below shows the level of birth registrations for April 2021 through to March 2022 compared to the same months in 2020-21.

Birth Registrations	2020/21	2021/22	% change
April	5	1959	+39080
May	16	1651	+10218.75
June	543	1833	+237.57
July	2820	1402	-50.28
August	2048	1405	-31.39
September	2375	1732	-27.07
October	2464	1579	-35.91
November	2540	1958	-22.91
December	1950	1365	-30
January	1864	1515	-18.72
February	1660	1989	+19.81
March	2161	1843	-14.71
Total	20446	20231	-1.06

Ceremonies

Following the first national lockdown in 2020, the Government announced ceremonies could recommence in Covid 19 secure venues from July 2020. In line with national guidance the Register Office implemented measures to recommence ceremonies from 4 July 2020. Registrar General Licence Marriages were permitted to take place during the lockdown. During April – May 2021 citizenship ceremonies continued to be delivered by a combination of socially distance ceremonies and virtual ceremonies. The Service resumed the holding a citizenship ceremonies at the Register Office from June 2021. The tables below show the level of ceremonies and notices from April 2021 to March 2022 compared to the same months in 2020-21.

Ceremonies	2020/21	2021/22
April	0	103
May	0	131
June	3	172
July	52	210
August	71	193
September	132	194
October	123	192
November	12	171
December	94	113
January	5	88
February	2	128
March	14	99
Total	505	1794

Notice of Marriage and Civil Partnership	2020/21	2021/22
April	0	646
May	2	603
June	141	699
July	405	704
August	368	585
September	373	452
October	478	499
November	518	465
December	416	511
January	405	492
February	424	579
March	584	789
Total	4114	7024

Adults Attending Citizenship Ceremonies	2020/21	2021/22
April	0	397
May	0	387
June	0	531
July	156	424
August	246	434
September	170	267
October	214	293
November	203	381
December	338	216
January	155	358
February	217	556
March	274	874
Total	1973	5118

The Service was having to deal with significant challenges in quarter 4 as it was in Covid 19 recovery, was experiencing an increase in demand for most of it's statutory services all against a backdrop of significantly reduced staffing levels.

Paul Lankester
Interim Assistant Director Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

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

29 JUNE 2022
ALL WARDS

PROSECUTIONS & CAUTIONS – FEBRUARY, MARCH AND APRIL 2022

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of February, March and April 2022.
2. Recommendation
 - 2.1 That the report be noted.

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City Operations Directorate
Telephone: 0121 675 2495
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3. Results

3.1 During the months of February, March and April 2022, the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 234 Environmental Health cases were finalised resulting in fines of £73,711. Prosecution costs of £37,537 were awarded. No simple cautions were administered as set out in Appendix 1.
- One Licensing case was finalised resulting in a fine of £150. Prosecution costs of £400 were awarded. Nine simple cautions were administered as set out in Appendix 2.
- No Trading Standards cases were finalised during February, March and April 2022 and no simple cautions were administered as set out in Appendix 3.
- Three Waste Enforcement cases were finalised resulting in fines of £4,199 and prosecution costs of £2,190. No simple cautions were administered as set out in Appendix 4.
- Appendix 5 lists cases finalised by district in February to April 2022 and April 2021 to April 2022.
- Appendix 6 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2021 to April 2022.
- Appendix 7 lists Penalty Charge Notices issued by Parking Enforcement specifically for individuals parking on Taxi Ranks across the City from April 2021 to April 2022. Please note this does not include other parking tickets issued anywhere else in the City.

4. Consultation

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

5. Implications for Resources

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

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

Environmental Health (including Waste Enforcement cases)

£478,225 has been requested with £414,249 being awarded (87%).

Licensing

£6,921 has been requested with £2,935 being awarded (42%).

Trading Standards

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

- 5.3 For the months of February, March and April 2022 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£52,939 has been requested with £39,727 being awarded (75%).

Licensing

£824 has been requested with £400 being awarded (49%).

Trading Standards

No costs were requested or awarded during February, March and April 2022.

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

Licensing

£3,180 has been received.

Environmental Health

£301,255 has been received including Waste Enforcement cases.

Trading Standards

£3,964 has been received.

(Total £308,398).

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

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

ENVIRONMENTAL HEALTH CASES

FOOD HYGIENE OFFENCE

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	17/2/22	Sparkbrook Kebab House Ltd 169 Walford Road Birmingham B11 1QJ	<p>Food Safety Act 1990 Food Safety and Hygiene (England) Regulations 2013 Food Information Regs 2014</p> <p>Pleaded guilty to 15 offences; 11 relating to conditions at Ditta Fast Foods, 169 Walford Road, Birmingham on two separate dates. Touch points were dirty and the cold room was not clean. There were cracked and broken wall tiles in the pot wash room. Raw meat and fish was stored uncovered. There was no means of drying hands at the wash hand basin in the toilet and there was no soap. Storage containers were not clean. Lighting in the cold room was poor and there was no procedure in place based on HACCP. Three offences of failing to comply with improvement notices requiring good food hygiene practices, keeping the premises clean and adequate drainage facilities and one offence of failing to make information available as to the ingredients used in food.</p>	<p>£5,000</p> <p>£1,502 costs (£1,502 requested)</p>	Sparkbrook & Balsall Heath East	Sparkbrook & Balsall Heath East

