

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

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

MONDAY, 23 OCTOBER 2017 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 APOLOGIES

To receive any apologies.

3 - 10

3 MINUTES

To confirm and sign the Minutes of the meeting held on 13 September 2017.

11 - 146

4 EMISSION STANDARDS AND SUITABILITY FOR USE OF BIRMINGHAM HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Report of the Acting Director of Regulation and Enforcement

147 - 190

5 BIRMINGHAM CITY COUNCIL ACT 1990 ESTABLISHMENTS FOR MASSAGE AND/OR SPECIAL TREATMENTS BIRMINGHAM THAI THERAPY, 1159 BRISTOL ROAD SOUTH, NORTHFIELD, BIRMINGHAM B31 2SL GRANT OF LICENCE

Report of the Acting Director of Regulation and Enforcement

191 - 270

6 BIRMINGHAM TAXI DEMAND SURVEY REPORT

Report of the Acting Director of Regulation and Enforcement

<u>271 - 320</u>	7	<u>PROPOSAL TO INTRODUCE QUALITY RATING SCHEME FOR PRIVATE HIRE OPERATORS</u>	Report of the Acting Director of Regulation and Enforcement
<u>321 - 324</u>	8	<u>CARD PAYMENTS IN HACKNEY CARRIAGE VEHICLES</u>	Report of the Acting Director of Regulation and Enforcement
<u>325 - 330</u>	9	<u>SUPPLEMENTAL FEES AND CHARGES 2017/18 REPORT IN RESPECT OF BIRMINGHAM REGISTER OFFICE</u>	Report of the Acting Director of Regulation and Enforcement
<u>331 - 334</u>	10	<u>OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING AUGUST 2017</u>	Report of the Acting Director of Regulation and Enforcement
<u>335 - 340</u>	11	<u>FIXED PENALTY NOTICES ISSUED AUGUST 2017</u>	Report of the Acting Director of Regulation and Enforcement
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<u>383 - 384</u>	13	<u>ACTION TAKEN BY THE CHAIR OF THE LICENSING & PUBLIC PROTECTION COMMITTEE: OCTOBER 2017</u>	Report of the Acting Director of Regulation and Enforcement
<u>385 - 386</u>	14	<u>SCHEDULE OF OUTSTANDING MINUTES</u>	To consider the schedule of outstanding minutes.
	15	<u>OTHER URGENT BUSINESS</u>	To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
	16	<u>AUTHORITY TO CHAIRMAN AND OFFICERS</u>	Chairman to move:- 'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 13 SEPTEMBER 2017
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 13 SEPTEMBER 2017 AT
1000 HOURS IN COMMITTEE ROOM 6,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Alex Buchanan, Liz Clements, Des Flood, Nagina Kauser, Changese Khan, Mike Leddy and Rob Sealey.

NOTICE OF RECORDING/WEBCAST

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

APOLOGIES

- 897 Apologies were received from Councillors Nawaz Ali, Bob Beauchamp, Lynda Clinton, Ian Cruise, Basharat Dad and Carole Griffiths.

MINUTES

- 898 i) The Minutes of the meeting held on 12 July 2017, having been previously circulated were confirmed as a correct record and signed by the Chairman.
- ii) The public section of the minutes of the meeting held on 14 July 2017 were noted.

SEX ESTABLISHMENT POLICY

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

(See Document No. 1)

Emma Rohomon, Licensing Manager, made introductory comments relating to report. In response to questions from the Chair, she explained that there were no restriction on the age of customers, which remained at 18, proposed as it was felt that this would not be proportionate. In addition she noted that the removal of the requirement for the applicant to demonstrate compliance with business rates was because the onus was placed on other agencies such as Business Rates Section of the Council or other agencies to object to the granting of the licence.

Councillor Rob Sealey was concerned with the removal of the cap on the number of Sexual Entertainment Venues (SEVs) and questioned the meaning of the wording in paragraph 5.10.

Councillor Des Flood commented on the need to protect the public and noted that there had been issues with SEVs recently and there was a need to learn from that. He was concerned relating to the touting for business issue and noted that illegal flyposting was also taking place and should be referred to in the policy. He sought clarification on the removal of the cap and the appeals referred to on page 4 of the report. Councillor Flood felt that having an age restriction of 21 had merits and should be explored further.

Councillor Liz Clements sought clarification relating to part c of paragraph 47. The Councillor queried how the agreed policy would be communicated to stakeholders. She questioned how Burlesque performances would be judged to be relevant entertainment under the policy.

Councillors Alex Buchanan and Changese Khan felt the cap on numbers did hinder the Committee when considering applications for licences and noted that each application should be considered on their merits.

Emma Rohomon, Licensing Manager, responded appropriately to Members comments and questions.

Sanjeev Bhopal, Committee Lawyer, drew Members attention to paragraph 5.9 of the report.

The Chair requested the Committee to decide whether or not to allow the use of business cards by SEVs for the promotion of their business as detailed in paragraph 4.7 of the report and having put it to the vote, by 7 votes for to 1 vote, declared it carried.

The Chair put the recommendations, with the adoption of the condition in paragraph 4.7, to the meeting and by 7 votes for to 1 vote, it was-

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RESOLVED:-

- (i) That the proposed policy for licensing sex establishments, including associated conditions and scheme of delegations and the condition proposed as an addendum to Condition 66 set out in paragraph 4.7 of the report be agreed; and
 - (ii) that it be noted that the agreed new policy will be subject to public consultation, with the results reported back to a future Committee.
-

At 1106 hours the meeting was adjourned.

At 1114 hours the meeting was reconvened.

LICENSING AND PUBLIC PROTECTION - BUDGET MONITORING 2017/18 (MONTH 04)

The following report of the Acting Service Director of Regulation and Enforcement Assistant and the Interim Chief Financial Officer was submitted:-

(See Document No. 2)

Parmjeet Jassal, Finance, made introductory comments relating to the report and officers responded to detailed questions from Members relating to the pressures on the Pest Control Service and the Mortuary and Coroners Service insofar as the 1974 inquest was concerned.