2	17/3/22	Dixy Extra Fast Food Limited 306 Kitts Green Road Birmingham B33 9SB	Food Safety and Hygiene (England) Regulations 2013. Found guilty in their absence of 11 offences of conditions found at Dixy Chicken, 306 Kitts Green Road, Birmingham on two separate dates. During both inspections the premises were found to be in a dirty condition. The lids and interiors of the storage freezers were dirty, the scoop to the flour storage bin, microwave interior, wrap drawer and food storage containers were dirty. The meat cleaver was dirty and had plastic tape around the handle, the chicken hot hold cabinet had adhesive tape and could not be effectively cleaned. Raw materials and ingredients were not kept in appropriate conditions. Pineapple and jalapeños were being stored in open cans presenting a risk of chemical and physical contamination. Frozen foods in the freezers were stored in open bags/boxes. Unwashed mushrooms were being stored next to ready to eat food in the walk-in chiller presenting a risk of microbiological contamination. A rear access door was not adequately pest proofed and there were no procedures based on HACCP.	£9,000 (£4,500 offence 1 on 25/3/21 £4,500 x offence 1 on 29/10/21) No separate penalty on remaining offences £1,555 costs (£777.55 x 2) (£1,555 requested)	Glebe Farm & Tile Cross	Glebe Farm & Tile Cross
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3	31/3/22	Iram Nawaz West Bromwich	<p>Food Safety and Hygiene (England) Regulations 2013. Food Safety Act 1990</p> <p>Pleaded guilty to seven offences relating to conditions at Bismillah Bakery, 91 Lozells Road, Birmingham. One offence of failing to comply with an Improvement Notice requiring accurate information, regarding ingredients that could cause food allergies or intolerances, to be provided. The premises were not kept clean. In the cold room the ceiling, walls, shelving, floor and motor unit were dirty and shelving was rusty. Cake storage containers were dirty, light switches and the wall was dirty. There were open and uncovered food/cakes in the cold room that were not protected against contamination. A plastic cake turntable was broken, divider trays were heavily scored and cake dividers were dirty. Staff were wearing their own clothes including a male at the serving counter wearing an outdoor coat and hat. One offence of advertising, on a menu board, Fresh Cream Slices whereas in fact the slices contained a cream substitute.</p>	<p>£120</p> <p>£775 costs (£1,736 requested)</p>	Out of area	Lozells
4	31/3/22	Jam N Vibez Ltd 300 Slade Road Birmingham B23 7LU	<p>Food Safety and Hygiene (England) Regulations 2013.</p> <p>Pleaded guilty to two offences relating to conditions at Jam N Vibez, 300 Slade Road, Birmingham. Mice droppings were found on the floor and adjoining walls in the front kitchen, on food storage shelves close to food preparation areas in the rear kitchen. Several possible mice ingress points along the wall and floor junctions were noted inside the premises. There were inadequate measures in place to control the mice activity, such as effective baiting, traps or assistance. There was an accumulation of mice droppings, grease, dirt and food debris throughout the premises on floors, walls and surfaces close to where food was being prepared.</p>	<p>£1,400</p> <p>£1,000 costs (£1,141 requested)</p>	Stockland Green	Stockland Green

LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
8/2/22	32	£12,484	£5,420	£5,600
22/2/22	25	£10,005	£4,375	£4,375
8/3/22	57	£11,695	£9,675	£9,975
22/3/22	42	£8,880	£7,085	£7,350
12/4/22	42	£8,520	£3,430	£7,350
26/4/22	32	£6,607	£2,720	£5,600

	Date Case Heard	Name	Fine/Penalty & Costs	Ward of defendant
5	8/2/22	Usama Aqeel London Guilty plea	£100 £175 costs (£175 requested)	Out of area
6	8/2/22	Josef Balaz Birmingham Proved in absence	£440 £175 costs (£175 requested)	Soho & Jewellery Quarter
7	8/2/22	Chardonnay Barnes Birmingham Guilty plea	£100 £175 costs (£175 requested)	North Edgbaston
8	8/2/22	Nikki Cherry Newtownards Proved in absence	£440 £175 costs (£175 requested)	Out of area
9	8/2/22	Simon Lisa Collett Oldbury Proved in absence	£440 £175 costs (£175 requested)	Out of area

10	8/2/22	Arron Cooper Blackpool Proved in absence	£440 £175 costs (£175 requested)	Out of area
11	8/2/22	Sharon Egan Hayes Proved in absence	£440 £175 costs (£175 requested)	Out of area
12	8/2/22	Craig Fenn Bedworth Proved in absence	£440 £175 costs (£175 requested)	Out of area
13	8/2/22	Anthony Fleming Birmingham Proved in absence	£440 £175 costs (£175 requested)	Northfield
14	8/2/22	Kieran Hamilton Shipley Proved in absence	£440 £175 costs (£175 requested)	Out of area
15	8/2/22	Connor Hanno Birmingham Proved in absence	£440 £175 costs (£175 requested)	South Yardley
16	8/2/22	Amy Hawkins Rugeley Proved in absence	£440 £175 costs (£175 requested)	Out of area
17	8/2/22	Megan Higgins Dudley Proved in absence	£440 £175 costs (£175 requested)	Out of area

18	8/2/22	Nguyen Hoang London Proved in absence	£440 £175 costs (£175 requested)	Out of area
19	8/2/22	Gary Hodgetts Birmingham Proved in absence	£440 £175 costs (£175 requested)	Weoley & Selly Oak
20	8/2/22	Saima Hussain Birmingham Guilty plea	£200 £175 costs (£175 requested)	Small Heath
21	8/2/22	Rebecca Ingoldsby Birmingham Proved in absence	£440 £175 costs (£175 requested)	Erdington
22	8/2/22	Jay Marie Jacks Watford Proved in absence	£440 £175 costs (£175 requested)	Out of area
23	8/2/22	Ilja Krjukovs Birmingham Proved in absence	£440 £175 costs (£175 requested)	Bromford & Hodge Hill
24	8/2/22	Dion Marlon Marandola Walsall Proved in absence	£440 £175 costs (£175 requested)	Out of area
25	8/2/22	Olivia Mills Hollywood Guilty plea	£104 £175 costs (£175 requested)	Out of area

26	8/2/22	Abdulla Mohamed Birmingham Proved in absence	£440 £175 costs (£175 requested)	Sparkhill
27	8/2/22	Bridget Freda Morrissey Telford Proved in absence	£440 £175 costs (£175 requested)	Out of area
28	8/2/22	Adam Plunkett Yeovil Proved in absence	£440 £175 costs (£175 requested)	Out of area
29	8/2/22	Carl Rin London Proved in absence	£440 £175 costs (£175 requested)	Out of area
30	8/2/22	Ali Safi Birmingham Proved in absence	£440 £85 costs (£175 requested)	Sparkhill
31	8/2/22	Adel Saqaf Birmingham Proved in absence	£440 £85 costs (£175 requested)	Sparkhill
32	8/2/22	Julie Skidmore Hinckley Proved in absence	£440 £175 costs (£175 requested)	Out of area
33	8/2/22	Pete Stephens Telford Proved in absence	£440 £175 costs (£175 requested)	Out of area

34	8/2/22	David Trinder Birmingham Proved in absence	£440 £175 costs (£175 requested)	Yardley West & Stechford
35	8/2/22	Mark Turner Hereford Proved in absence	£440 £175 costs (£175 requested)	Out of area
36	8/2/22	Amanda Turner- Ford Huntington Proved in absence	£440 £175 costs (£175 requested)	Out of area
37	22/2/22	Vasile Ionut Bahica Birmingham Proved in absence	£440 £175 costs (£175 requested)	Ward End
38	22/2/22	Amanda Cartwright London Proved in absence	£440 £175 costs (£175 requested)	Out of area
39	22/2/22	Nichola Colby Birmingham Proved in absence	£440 £175 costs (£175 requested)	Ladywood
40	22/2/22	Susan Colley Birmingham Guilty plea	£193 £175 costs (£175 requested)	Stockland Green
41	22/2/22	Chris Conduit Nottingham Proved in absence	£440 £175 costs (£175 requested)	Out of area

42	22/2/22	Darren Holloway Walsall Proved in absence	£440 £175 costs (£175 requested)	Out of area
43	22/2/22	Patricia Hutchinson Nuneaton Proved in absence	£440 £175 costs (£175 requested)	Out of area
44	22/2/22	Ethan Jones Wolverhampton Proved in absence	£440 £175 costs (£175 requested)	Out of area
45	22/2/22	Nguyen Lee Reading Proved in absence	£440 £175 costs (£175 requested)	Out of area
46	22/2/22	Tsunwan Low Manchester Guilty plea	£250 £175 costs (£175 requested)	Out of area
47	22/2/22	Abby Lee MacPherson Willenhall Guilty plea	£202 £175 costs (£175 requested)	Out of area
48	22/2/22	Baber Jawaid Murtaza London Proved in absence	£440 £175 costs (£175 requested)	Out of area

49	22/2/22	Vincent Pheng Birmingham Proved in absence	£440 £175 costs (£175 requested)	Bournville & Cotteridge
50	22/2/22	Daniel Raftery Welshpool Proved in absence	£440 £175 costs (£175 requested)	Out of area
51	22/2/22	Robert Peter Riddell Liverpool Proved in absence	£440 £175 costs (£175 requested)	Out of area
52	22/2/22	Dokrak Sricha Birmingham Proved in absence	£440 £175 costs (£175 requested)	Weoley & Selly Oak
53	22/2/22	Lukas Stribny Leeds Proved in absence	£440 £175 costs (£175 requested)	Out of area
54	22/2/22	David Tierney Birmingham Proved in absence	£440 £175 costs (£175 requested)	Bartley Green
55	22/2/22	Siew Khow Tong Birmingham Proved in absence	£440 £175 costs (£175 requested)	Birchfield
56	22/2/22	Rahan Uddun Birmingham Proved in absence	£440 £175 costs (£175 requested)	Bordesley Green

57	22/2/22	Beqir Uka Leamington Spa Proved in absence	£440 £175 costs (£175 requested)	Out of area
58	22/2/22	Eana Vasile Telford Proved in absence	£440 £175 costs (£175 requested)	Out of area
59	22/2/22	Sheila Wheeler Sutton Coldfield Proved in absence	£440 £175 costs (£175 requested)	Sutton Reddicap
60	22/2/22	Nicola Worrall Birmingham Proved in absence	£120 £175 costs (£175 requested)	Allens Cross
61	22/2/22	Xu Xiaming Stourport on Severn Proved in absence	£440 £175 costs (£175 requested)	Out of area
62	8/3/22	Rabia Ahmed St Ives Proved in absence	£220 £175 costs (£175 requested)	Out of area
63	8/3/22	Taha Ataie West Bromwich Proved in absence	£220 £175 costs (£175 requested)	Out of area
64	8/3/22	Hayligh Barraclough Liverpool Proved in absence	£220 £175 costs (£175 requested)	Out of area