900

RESOLVED:-

- (i) That the latest revenue budget position at the end of July 2017 (Month 4) and forecast outturn as detailed in Appendix 1 be noted;
 - (ii) that the position with regard to the Savings Programme for 2017/18 as detailed in Appendix 2 be noted;
 - (iii) that the expenditure on grant funded and proceeds of crime programmes in Appendix 3 be noted;
 - (iv) that the position on Capital projects, as detailed in Appendix 4 be noted; and
 - (v) that the position on reserves and balances, as detailed in Appendix 5 be noted.
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**USING THE PROCEEDS OF CRIME TO FURTHER PROTECT CITIZENS
AND SUPPORT COMMUNITIES**

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

(See Document No. 3)

Sajeela Naseer, Head of Trading Standards, made introductory comments relating to the report and responded appropriately to Member's relating to the mechanics of the distribution of, and size of, the grants.

901

RESOLVED:-

- i) That the report be noted; and
 - ii) That the proposed method for spending money derived from proceeds of crime cases in the future, as outlined in paragraph 7 of the report be approved.
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**REPORT ON THE RESULTS OF A PUBLIC CONSULTATION ON
PROPOSALS TO INTRODUCE FIVE PUBLIC SPACE PROTECTION
ORDERS**

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

(See Document No. 4)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report and responded appropriately to comments and questions from Members of the Committee.

During the debate Members gave consideration to the number of dogs that can be walked by one person and agreed that this should be set at 4.

902

RESOLVED:-

- i) That the Head of Environmental Health be requested to pursue the declaration of five Public Space Protection Orders to replace the Dog Control Orders that lapse in October 2017;
 - ii) that the Public Space Protection Order that relates to the maximum number of dogs that can be walked by one person be set at four; and
 - iii) that it be noted that the penalty for a breach of the new Public Space Protections Orders will be £100.
-

PROSECUTIONS AND CAUTIONS – JUNE 2017

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

(See Document No. 5)

The Acting Director of Regulation and Enforcement made introductory comments relating to the report and made reference to some of the prosecutions and cautions therein.

903

RESOLVED:-

That the report be noted

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING JUNE AND JULY 2017

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

(See Document No. 6)

Chris Neville, Head of Licensing, made introductory comments relating to the report and highlighted some of the cases therein.

904

RESOLVED:-

That the report be noted

FIXED PENALTY NOTICES ISSUED JULY 2017

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

(See Document No. 7)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report.

905

RESOLVED:-

That the report be noted

ACTION TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING AUGUST 2017

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

(See Document No. 8)

Chris Neville, Head of Licensing, made introductory comments relating to the report.

906

RESOLVED:-

That the report be noted

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 9)

Councillor Des Flood commented that the number of reports scheduled to be submitted to the October meeting suggested that the agenda would be a large one.

The Chair agreed and indicated that, due to the items on the agenda particularly the Vehicle Emission Standards one where a number of drivers would attend the meeting, the meeting in October would be a long one. In addition the meeting was to be held in Committee Room 6. She therefore suggested that the meeting be moved to another day when Committee Rooms 3 and 4 were available and Members be prepared to sit all day.

At 1228 hours the meeting was adjourned.

At 1233 hours the meeting was reconvened.

It was report that Committee Rooms 3 and 4 were available on Monday 23 October 2017 all day. Following a short discussion it was –

907

RESOLVED:-

That the meeting of the Committee scheduled to be held on Wednesday 18 October 2017 be rescheduled to 1000 hours on Monday 23 October 2017.

Officers updated the dates for which reports would be forthcoming in relation to various Outstanding Minutes. It was agreed that the report on unauthorised encampments would now go to the November meeting and it was -

908

RESOLVED:-

That all Outstanding Minutes be noted.

OTHER URGENT BUSINESS

909 There were no items of Other Urgent Business.

AUTHORITY TO CHAIRMAN AND OFFICERS

910 **RESOLVED:-**

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

EXCLUSION OF THE PUBLIC

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

Minutes – Exempt Paragraphs 3 and 4

PRIVATE MINUTES

- 912 The private section of the Minutes of the meeting held on 14 July 2017 were noted and the minutes as a whole, having previously been circulated, were confirmed as a correct record and signed by the Chair.
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The meeting ended at 1236 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

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

23 OCTOBER 2017

ALL WARDS

**EMISSION STANDARDS AND SUITABILITY FOR USE OF
BIRMINGHAM HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

1 Summary

- 1.1 In April 2016 your Committee considered a report on the consequences for the taxi and private hire trade of the introduction of a Clean Air Zone in Birmingham. In February 2017 your Committee approved a consultation on a policy to achieve the vehicle emissions standards required to comply with a Clean Air Zone. This report considers the outcome of the consultation and proposes a revision to the policy that was considered in February 2017.
- 1.2 On 26 July 2017 the Government published DEFRA's UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations (The UK Plan). It requires local authorities to 'develop local plans and implement them at pace so that air quality limits are achieved within the shortest possible time.' Birmingham is required to submit its outline plan by the end of October 2017 and its full plan by summer 2018.
- 1.3 The UK Plan clearly states that the government expects Birmingham, Leeds, Nottingham, Derby and Southampton, to deliver Clean Air Zones by the end of 2019, 'with a view to achieving statutory NO2 limit values within the shortest possible time, which the latest assessment indicates will be 2020.'
- 1.4 In September 2017 Birmingham's Health & Social Care Overview & Scrutiny Committee published its report 'The Impact of Poor Air Quality on Health'. It identified the link between pollution and poor health and said that 'The City Council needs to demonstrate leadership and take ownership of this issue by developing a strategy to address this effectively.'
- 1.5 This report recommends minimum vehicle emission standards for hackney carriage and private hire vehicles as part of a range of measures that the City is undertaking in order to respond to the need for Birmingham to improve air quality in the City.

2. Recommendations

- 2.1 Birmingham City Council will revise its current Policy on the approved vehicle types for use as Private Hire Vehicles and Hackney Carriage Vehicles

whereby it will not license or permit the use of any vehicle as a hackney carriage or private hire vehicle after 31 December 2019 that does not meet the minimum emission standards of Euro 4 for petrol engines, Euro 6 for diesel engines or is Ultra Low Emission or a Zero Emission Capable Vehicle.