65	8/3/22	Heidi Bishop Redditch Proved in absence	£220 £175 costs (£175 requested)	Out of area
66	8/3/22	Richard Brett Oxford Proved in absence	£220 £175 costs (£175 requested)	Out of area
67	8/3/22	Catlin Calapod Birmingham Proved in absence	£220 £175 costs (£175 requested)	Ladywood
68	8/3/22	Jody Clee Stafford Guilty plea	£51 £175 costs (£175 requested)	Out of area
69	8/3/22	Teresa Close Birmingham Proved in absence	£220 £175 costs (£175 requested)	Rubery & Rednal
70	8/3/22	Yvonne May Colvaccेशia St Helens Guilty plea	£40 £175 costs (£175 requested)	Out of area
71	8/3/22	Emma Louise Dagnall Leamington Spa Guilty plea	£116 No costs awarded (£175 requested)	Out of area

72	8/3/22	James Dean Chipping Norton Proved in absence	£220 £175 costs (£175 requested)	Out of area
73	8/3/22	Gerant Ellas Birmingham Proved in absence	£220 £175 costs (£175 requested)	Quinton
74	8/3/22	Charnelle Felin Stafford Proved in absence	£220 £175 costs (£175 requested)	Out of area
75	8/3/22	Pamela Fream Burton on Trent Proved in absence	£220 £175 costs (£175 requested)	Out of area
76	8/3/22	Clare Frances Gavin Belfast Proved in absence	£220 £175 costs (£175 requested)	Out of area
77	8/3/22	Raina Gillon Bathgate Proved in absence	£220 £175 costs (£175 requested)	Out of area
78	8/3/22	Sarah Goodchild Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sheldon
79	8/3/22	Shane Griffen Worcester Proved in absence	£220 £175 costs (£175 requested)	Out of area

80	8/3/22	James Hardie Blackpool Proved in absence	£220 £175 costs (£175 requested)	Out of area
81	8/3/22	Elle Hill Mansfield Guilty plea	£40 £50 costs (£175 requested)	Out of area
82	8/3/22	Glen Huckfield Birmingham Proved in absence	£220 £175 costs (£175 requested)	North Edgbaston
83	8/3/22	Sarmand Ahmed Ibrahimi Stoke on Trent Proved in absence	£220 £175 costs (£175 requested)	Out of area
84	8/3/22	Long Junsheng London Proved in absence	£220 £175 costs (£175 requested)	Out of area
85	8/3/22	Leo Kane Birmingham Proved in absence	£220 £175 costs (£175 requested)	Aston
86	8/3/22	Tomasz Kostrzanowski Telford Proved in absence	£220 £175 costs (£175 requested)	Out of area
87	8/3/22	Michal Kryszczuk Birmingham Proved in absence	£220 £175 costs (£175 requested)	Quinton

88	8/3/22	Hannah Amira Latif Newcastle Proved in absence	£220 £175 costs (£175 requested)	Out of area
89	8/3/22	Philip Lowe Wednesbury Proved in absence	£220 £175 costs (£175 requested)	Out of area
90	8/3/22	Rebecca Mason Birmingham Proved in absence	£220 £175 costs (£175 requested)	Glebe Farm & Tile Cross
91	8/3/22	Chen Ming Basingstoke Proved in absence	£220 £175 costs (£175 requested)	Out of area
92	8/3/22	Nicola Morris Market Drayton Proved in absence	£220 £175 costs (£175 requested)	Out of area
93	8/3/22	Masoudi Abdullah Nabil Birmingham Proved in absence	£220 £175 costs (£175 requested)	Edgbaston
94	8/3/22	Stuart John Nancollis Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bordesley Green

95	8/3/22	Paige Sarah Osborne Walsall Proved in absence	£220 £175 costs (£175 requested)	Out of area
96	8/3/22	James Parkin Liverpool Proved in absence	£220 £175 costs (£175 requested)	Out of area
97	8/3/22	Caliopi Pauna Birmingham Proved in absence	£220 £175 costs (£175 requested)	Handsworth Wood
98	8/3/22	Ricardo Fox Payne Birmingham Proved in absence	£220 £175 costs (£175 requested)	Longbridge & West Heath
99	8/3/22	Michael Perri Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sheldon
100	8/3/22	Michelle Perri Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sheldon
101	8/3/22	Mark Poultney Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bordesley Green
102	8/3/22	Xiang Shang Exeter Proved in absence	£220 £175 costs (£175 requested)	Out of area

103	8/3/22	Dashuany Wan Shuang Exeter Proved in absence	£220 £175 costs (£175 requested)	Out of area
104	8/3/22	Ben Shuttleworth Harrogate Proved in absence	£220 £175 costs (£175 requested)	Out of area
105	8/3/22	Shaun Simcox Dudley Proved in absence	£220 £175 costs (£175 requested)	Out of area
106	8/3/22	Samantha Smith Coventry Proved in absence	£220 £175 costs (£175 requested)	Out of area
107	8/3/22	Patrick Smith- Willocks Birmingham Guilty plea	£220 £175 costs (£175 requested)	Ladywood
108	8/3/22	Nicola Spencer Wednesbury Proved in absence	£220 £175 costs (£175 requested)	Out of area
109	8/3/22	Nicholas John Stevens Cambridge Proved in absence	£220 £175 costs (£175 requested)	Out of area

110	8/3/22	Rachael Stopford Newton Abbey Guilty plea	£220 £175 costs (£175 requested)	Out of area
111	8/3/22	Kevin Barry Sullivan Birmingham Proved in absence	£220 £175 costs (£175 requested)	Glebe Farm & Tile Cross
112	8/3/22	Jodie Townsend Bath Proved in absence	£220 £175 costs (£175 requested)	Out of area
113	8/3/22	Rachel Turton Leicester Proved in absence	£220 £175 costs (£175 requested)	Out of area
114	8/3/22	Thomas Ward Belfast Proved in absence	£220 £175 costs (£175 requested)	Out of area
115	8/3/22	Graham Williams Birmingham Proved in absence	£220 £175 costs (£175 requested)	Handsworth
116	8/3/22	Samantha Windows Rugby Proved in absence	£220 £175 costs (£175 requested)	Out of area
117	8/3/22	David Harris Winn Walsall Proved in absence	£220 £175 costs (£175 requested)	Out of area