- 2.2 That the policy described in paragraph 2.1 above will apply to the grant of new vehicle licences and the renewal of existing licences likewise.
- 2.3 That officers are asked to prepare a separate report to consider a medium to long-term emissions policy in respect of hackney carriage and private hire vehicles beyond 31st December 2019.
- 2.4 That officers are asked to prepare a separate report for this Committee at the earliest opportunity to consider an absolute age policy in respect of hackney carriage and private hire vehicles.
- 2.5 That Birmingham City Council will continue to license hackney carriage vehicles that have been converted to LPG under the Department for Transport funded scheme until December 2025, subject to them passing a strict annual inspection to verify their mechanical and structural condition, the criteria for which will be developed in due course; and subject to any intervening local or national policy decisions that might take precedence.
- 2.6 That Birmingham does not propose to license any vehicles, or vehicles that are not wheelchair accessible as hackney carriages.
- 2.7 That outstanding minute 651(iii) of 20.04.16 be discharged (That officers engage with the neighbouring West Midlands Licensing Authorities to discuss proposals for a regional emissions standard for hackney carriages and private hire vehicles).
- 2.8 That a short-life officer/member working group be created to consider what criteria or specification Birmingham should adopt for engine sizes or power outputs for electric vehicles and for that working group to make recommendations to the Licensing & Public Protection Committee.

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

3. Background

- 3.1 In December 2015 the Government announced that Birmingham would be one of six cities that would be required to put in place a Clean Air Zone in order to improve air quality. Those cities were London, Birmingham, Leeds, Nottingham, Derby and Southampton. That decision was reported to your Committee on 17th February 2016.
- 3.2 On 15th February 2017 the Licensing & Public Protection Committee agreed to consult on a draft vehicle emissions policy in the context of the Government's decision that Birmingham had to adopt a Clean Air Zone (CAZ) as one of a series of measures to improve air quality in the city due to the impact that pollution is having on the health of the population.
- 3.3 The consultation took place over 14 weeks between 1 March 2017 and 9 June 2017. The consultation was hosted on the Council's BeHeard website and was promoted through meetings with taxi and private hire trade representatives, social media and Birmingham City Council's principal website. Individual post cards were sent to every licensed hackney carriage and private hire driver or owner and every private hire operator to alert them to the consultation. The responses to the consultation are considered below in part 4 of this report.
- 3.4 On 26 July 2017, upon the direction of the Supreme Court, the Government published DEFRA's UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations (The UK Plan). Under that plan each city must adopt its own measures to improve air quality. By March 2018 local authorities must have published their initial plans, with final plans to be produced by December 2018. The Supreme Court ruled that the UK government must reach legal compliance with EU air quality standards 'in the shortest possible time.'
- 3.5 The UK Plan expects Birmingham, Leeds, Nottingham, Derby and Southampton, to deliver Clean Air Zones by the end of 2019, 'with a view to achieving statutory NO₂ limit values within the shortest possible time, which the latest assessment indicates will be 2020.'
- 3.6 **Legislative Background.** The EU Air Quality Directive 2008/50/EC sets out the national targets on emission of pollutants, including nitrogen dioxide (NO₂). The directive and target emission levels are set out and implemented in England under the Air Quality Standards Regulations 2010 and 2016. Under S.82 Environment Act 1985 the Council is required to review air quality within its area and to designate Air Quality Management Areas (AQMA) where air quality objectives set out under the Air Quality (England) Regulations 2000 and 2002 are not achieved and to prepare an action plan detailing remedial measures to tackle the problem.
- 3.7 Birmingham is currently non-compliant in a number of areas of the city centre. The pressing urgency is that the Government issued the UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations in July 2017 which identified Birmingham as one of the areas experiencing the greatest problem with NO₂ exceedances. The Plan requires the Council to undertake assessments aimed

to deliver the best option to achieve statutory NO2 limit values within the shortest possible time. The plan for tackling NO2 exceedances will need to be finalised by summer 2018. The plan also requires local authorities to consider innovative options and new technologies to reduce emissions including; public and private uptake of ultra-low emission vehicles (ULEVs) and using innovative retrofitting technologies and new fuels to address air quality compliance as soon as possible before 2020.

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

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

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

- 3.10. The conclusion of the Scrutiny Report is copied below:

The impact of poor air quality on health and the need to take action urgently to tackle the problem is becoming increasingly clear. The evidence demonstrates that poor air quality is a major public health issue. In Birmingham, Public Health estimate that poor air quality causes approximately 900 premature deaths a year. It is rapidly becoming clear that exposure to air pollution is associated with a much greater public health risk than had previously been understood and evidence about associated adverse health effects is emerging all the time.

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

the city and across the wider West Midlands region with the West Midlands Combined Authority and the West Midlands Mayor.

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

- 3.11 A copy of the Scrutiny report is attached as Appendix 13. The report evidences the need for all parts of the Council to take action to improve air quality. The Licensing and Public Protection Committee can play a key role in supporting the Council's aims through its hackney carriage and private hire vehicle licensing policies.

4. Consultation Results

- 4.1 We received 775 online responses to the consultation, which included responses from trade associations, organisations representing hackney carriage and private hire drivers and from the general public.
- 4.2 The consultation asked for people's views on the draft policy that was considered by the Licensing & Public Protection Committee on 15 February 2017. (The relevant document that summarises the draft policy is attached at Appendices 1(a) and 1(b)). Not only did the consultation ask for simple YES / NO replies, it also asked respondents to qualify their answers, give reasons for their answers or make suggestions. The responses have been analysed and are presented in two separate reports: one is a statistical analysis of YES / NO responses, together with the demographic profile of the respondents (Appendix 2). The second report (attached as Appendix 3) analyses the narrative responses thematically and then analyses the themes statistically. It also cites examples of answers to support the major themes and where relevant it highlights any opportunities that came out of the responses. There were more than 3,500 individual narrative responses.
- 4.3 The complete set of all narrative responses runs to 1,344 pages of Excel spreadsheets. It is not presented with this report as it contains personal data, but a redacted version can be made available on request.

5. Summary of Consultation Responses and Key Themes

Breakdown of Respondents

- 5.1 35.5% of respondents (275) were Birmingham licensed hackney carriage drivers or owners and 35.1 % (272) were licensed Birmingham private hire drivers or owners. Only 10 (out of 89) private hire operators responded to the consultation. 22.8% of respondents (177) were members of the public.

Understanding why we need a Policy

- 5.2 714 respondents (92.1%) understood that the impact of pollution on people's health was why the policy was being developed.
- 5.3 434 respondents (56%) agreed with our ambition that by 2030 all of Birmingham's licensed hackney carriage and private hire vehicles should be zero-emission, although 28.8% (223) disagreed and 15.2% (118) did not know or did not answer.

Proposal to prohibit the oldest vehicles first (Questions 7 and 8)

- 5.4 49% of respondents agreed that we should remove the oldest vehicles first (which will be the most polluting by virtue of their age). 44% disagreed with this approach.
- 5.5 Of those who disagreed, 26% thought that emissions should be the basis of the decision to license a vehicle, not the age of the vehicle, with some suggesting that if a vehicle passes the MOT emissions test it should be allowed to be licensed as a taxi.
- 5.6 The remaining responses to this question, although relevant to the overall consultation, largely did not answer the question of why they disagreed with targeting the oldest vehicles first. Their replies have been picked up elsewhere in considering our policy.

Whether there is sufficient time for vehicle owners to update their vehicles to meet the EU standards (Questions 9 and 10)

- 5.7 24.6% of respondents thought that there was sufficient time to update their vehicle before the deadlines contained in the proposed policy and 66% thought that there was not.
- 5.8 Of those who thought that there was insufficient time to update their vehicles before the deadlines, 36% said that the deadline should be extended until 2020 and 26% thought that it should be extended variously between 2021 and 2025. Many disagreed that there was sufficient time to update vehicles but did not propose an alternative deadline. 12% thought there should be no deadline at all.
- 5.9 Other responses referred to there being insufficient work for drivers to afford new vehicles and some referred to drivers licensed by other local authorities not being required to update their vehicles, which is perceived to be unfair. A

number referred to the fact that drivers are in the middle of loan agreements to buy their existing vehicles and cannot afford to buy another vehicle.

Imposing an upper age limit on all licensed vehicles (Questions 11 and 12)

- 5.10 There was a proposal in the draft policy to impose an absolute upper age limit of 14 years for hackney carriages and 8 years for private hire vehicles. 37% of respondents agreed with the proposal. 34% thought that there should be no age limit at all and 23% thought that there should be different age limits.
- 5.11 Of those that wanted different age limits, 30% asked for the age limits to be extended by either one or two years for both classes of vehicle, although 14% wanted limits of 15 years for private hire vehicles and 20 years for hackney carriages. 31% thought that age limits were not relevant, with the determining factor only being emissions. These respondents considered that the condition of each vehicle should be determined individually and that compliance with emission standards would determine whether a vehicle could be licensed.
- 5.12 6% referred to the prospect of retrofit emissions kits being an answer to the problem and that if a vehicle was retrofitted or was a hybrid or if it was converted to LPG, then it should be exempted from any age limits.
- 5.13 The survey identified a feeling amongst some private hire drivers that it was unfair that hackney carriages should be allowed a longer lifespan than private hire vehicles, although the reason for the difference is that hackney carriages are made specifically for the task of carrying passengers, whereas private hire vehicles are made for the domestic market and are therefore likely to be less robust or as durable for the type of work they fulfil.

A mixed fleet of hackney carriages (Questions 13 and 14)

- 5.14 Respondents were asked for their views on whether Birmingham should license a mixed fleet of London-style black cabs and a range of saloon cars as hackney carriages to allow hackney carriage drivers a greater choice of low-emission vehicles at more affordable prices. 42% of respondents agreed with the proposal, 35% disagreed and 22% did not know.
- 5.15 Of those who disagreed with the proposal, 42% were concerned about the iconic nature of the London black cab and the loss of identity for the taxi trade. There was also concern that it would be confusing for the public by blurring the distinction between hackney carriages and private hire vehicles, which in turn would create public safety issues, highlighted by 17% of those that were against the proposal.
- 5.16 Having considered the responses, officers agree that having a mixture of saloon vehicles and London taxis licensed as hackney carriages would be likely to confuse the public, which could create public safety issues and make it harder for the public to know whether a vehicle was allowed to ply for hire or not. Although this issue was considered in relation to giving hackney carriage owners a greater choice of vehicles from which to choose, they are not restricted to London style taxis given that Birmingham licenses van derivatives manufactured by companies such as Fiat, Citroen and Peugeot as hackney

carriages. It is therefore recommended that we should not license saloon vehicles as hackney carriages. **(Recommendation 2.6)**

Impact on Disabled People (Question 16)

- 5.17 12% of respondents who did not agree with a mixed fleet of black cabs and saloon vehicles mentioned concerns about the consequences for disabled people of a smaller fleet of wheelchair accessible vehicles. Some hackney carriage drivers were concerned that if they maintained a wheelchair accessible vehicle they would bear the responsibility of transporting wheelchair passengers whereas drivers of saloons would not have that responsibility.
- 5.18 256 respondents (51%) thought that reducing the number of wheelchair accessible vehicles would have a significant effect on disabled people, with 73% believing that there would be at least some impact for the disabled. Officers therefore recommend that due to the impact that it might have on people with disabilities we should not license saloon vehicles, or vehicles that are not wheelchair accessible as hackney carriages. **(Recommendation 2.6)**

Options to Rent Vehicles (Questions 17 and 18)

- 5.19 The consultation asked for the views of drivers and vehicle owners on renting or hiring vehicle, as opposed to buying them, with a view to making cleaner, newer vehicles more affordable. 47% said that they would not consider renting or hiring a vehicle. Only 4% responded positively to this question with a further 15% saying that they might consider renting or hiring a vehicle.
- 5.20 Of those who said that they would not consider renting, 47% said that their reason related to the high cost of renting with 17% blaming competition from drivers licensed by other authorities (with Uber being named specifically) as a reason for their inability to earn sufficient income to be able to rent a vehicle and 12% referring to the low fares and insufficient work to enable them to earn enough money.
- 5.21 People willing to rent regarded an affordable rent to be no more than £150 per week, including all other overheads, with some suggesting that the council should rent vehicles to drivers or make grants available to them to rent.

Ideas for driving cleaner vehicles or reducing pollution (Question 19)

- 5.22 We asked respondents what they thought the Council or Government should or could do to help vehicle owners to drive cleaner vehicles or reduce levels of pollution. The main theme from the responses (44%) was the need for drivers to be given financial support or incentives to upgrade their vehicles.
- 5.23 14% recommended improvements to the highway system, such as more cycling routes, improvements to traffic lights, more electric charging points and encouraging the use of suburban railway stations for car owners to park and ride. 12% recommended the use of retrofit solutions, including LPG conversions as a way of improving emissions.