118	8/3/22	Chelsea Wood Chelmsley Wood Proved in absence	£220 £175 costs (£175 requested)	Out of area
119	22/3/22	Duduiano Alexandru Birmingham Proved in absence	£220 £175 costs (£175 requested)	Handsworth
120	22/3/22	Mohssen Amjadi Birmingham Proved in absence	£220 £175 costs (£175 requested)	Kingstanding
121	22/3/22	Rebecca Archer Kidderminster Guilty plea	£100 £85 costs (£175 requested)	Out of area
122	22/3/22	Karen Barr Bournemouth Proved in absence	£220 £175 costs (£175 requested)	Out of area
123	22/3/22	Sergio Basso Birmingham Proved in absence	£220 £175 costs (£175 requested)	Newtown
124	22/3/22	Gary Black Barnt Green Proved in absence	£220 £175 costs (£175 requested)	Out of area
125	22/3/22	Minhaela Borcoi Wolverhampton Proved in absence	£220 £175 costs (£175 requested)	Out of area

126	22/3/22	Oliver Brigden Evesham Proved in absence	£220 £175 costs (£175 requested)	Out of area
127	22/3/22	Natalie Brown Birmingham Proved in absence	£220 £175 costs (£175 requested)	Aston
128	22/3/22	Robert Catalano Dudley Proved in absence	£220 £175 costs (£175 requested)	Out of area
129	22/3/22	Samantha DeCourcy Birmingham Proved in absence	£220 £175 costs (£175 requested)	Allens Croft
130	22/3/22	Anna Gittoes Wolverhampton Proved in absence	£220 £175 costs (£175 requested)	Out of area
131	22/3/22	Andrew Gosling Wolverhampton Proved in absence	£220 £175 costs (£175 requested)	Out of area
132	22/3/22	Paul Graves Lymington Proved in absence	£220 £175 costs (£175 requested)	Out of area
133	22/3/22	Jamie Griffiths Tamworth Proved in absence	£220 £175 costs (£175 requested)	Out of area

134	22/3/22	Daniel Hall Ashton-under-Lyne Proved in absence	£220 £175 costs (£175 requested)	Out of area
135	22/3/22	Paul Hatton Mansfield Proved in absence	£220 £175 costs (£175 requested)	Out of area
136	22/3/22	Paul Hughes Birmingham Proved in absence	£220 £175 costs (£175 requested)	Stockland Green
137	22/3/22	Richard Kennedy Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sheldon
138	22/3/22	Holly Deanna Lloyd West Bromwich Proved in absence	£220 £87.50 costs (£175 requested)	Out of area
139	22/3/22	Jeffrey Lloyd Birmingham Proved in absence	£220 £175 costs (£175 requested)	Longbridge & West Heath
140	22/3/22	Sharon Lloyd West Bromwich Proved in absence	£220 £87.50 costs (£175 requested)	Out of area
141	22/3/22	Catherine McGee Tamworth Proved in absence	£220 £175 costs (£175 requested)	Out of area

142	22/3/22	Rebecca Mills Cannock Proved in absence	£220 £175 costs (£175 requested)	Out of area
143	22/3/22	Emily Moore Rotherham Proved in absence	£220 £175 costs (£175 requested)	Out of area
144	22/3/22	Michael Morcombe Blackpool Proved in absence	£220 £175 costs (£175 requested)	Out of area
145	22/3/22	Robinson Mundoma Northampton Guilty plea	£100 £175 costs (£175 requested)	Out of area
146	22/3/22	Jason Nathan Peterborough Proved in absence	£220 £175 costs (£175 requested)	Out of area
147	22/3/22	James Phipps Worcester Proved in absence	£220 £175 costs (£175 requested)	Out of area
148	22/3/22	Mark Plinner Birmingham Proved in absence	£220 £175 costs (£175 requested)	Highters Heath
149	22/3/22	Mark Potfield Wednesbury Proved in absence	£220 £175 costs (£175 requested)	Out of area

150	22/3/22	Ellie Samantha Robinson Manchester Proved in absence	£220 £175 costs (£175 requested)	Out of area
151	22/3/22	Chelsea Robinson Worcester Proved in absence	£220 £175 costs (£175 requested)	Out of area
152	22/3/22	Julia Rossi Smethwick Proved in absence	£220 £175 costs (£175 requested)	Out of area
153	22/3/22	Carl Nicholas Rundle Oxford Proved in absence	£220 £175 costs (£175 requested)	Out of area
154	22/3/22	Sarah Louise Sherratt Coventry Guilty plea	£100 £175 costs (£175 requested)	Out of area
155	22/3/22	Paris Sinclair Evesham Proved in absence	£220 £175 costs (£175 requested)	Out of area
156	22/3/22	Bolena Stankiewicz Birmingham Proved in absence	£220 £175 costs (£175 requested)	Acocks Green
157	22/3/22	Thomas Hedley Warren Birmingham Proved in absence	£220 £175 costs (£175 requested)	Edgbaston

158	22/3/22	Kyle Wills Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bournbrook & Selly Park
159	22/3/22	Mei Xue Diss Proved in absence	£220 £175 costs (£175 requested)	Out of area
160	22/3/22	Nicolay Zaslavsky Stoke on Trent Proved in absence	£220 £175 costs (£175 requested)	Out of area
161	12/4/22	Mohammed Ahmed Middlesborough Proved in absence	£220 £85 costs (£175 requested)	Out of area
162	12/4/22	Mashaer Aoghathi Birmingham Proved in absence	£220 £85 costs (£175 requested)	Ladywood
163	12/4/22	Stephen Baker Worcester Proved in absence	£220 £85 costs (£175 requested)	Out of area
164	12/4/22	Rees James Bettell Worcester Proved in absence	£220 £85 costs (£175 requested)	Out of area
165	12/4/22	Anne Bluck Birmingham Proved in absence	£220 £85 costs (£175 requested)	Glebe Farm & Tile Cross

166	12/4/22	Catherine Boyne Lincoln Proved in absence	£220 £85 costs (£175 requested)	Out of area
167	12/4/22	Donna Brownhill West Bromwich Proved in absence	£220 £85 costs (£175 requested)	Out of area
168	12/4/22	Joanne Connolly Birmingham Proved in absence	£220 £85 costs (£175 requested)	Yardley West & Stechford
169	12/4/22	Catherine Cunningham West Bromwich Proved in absence	£220 £85 costs (£175 requested)	Out of area
170	12/4/22	Amira Dauhoo Nottingham Proved in absence	£220 £85 costs (£175 requested)	Out of area
171	12/4/22	Karl Evans Solihull Proved in absence	£220 £85 costs (£175 requested)	Out of area
172	12/4/22	Tristan Fagan London Proved in absence	£220 £85 costs (£175 requested)	Out of area
173	12/4/22	Victoria Gardner Salford Proved in absence	£220 £85 costs (£175 requested)	Out of area

174	12/4/22	Chloe Glover Birmingham Proved in absence	£220 £85 costs (£175 requested)	Druids Heath & Monyhull
175	12/4/22	Hashmatullah Haddad Birmingham Proved in absence	£220 £85 costs (£175 requested)	Nechells
176	12/4/22	Billie Holmes Morecombe Proved in absence	£220 £85 costs (£175 requested)	Out of area
177	12/4/22	Dutac Ionut Smethwick Proved in absence	£220 £85 costs (£175 requested)	Out of area
178	12/4/22	Samera Ismail Birmingham Guilty plea	£40 £50 costs (£175 requested)	Sparkbrook & Balsall Heath East
179	12/4/22	Laura Johnson Solihull Proved in absence	£220 £85 costs (£175 requested)	Out of area
180	12/4/22	Sined Kola Rickmansworth Proved in absence	£220 £85 costs (£175 requested)	Out of area
181	12/4/22	Kalian Koleve Birmingham Proved in absence	£220 £85 costs (£175 requested)	Erdington

182	12/4/22	Maria Reyes Leal Braintree Proved in absence	£220 £85 costs (£175 requested)	Out of area
183	12/4/22	Zoe Lever London Proved in absence	£40 £50 costs (£175 requested)	Out of area
184	12/4/22	Adrian Hewitt Long Bristol Proved in absence	£220 £85 costs (£175 requested)	Out of area
185	12/4/22	David Lycett Kidderminster Proved in absence	£220 £85 costs (£175 requested)	Out of area
186	12/4/22	Danielle Maisbett Smethwick Proved in absence	£220 £85 costs (£175 requested)	Out of area
187	12/4/22	Ellecia Mohammed Birmingham Proved in absence	£220 £85 costs (£175 requested)	Gravelly Hill
188	12/4/22	Jayne Louise Nelson Birmingham Proved in absence	£220 £85 costs (£175 requested)	Tyseley & Hay Mills
189	12/4/22	Suen Ma Ng Birmingham Proved in absence	£220 £85 costs (£175 requested)	Aston

190	12/4/22	Ryan O'Leary Lutterworth Proved in absence	£220 £85 costs (£175 requested)	Out of area
191	12/4/22	Gaynor Renouf Peterborough Proved in absence	£220 £85 costs (£175 requested)	Out of area
192	12/4/22	Yangsong Shi Coventry Proved in absence	£220 £85 costs (£175 requested)	Out of area
193	12/4/22	Lewis Joel Smith Telford Guilty plea	£40 £50 costs (£175 requested)	Out of area
194	12/4/22	Alexandra Staicu Birmingham Proved in absence	£220 £85 costs (£175 requested)	Ward End
195	12/4/22	Emily Stevens Rugby Proved in absence	£220 £85 costs (£175 requested)	Out of area
196	12/4/22	Fasma Uddin Birmingham Proved in absence	£220 £85 costs (£175 requested)	Acocks Green
197	12/4/22	Frances Wall Birmingham Guilty plea	£40 £50 costs (£175 requested)	Bordesley Green

198	12/4/22	Jane Ward Birmingham Proved in absence	£220 £85 costs (£175 requested)	Yardley West & Stechford
199	12/4/22	Jamie Weldon Birmingham Proved in absence	£220 £85 costs (£175 requested)	Yardley West & Stechford
200	12/4/22	Andrew Wiggett Stourbridge Proved in absence	£220 £85 costs (£175 requested)	Out of area
201	12/4/22	Zuzanna Wojdylar Stratford upon Avon Proved in absence	£220 £85 costs (£175 requested)	Out of area
202	12/4/22	Mohammed Yassin Burton on Trent Proved in absence	£220 £85 costs (£175 requested)	Out of area
203	26/4/22	Nadia Ahmed Birmingham Proved in absence	£220 £85 costs (£175 requested)	Nechells
204	26/4/22	Richard Andrews Sheffield Proved in absence	£220 £85 costs (£175 requested)	Out of area
205	26/4/22	Thomas Bennett Walsall Guilty plea	£107 £85 costs (£175 requested)	Out of area