General Comments (Question 20)

- 5.24 We asked respondents for any other comments or suggestions that they wished to make about the draft emissions policy. The largest identifiable theme (19.5%) related to drivers' concerns that the policy did not allow sufficient time for them to change their vehicle. 18% repeated earlier comments about their need for financial assistance to help them transition to cleaner vehicles.
- 5.25 14% asked that Birmingham should limit or control the number of 'out of town' taxis and private hire vehicles that work in Birmingham to protect the income of drivers licensed by Birmingham. 6% referred to the use of retrofit products as a way of improving vehicle emissions.

6. Revised Policy

- 6.1 The responses to our consultation evidenced some clear themes around the impact of the policy, which are that:
- i. Drivers of hackney carriages and private hire vehicles are concerned that the cost of replacing their vehicles with cleaner, newer vehicles is prohibitive.
 - ii. Given the cost involved to replace a vehicle, drivers feel that the timescales envisaged by the draft policy do not allow sufficient time to plan for vehicle replacement.
 - iii. There was a call for the timescales in the draft policy to be extended to permit drivers and vehicle owners as much time as possible to enable them to prepare for purchasing cleaner vehicles.
- 6.2 We have responded to these concerns by extending the deadlines that were in the draft policy to allow drivers and vehicle owners as long as possible to change their vehicles (where necessary), and still ensure that the deadlines will not compromise Birmingham's overall compliance with the implementation of a Clean Air Zone or the need to achieve European air quality standards in the shortest possible time.
- 6.3 The Euro 4 and Euro 6 standards are taken from the Government's Clean Air Zone framework, although we recommend that they are adopted because of the impact that poor air quality has on health, irrespective of whether Birmingham adopts a Clean Air Zone. **We propose that the deadline for compliance with Clean Air Zone emission standards for all currently licensed vehicles (whether diesel or petrol), be extended from 31st December 2018 to 31st December 2019.** That standard is Euro 4 for petrol engines, Euro 6 for diesel engines or that they are Ultra Low Emission (ULEV) or Zero Emission Capable (ZEC) Vehicles. This is one year later than was proposed by the February 2017 draft policy. (Recommendations 2.1 and 2.2).

- 6.4 This proposal removes the December 2017 interim deadline that was in the draft policy after which hackney carriages that fell below Euro 3 or Euro 4 for petrol vehicles or Euro 5 for diesel private hire vehicles would not be licensed.
- 6.5 This proposal reduces the minimum standard for all petrol vehicles that are already licensed from Euro 5 in the draft policy, which is higher than the Clean Air Zone minimum requirement, to Euro 4, which is the minimum requirement.
- 6.6 We propose that after 31st December 2019 we will only grant licences to new or replacement vehicles or allow the use of those vehicles if those vehicles meet the minimum emission standards of Euro 4 for petrol engines, Euro 6 for diesel engines or are Ultra Low Emission (ULEV) or Zero Emission Capable (ZEC) Vehicles. This deadline is 24 months later than was proposed by the draft policy. If a vehicle owner acquires a vehicle in the interim period that does not meet the relevant standard for it depending on the fuel type, that person does so knowing that it will not be allowable after 31st December 2019. **(Recommendations 2.1 and 2.2)**
- 6.7 To clarify what this means, as an example, a vehicle which did not meet the relevant standard could renew its licence at any point in the 12 months preceding 31st December 2019, but that licence would expire at midnight on 31st December 2019. The policy would not permit a driver or vehicle owner to renew a vehicle licence immediately before the deadline and continue to use the vehicle for the next 12 months into 2020.
- 6.8 This policy removes the requirement from the draft policy that required all newly licensed private hire vehicles to be Ultra Low Emission beyond December 2017.
- 6.9 By allowing drivers the longest period possible it will remove the immediate problem that the draft policy created for drivers of the oldest hackney carriages and private hire vehicles which would no longer be licensable after December 2017. It would give drivers of all vehicles more than 2 years to prepare for changing their vehicle and sets out clearly the intention of the Licensing and Public Protection committee to improve the standard of vehicles that it licenses.
- 6.10 The Euro 4 and Euro 6 standards are the current minimum standards required by a Clean Air Zone and are prescribed by the Department for Transport and DEFRA. As vehicle technology improves it is inevitable that these standards will rise in future in order to move towards the ultimate goal of an emission-free standard. Therefore the minimum standards that are recommended in this report will be applicable to vehicles licensed by Birmingham until such time that this Committee approves higher minimum standards, moving towards the eventual goal of all licensed vehicles being zero emission. Drivers who are considering replacing their vehicles now should consider replacing them with the cleanest technology possible to avoid the need to replace them again when standards increase.

- 6.11 **Aspirational Standards.** Some of the deadlines that were proposed in the February 2017 draft policy were aspirational in that they attempted to achieve standards that were higher than the Clean Air Zone standard and to apply the policy incrementally by removing the worst polluting vehicles first. The new approach outlined in this report attempts to strike a balance between the health benefits to be obtained from a faster transition to cleaner vehicles and recognition of the economic impact that the transition will have for some drivers.
- 6.12 **Recharging Infrastructure.** We believe that allowing the maximum time for drivers to replace their vehicles also acknowledges the fact that the recharging infrastructure has not yet been installed, which would create difficulties for any early adopters of plug-in vehicles. Allowing a longer transition period should enable the infrastructure to be installed in readiness for owners of plug-in vehicles as they acquire them.
- 6.13 **Availability of Electric Hackney Carriage Vehicles.** The new LEVC (formerly London Taxi Company) electric hackney carriage (known as the TX) is unlikely to be available for supply until early 2018 in Birmingham. It is the only ULEV hackney carriage on the market, although there are diesel powered hackney carriages available from LEVC and other manufacturers that would meet the Clean Air Zone standard. Our February 2017 draft policy would have taken all hackney carriages below Euro 3 off the road from December 2017. It would be unreasonable to require these drivers to replace their vehicles when it will not be possible to purchase a ULEV hackney carriage within this timescale.
- 6.14 **Changing Landscape.** The decision to extend the transition period is also based on the fact that this policy is set against a rapidly changing background. DEFRA's UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations was published as late as 26th July 2017.
- 6.15 **Retrofit Solutions.** There is a possibility that certain technical solutions might be approved by the government in the future to improve vehicle exhaust emissions and avoid owners having to replace their vehicles. They are commonly referred to as 'retrofit solutions' and largely consist of mechanical alterations to engines to improve NOx emissions. LPG conversions are one such solution. In its Clean Air Zone Framework document DEFRA and the Department of Transport said in May 2017 that the government was setting up a Clean Vehicle Retrofit Accreditation Scheme (CVRAS) to provide independent evidence that a vehicle retrofit technology will deliver the expected pollutant emissions reductions and air quality benefits. The Framework document anticipated that the CVRAS would be in place in 2017. A retrofitted vehicle that meets the requirements of a Clean Air Zone under an accredited CVRAS scheme would be exempt from a charge in a charging zone. Birmingham will require a CVRAS certificate to prove that a vehicle has been retrofitted to the correct standard in order to license it.
- 6.16 If any products or technologies are approved they could provide a more affordable option to drivers, as an interim measure to achieve compliance before taking the step of replacing a vehicle. Extending our deadlines for

drivers to replace their vehicles will allow them the maximum time in which to take up retrofit solutions if and when any are approved.