206	26/4/22	Jaroslav Bieszczad Birmingham Proved in absence	£220 £85 costs (£175 requested)	North Edgbaston
207	26/4/22	Carl Brumby Birmingham Proved in absence	£220 £85 costs (£175 requested)	Moseley
208	26/4/22	Callun Daniel Sutton Coldfield Proved in absence	£220 £85 costs (£175 requested)	Sutton Trinity
209	26/4/22	Edward Drewett London Proved in absence	£220 £85 costs (£175 requested)	Out of area
210	26/4/22	Reanna Harper Bristol Proved in absence	£220 £85 costs (£175 requested)	Out of area
211	26/4/22	Amy Harris Birmingham Proved in absence	£220 £85 costs (£175 requested)	Harborne
212	26/4/22	Ahmed Heeri Birmingham Proved in absence	£220 £85 costs (£175 requested)	Soho & Jewellery Quarter
213	26/4/22	Luke Hill Birmingham Proved in absence	£220 £85 costs (£175 requested)	Moseley

214	26/4/22	Le Nhat Hoang London Proved in absence	£220 £85 costs (£175 requested)	Out of area
215	26/4/22	Joshua Holgate Ilfracombe Proved in absence	£220 £85 costs (£175 requested)	Out of area
216	26/4/22	Katie Jenkins Birmingham Guilty plea	£40 £85 costs (£175 requested)	Northfield
217	26/4/22	Julianna Jones Telford Proved in absence	£220 £85 costs (£175 requested)	Out of area
218	26/4/22	Sian Jones Milton Keynes Proved in absence	£220 £85 costs (£175 requested)	Out of area
219	26/4/22	Prawin Kunwar Oldbury Proved in absence	£220 £85 costs (£175 requested)	Out of area
220	26/4/22	Liam Lucas Birmingham Proved in absence	£220 £85 costs (£175 requested)	Bartley Green
221	26/4/22	Emma Macaulay Nottingham Proved in absence	£220 £85 costs (£175 requested)	Out of area

222	26/4/22	Patrick McDonagh Coventry Proved in absence	£220 £85 costs (£175 requested)	Out of area
223	26/4/22	Quan Nguyen Birmingham Proved in absence	£220 £85 costs (£175 requested)	Bordesley Green
224	26/4/22	Emma Payne Birmingham Proved in absence	£220 £85 costs (£175 requested)	Weoley & Selly Oak
225	26/4/22	Dominika Ratke Tamworth Proved in absence	£220 £85 costs (£175 requested)	Out of area
226	26/4/22	Jameel Ronquillo Birmingham Proved in absence	£220 £85 costs (£175 requested)	Edgbaston
227	26/4/22	Bobby Rose Waltham Cross Proved in absence	£220 £85 costs (£175 requested)	Out of area
228	26/4/22	Lisa Smith Coventry Proved in absence	£220 £85 costs (£175 requested)	Out of area
229	26/4/22	Skye Stenson Leamington Spa Proved in absence	£220 £85 costs (£175 requested)	Out of area

230	26/4/22	Stephanie Celine Thompson Stafford Proved in absence	£220 £85 costs (£175 requested)	Out of area
231	26/4/22	Anne Timmies Wellingborough Proved in absence	£220 £85 costs (£175 requested)	Out of area
232	26/4/22	Ivan Mark Vernon Coventry Proved in absence	£220 £85 costs (£175 requested)	Out of area
233	26/4/22	Pia Weston London Proved in absence	£220 £85 costs (£175 requested)	Out of area
234	26/4/22	Nigel Wright Bishops Stortford Guilty plea	£80 £85 costs (£175 requested)	Out of area

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

No simple cautions were administered during February, March and April 2022.

LICENSING CASES

235	28/4/22	Mosharroof Hossain Solihull	Local Government (Miscellaneous Provisions) Act 1976. Pleaded guilty to one offence of causing a Jaguar XF motor vehicle to wait on a hackney carriage stand on Smallbrook Queensway, Birmingham when the vehicle was not a hackney carriage.	£150 fine £400 costs (£824 requested)	Out of area	Ladywood
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LICENSING SIMPLE CAUTIONS

Nine simple cautions were administered during February, March and April 2022.

Local Government (Miscellaneous Provisions) Act 1976

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

Section 50(3) One caution was issued for failing to report an accident in a private hire vehicle to the Council within 72 hours

Section 64(3) One caution was issued for waiting on a Hackney Carriage stand when not a Hackney Carriage.

Town Police Clauses Act 1847

Section 68 One caution was issued for failing to set the taximeter in a Hackney Carriage when the carriage was hired.

TRADING STANDARDS CASES

No Trading Standards cases were finalised during February, March and April 2022.

TRADING STANDARDS SIMPLE CAUTIONS

No simple cautions were administered during February, March and April 2022.