- 6.17 **Scrappage Schemes.** Targeted government scrappage schemes of the type suggested in the Government's national plan might be made available between now and the implementation of this proposed policy which could assist or encourage drivers to change their vehicles. It would therefore be unfair to require drivers to update their vehicles immediately without knowing whether additional financial support might become available to them at a later date.
- 6.18 At the time of writing this report Volkswagen has announced a diesel scrappage scheme for owners of diesel vehicles registered before 2010 with emission standards lower than Euro 5. The scheme advertises discounts from new vehicles of between £1,800 and £6000 depending on the type of vehicle purchased. When coupled with the Government's Plug-In grant for purchasing an Ultra-Low Emission Vehicle (ULEV), purchasers could find that the cost of a vehicle is up to £10,000 lower. Other vehicle manufacturers also have scrappage schemes, making the change to a cleaner vehicle more affordable for private hire drivers.
- 6.19 **LPG Conversions.** Birmingham's project to convert hackney carriages to LPG has proved successful. The £0.5m grant from the Office of Low Emission Vehicles was used to convert 65 vehicles to LPG. Recent independent tests have confirmed that in real world driving conditions the vehicles achieve the standard equivalent to a Euro 4 petrol engine, which is a minimum standard for a petrol engine. It is hoped that the success of the project will persuade the Department for Transport to make more funds available to subsidise similar conversions (subject to the caveats identified in paragraph 10.1 below).

7. Vehicle Numbers Affected by the Policy

- 7.1 The tables in Appendix 4 set out the number of vehicles licensed by Birmingham that are compliant and non-compliant with the minimum Clean Air Zone standards of Euro 4 for petrol and Euro 6 for diesel. The information is summarised in paragraphs 7.3 and 7.4 below. Appendix 5 is a breakdown of the age profile of Birmingham's licensed vehicles. The application of this policy will affect the following number of vehicles that Birmingham licenses: 24% of **private hire vehicles** currently licensed will comply with the Euro 4 petrol or Euro 6 diesel standard applicable to the relevant vehicles and 76% will not comply. Only 6% of **hackney carriages** comply with the Euro 6 standard (which includes the 65 vehicles converted to LPG).
- 7.2 The total numbers of vehicles that will not meet the standard and which will need to be replaced or be retrofitted are:

Private Hire Vehicles: 3,351

Hackney Carriages: 1,193

8. **Private Hire - Breakdown of Compliant / Non-Compliant Vehicles**

	Number	Percentage
Non-Compliant Private Hire Petrol or non-diesel Vehicles Euro 3 or below	355	8%
Non-Compliant Private Hire Diesel vehicles Euro 5 or below	2996	69%
Compliant Private Hire Petrol Vehicles Euro 4 or above	818	19%
Compliant Private Hire Diesel Vehicles Euro 6	152	3.5%
Totals	4,321	100%

9. **Hackney Carriage - Breakdown of Compliant / Non-Compliant Vehicles**

	Number	Percentage
Non-Compliant Hackney Carriages Euro 5 or below	1193	94%
Compliant Hackney Carriages Euro 6	7	1%
Compliant Hackney Carriages converted to LPG	65	5%
Totals	1265	100%

10. **Lifespan of LPG Conversions**

- 10.1 We have successfully converted 65 LTI TXI and TX2 hackney carriages from diesel engines to LPG (with a small petrol tank for ignition) during 2016 and 2017. The conversions were funded by the Department for Transport as a pilot project to assess the feasibility of the concept and to achieve the reduction of NOX (Nitrogen Oxide) emissions by at least 80%. The subsequent analysis of real-time exhaust emissions has resulted in the

conversion meeting this requirement and achieving the Euro 4 petrol engine Clean Air Standard, which is a minimum requirement for petrol vehicles. The LPG retrofit solution can be applied to LTI TX1s, TX2s and TX4s only and only when the vehicles are fit for purpose, well maintained and have passed a rigorous mechanical inspection and are no older than 15 years. This potentially will account for 150 vehicles (depending on the structural and mechanical integrity of each vehicle) of the Hackney Carriage fleet.

10.2 Each conversion cost £7,615.00 and each owner had to pay the VAT element of the price, which was approximately £1,300.00. Eligibility criteria were applied to decide which vehicles could be converted, namely:

- Vehicles were prioritised to the LTI TX1 and TX2 (which are older versions of the traditional London taxi).
- Vehicles had to be well maintained. This was assessed by a physical inspection at a garage approved to carry out the conversion work.
- Only vehicles between **9 to 15 years old** at the time of conversion could be considered.
- Vehicles had to be capable of being on the road for at least five years after the conversion.
- The vehicle had to operate within Birmingham city centre, specifically in and around Navigation Street, New Street Station, Moor Street, Moor Street Station and Broad Street.

10.3 These criteria were applied to meet the conditions of the Department for Transport grant (which were aimed at achieving the greatest improvement in NOx (Nitrogen Oxide emissions), to ensure that the vehicles were sufficiently roadworthy, to and ensure that they were in a good mechanical state of repair and that they were capable of being on the road for at least five years to warrant the cost of conversion. In the majority of cases owners had to have work done to their engine or vehicle at their own cost in order to meet the criteria, which sometimes amounted to several thousand pounds. When added to the VAT and the value of the grant, as much as £10,000 has been invested in each vehicle.