WASTE ENFORCEMENT CASES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
236	21/2/22	David Biddulph Birmingham	Environmental Protection Act 1990 Pleaded <u>not guilty</u> to three offences; two of depositing controlled waste, namely clear plastic bags, from a vehicle at Castle Vale Business Park, Tameside Drive, Birmingham and one of failing to provide details of the driver of the vehicle at the time of the offence. Found guilty following trial.	£2,000 - 1 st offence No separate penalty on remaining offences £500 costs (£1,793 requested)	Lozells	Castle Vale
237	30/3/22	DY5 Motors Limited Unit 48a Premier Industrial Estate Leys Road Brierley Hill DY5 3UP	Environmental Protection Act 1990. Found guilty in their absence of two offences; one of knowingly causing controlled waste, namely pieces of cardboard, to be deposited from a vehicle onto land on Simmons Drive, Quinton, Birmingham and one offence of failing to respond to a demand for information requiring details of the driver of the vehicle at the time of the offence to be provided.	£1,250 £1,290 costs (£1,290 requested)	Out of area	Quinton
238	31/3/22	Robert Griffiths Birmingham Craig Stevens Birmingham	Environmental Protection Act 1990. Both defendants pleaded guilty to one offence of depositing controlled waste, namely a settee, wooden doors, wooden pallets and other general waste, from a vehicle onto land at the rear of Hever Avenue, Birmingham.	Griffiths fined £629 £200 costs (£1,836 requested) Stevens fined £320 £200 costs (£1,836 requested)	Castle Vale	Kingstanding

WASTE ENFORCEMENT SIMPLE CAUTIONS

No simple cautions were administered during February, March and April 2022.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – FEBRUARY, MARCH & APRIL 2022

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	1	0	0	0	0	0	0	1
Environmental Health (FPNs) Not paid and prosecuted	0	2	0	0	223	2	0	0	0	3	0	230
Environmental Health (including WEU)	1	3	1	1	0	0	1	0	0	0	0	7
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – FEBRUARY, MARCH & APRIL 2022

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	0	0	0	0	0	0	1	1
Environmental Health (FPNs) Not paid and prosecuted	11	6	6	6	16	9	5	4	2	14	151	230
Environmental Health (including WEU)	0	2	1	1	0	0	1	0	0	0	2	7
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	5	0	1	0	0	0	0	6
Environmental Health (FPNs) Not paid and prosecuted	0	2	0	0	770	2	0	0	0	3	0	777
Environmental Health (including WEU)	2	8	7	7	23	3	5	5	3	5	0	68
Trading Standards	0	1	2	0	0	0	0	0	0	2	0	5

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	1	0	0	1	0	0	0	4	6
Environmental Health (FPNs) Not paid and prosecuted	26	29	30	32	62	26	35	19	7	34	477	777
Environmental Health (including WEU)	0	10	5	8	12	3	8	4	2	4	12	68
Trading Standards	0	1	2	0	1	0	0	0	0	0	1	5

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY

	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	Total
Duty of care inspections into the waste disposal arrangements of commercial premises	19	55	23	29	35	61	231	30	9	71	63	21	192	839
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	19	33	17	29	17	46	186	18	9	48	47	18	147	634
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	1	0	3	0	0	0	3	3	7	7	13	10	6	53
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences(£80)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	4	5	6	5	6	3	7	13	12	14	14	8	14	111
Prosecutions														
Number of prosecution files submitted to legal services, (number produced quarterly.	2	10	6	5	3	3	1	1	3	0	5	2	2	43

APPENDIX 7

Monthly Parking Pcns Issued in Taxi Ranks	Processing
April 2021	103
May 2021	154
June 2021	142
July 2021	106
August 2021	114
September 2021	114
October 2021	206
November 2021	274
December 2021	278
January 2022	232
February 2022	208
March 2022	252
April 2022	198
TOTAL	2381

BIRMINGHAM CITY COUNCIL

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

29 JUNE 2022
ALL WARDS

**ACTION TAKEN BY THE CHAIR OF THE LICENSING
& PUBLIC PROTECTION COMMITTEE:
JANUARY TO MAY 2022**

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

2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Sajeela Naseer, Head of Licensing, Markets, Registration Services and Private Rented Sector
Telephone: 0121 303 6112
E-mail: Sajeela.naseer@birmingham.gov.uk

3. Background Information

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

4. Summary of Action Taken between January and May 2022

- 4.1 On 2 March 2022 authority was sought to suspend with immediate effect the private hire driver's licence held by driver reference 96689, following receipt of information from West Midlands police to the effect the driver had been arrested in connection with an investigation into the alleged rape of a female older than 16 years.
- 4.2 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained. On 3 March 2022 driver 96689 was sent a copy of the suspension notice to his last known address advising his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.3 On 13 April 2022, authority was sought to suspend with immediate effect the private hire driver's licence held by driver reference 106157, following receipt of information from the driver advising he had been convicted for an offence of Causing Actual Bodily Harm.
- 4.4 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained. On 19 April 2022 (following the extended Jubilee Bank Holiday) driver 106157 was sent a copy of the suspension notice to his last known address, advising his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.5 On 27 May 2022 authority was sought to suspend with immediate effect the private hire driver licence held by driver reference 17698. On 27 May 2022 the Licensing Enforcement Section received information from West Midlands Police to the effect that the driver has been arrested for an allegation inappropriate touching of a female.
- 4.6 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and a notice was sent by first class post to 17698's last known address, advising that his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

- 4.7 On 31 May 2022 authority was sought to suspend with immediate effect the private hire driver licence held by driver reference 5571. On 31 May 2022 the Licensing Enforcement Section received information from West Midlands Police to the effect that the driver was being investigated in relation to an indecent image of a child.
- 4.8 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained. On 1 June driver 5571 was sent a copy of the suspension notice to his last known address advising his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.9 In January and February 2022 there were no matters that were required to be dealt with as an action by the Chair.
5. Implications for Resources
- 5.1 No specific implications have been identified; however, drivers retain the right to appeal through a Magistrates' Court, which may result in the imposition of costs either to or against the City Council.
6. Implications for Policy Priorities
- 6.1 The contents of the report relate to the City Council's outcome 4 "Birmingham is a great, clean and green city to live in".
7. Implications for Equality and Diversity
- 7.1 The actions identified in this report were taken in accordance with the Regulatory Services enforcement policy, which ensures that equality issues have been addressed.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