10.4 Under our original draft policy we had proposed that by 2021 no hackney carriage could be licensed older than 14 years. By 2021 the oldest hackney carriage vehicles converted to LPG would be 21 years old and the youngest would be 14. This policy would effectively take all of the converted vehicles off the road in 2021. **It is therefore proposed to license all hackney carriages converted to LPG under the Department for Transport scheme until December 2025, subject to them passing a strict annual inspection to verify their mechanical and structural condition. Details of how the mechanical and structural assessment will be made will be developed in due course.** This proposal recognises the financial investment that has gone into each vehicle and ensures value for money from that investment. It takes account of the high vehicle emission standard that they have achieved and

importantly it recognises the fact that their standard of structural and mechanical integrity is better than most other hackney carriages of an equivalent age. **(Recommendation 2.5)**

- 10.5 Under the proposal in paragraph 10.4 above, by 2025 the oldest LPG hackney carriage will be 24 years and the youngest 18 years.

11. Vehicle Age Policy

- 11.1 The policy outlined in the report to your Committee in February 2017 recommended that absolute age criteria should be applied to all licensed vehicles of 14 years for hackney carriages and 8 years for private hire vehicles. It would remove the 'exceptional condition' test that we currently use to permit vehicles older than this to remain licensed. Under our existing licensing rules there is no absolute age limit for any vehicle provided that it meets the exceptional condition criteria, but new vehicles cannot be introduced if they are older than 14 years for hackney carriages or 8 years for private hire.
- 11.2 An absolute age policy would ensure that vehicles are replaced more frequently and would therefore automatically be more compliant with minimum vehicle emission standards as they inevitably become more stringent. It will also guard against the situation we now find ourselves in with one of the oldest fleets of licensed vehicles in the country.
- 11.3 There were no compelling arguments in the consultation against such a policy apart from vehicle owners who would like to see no age limits or extended age limits purely on the grounds of economic impact. An age policy should also be considered in connection with the emission values of the relevant vehicles, and as has been highlighted by the example of the LPG converted taxis above, the amount of investment that has been required to achieve compliance is relevant.
- 11.4 Given the complexity associated with setting an absolute age limit for licensed vehicles, it is proposed to deal with this issue in its own right through a separate report to this Committee. The report will take into consideration retro fit conversions, when and if any are approved nationally, their cost and the impact that they will have on emissions. The report will also consider how other licensing authorities address the question of vehicle age policy. **(Recommendation 2.4)**

12. Policy from 2026 and Beyond

- 12.1 The draft policy considered by this committee in February 2017 outlined long-term proposals for all licensed vehicles to be Ultra Low Emission by 2026 and for all vehicles to be zero emission by 2030. The vast majority of the replies to our consultation focussed on the short-term consequences of applying Euro 4 and Euro 6 emission standards to vehicles within the next 2 years. This was

understandable because it will have an immediate impact. Very little attention was paid to the 2026 and 2030 targets. Given the low level of engagement from drivers and vehicle owners on the question of our policy from 2026 onwards it is proposed that this question be considered separately once your committee has resolved its emissions policy for the period between now and 2020. **(Recommendation 2.3)**

13. West Midlands Emissions Standard

- 13.1 At its meeting on 20th April 2016 when this Committee first considered the effects of a Clean Air Zone on licensed vehicles it resolved to ask officers to engage with neighbouring West Midlands authorities to discuss proposals for a regional emissions standard for hackney carriage and private hire vehicles.
- 13.2 Annex K of the UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations contains a list of local authorities where DEFRA's model forecasts concentrations of nitrogen dioxide above statutory limits. The table identifies how nitrogen dioxide levels are predicted to fall each year if no action is taken based on the assumption that the numbers of the oldest most polluting vehicles will naturally decline and be replaced by cleaner more modern vehicles.
- 13.3 Of the seven local authorities that comprise the West Midlands County, Birmingham has the highest levels of roadside nitrogen dioxide measured at 58 micro grams per cubic metre (against a statutory annual mean limit of 40 micro grams per cubic metre) and is the only authority that is required to introduce a Clean Air Zone. After Birmingham Coventry has the next highest recorded levels of nitrogen dioxide at 51 micro grams per cubic metre and it is required to produce a local action plan by March 2018 on the basis of modelling which indicates a number of roads need a solution.
- 13.4 Nitrogen dioxide levels in the remaining five local authorities are recorded as Solihull 50, Walsall 50, Wolverhampton 49, Sandwell 47, and Dudley 45. The extent of non-compliance will vary from one authority to another. Non-compliance can equate to only one road in a local authority exceeding the statutory annual mean limit. Therefore each authority's response will depend on the scale of the problem in its particular area, but none apart from Birmingham are mandated to introduce a Clean Air Zone.
- 13.5 Whether or not each authority decides to introduce an emission standard for the vehicles that they license will be for each to decide independently, but given the extent to which private hire vehicles can work across local authority boundaries, a West Midlands regional policy is becoming increasingly relevant and would have a beneficial impact on air quality for the entire population of the region. Many respondents to our consultation for Birmingham's emissions policy made reference to vehicles working in Birmingham that are licensed by other local authorities and they questioned whether Birmingham licence holders would be disadvantaged compared to drivers licensed in other local authorities.

- 13.6 Birmingham has organised two recent meetings of the Chairs and Heads of Service for the seven West Midlands Licensing Authorities. The meetings were held on 24th July 2017 and 21st September 2017 in Birmingham and primarily considered how we can respond to the problems caused by the growth of cross border hire. Birmingham took the opportunity to explain how it is responding to air quality and what its emissions policy for licensed vehicles might look like. Each authority is at a different stage in terms of considering local emissions standards for hackney carriage and private hire vehicles, but none is as far advanced as in Birmingham.
- 13.7 One of the outcomes from the meetings was an agreement to work towards common licence conditions for drivers and vehicles across the West Midlands. Work has already begun by mapping the differences between each authority's requirements. The six other licensing authorities in the West Midlands are very interested to observe how we develop our policy in Birmingham. If the policy in this report is approved it will form part of the mapping exercise by which authorities will decide whether to adopt shared conditions or policies. A separate report will be presented to your committee to explain what we are trying to achieve working in partnership with colleagues across the West Midlands. **(Recommendation 2.7)**
14. Comparison with London's Emissions Policy for Private Hire and Hackney Carriage Vehicles
- 14.1 In London the emissions standards for private hire vehicles are regulated by Transport for London via statutory instrument under the Greater London Authority Act 1999 and the Private Hire Vehicles (London) Act 1998. The Private Hire Vehicles (London PHV Licences) (Amendment) Regulations 2015 came into force on 1st November 2015 and set out the minimum vehicle emission standards for private hire vehicles. The Regulations achieve a higher standard than that proposed by the policy in this report. There is an absolute age policy of 10 years for private hire vehicles in London. A vehicle must be no older than 5 years to be licensed for the first time and it must be at least Euro 4.

Date	Standard
1 st January 2018 to 31 st December 2019	All PHV vehicles granted a licence for the first time must be Euro 6 (whether petrol or diesel) or a petrol hybrid that is a minimum of Euro 4.
1 st January 2020 to 31 st December 2022	All new (less than 18 months old) PHVs licensed for the first time will have to be zero emission capable. PHVs over 18 months old will need to have a Euro 6 engine when licensed

Date	Standard
	for the first time.
From 1 st January 2023	All PHVs (of any age) will need to be zero emission capable when licensed for the first time.
From September 7 th 2020 all PHVs that do not meet Euro 4 petrol or Euro 6 diesel emissions standards will be subject to £12.50 per day charge to enter the Ultra Low Emissions Zone (ULEZ).	

- 14.2 The policy in London for hackney carriage vehicles is that from 1st January 2018 taxis presented for the first time will need to be Zero Emission Capable (ZEC). A first-time taxi vehicle licence will no longer be granted to a diesel taxi. ZEC taxis with petrol engines will need to meet the latest emissions standard (currently Euro 6). There is a maximum age limit for taxis of 15 years which will remain in place and taxis will be exempt from paying the charge to enter the Ultra Low Emissions Zone. Taxis converted to LPG with approved TfL technology can be licensed for an additional 5 years. TfL has a target to license 9,000 ZEC taxis by 2020.

15. Engine Sizes

- 15.1 Birmingham's existing policy for the licensing of private hire vehicles requires vehicles to have a minimum engine size of 1600 cc, or 1500 cc in the case of petrol hybrid vehicles (such as the Toyota Prius for example). This policy is no longer consistent with the wider air quality strategy that the Council is pursuing or with the proposals in this report for licensing private hire vehicles as it encourages the use of large internal combustion engines and prevents the use of electric vehicles. Our policy which requires 1600 cc engine sizes has been in place for many years and was intended to ensure that passengers could be transported in 'reasonable comfort and safety'.
- 15.2 Since that policy was thought to be necessary motor vehicle technology has advanced enormously and combustion engines are now far more efficient than they used to be. Having said that, it is difficult to identify what criteria should be adopted to decide what power output is necessary to allow a car to be licensed for private hire. The reliance on power output alone is not the only factor as the weight of the vehicle and the number of passengers on board will affect the performance.
- 15.3 Many local authorities do not have any requirements in respect of engine size or power output. Of more relevance might be the Euro NCAP (European New Car Assessment Programme) safety standard for the vehicle combined with a dimensional standard. In London there is no requirement for a vehicle to have a minimum engine size. Policy is based on the age of the vehicle (no older than 5 years) and emissions (at least Euro 4). There are no requirements

relating to the size of the vehicle and 2-door cars are licensable, but for one passenger only (depending on the ease with which a passenger can exit the vehicle).

- 15.4 We recognise that we must act quickly to address this anomaly in our policy which is acting to restrict innovation and investment from private hire operators who wish to buy fleets of low emission vehicles.
- 15.5 We propose that a short-life officer/member working group be created to consider what criteria or specification Birmingham should adopt for engine sizes or power outputs for electric vehicles and for that working group to make recommendations to the Licensing & Public Protection Committee.
(Recommendation 2.8)

16. Consultation

- 16.1 A 14-week public consultation was hosted on BeHeard which drew 775 responses from taxi and private hire drivers, private hire operators, trade representatives and members of the public. Every licensed driver and vehicle owner was sent a postcard to alert them to the consultation. Individual responses to the consultation were submitted separately to Licensing by TOA (Appendix 6), RMT (Appendix 7), 24 7 Carz (Appendix 8) and Birmingham and Solihull Taxi Alliance (Appendix 9).
- 16.2 Responses from the consultation are summarised in appendices 2 and 3. A full set of all replies are available as background papers on request.
- 16.3 In addition, this emissions policy has been discussed with trade representatives at our regular scheduled bi-monthly meetings and at meetings for trade representatives specifically to consider the policy as it was being formulated.
- 16.4 We have tried to accommodate the concerns expressed by drivers and vehicle owners about the timetable for achieving compliance as far as possible in the recommendations, having departed significantly from the timetable and the standards that were proposed in the report considered by your Committee in February 2017.

17. Implications for Resources

- 17.1 The cost of licensing vehicles with lower emissions will be the same as the cost of licensing vehicles with higher levels of emissions. However, there is a risk to overall licensing income if the effect of the policies recommended in this report encourage drivers and vehicle owners to seek licences from other authorities that do not have vehicle emissions standards.
- 17.2 The number of drivers licensed in one authority and working in another has become more prevalent since the Deregulation Act 2015 was enacted. In Birmingham we see large numbers of drivers and vehicles working here who

are licensed by other authorities. We are lobbying the relevant ministers and MPs to try to change the legislation to restrict the ability of drivers to do this and we are talking to our counterparts in neighbouring West Midlands authorities about shared standards for all our licensed vehicles and drivers. If Birmingham introduces a charging Clean Air Zone, drivers licensed by other authorities using vehicles that do not meet Clean Air Zone standards would be required to pay to enter the zone, which would remove any incentive to seek a licence elsewhere.

18. Implications for Policy Priorities

- 18.1 The Council's Vision and Priorities 2017-2020 document identifies four priorities for Birmingham namely: Children, Housing, Jobs and Skills, and Health. The recommendations in this report support the Council's main priorities at the highest level, in particular those for Health, Children, and Jobs and Skills. These include 'Creating a healthier environment for Birmingham', creating 'an environment where our children have the best start in life', and developing 'a modern sustainable transport system that promotes and prioritises sustainable journeys'.

19. Public Sector Equality Duty

- 19.1 Attached as Appendices 10, 11 and 12 are tables showing the demographic profile of drivers and vehicle owners by reference to ethnicity, age and gender respectively. The information shows that, excluding those drivers who have declined to record their ethnicity 94.2% are from black or minority ethnic backgrounds. The age profile of drivers and vehicle owners follows a normal distribution, peaking at the highest frequency in the 45-49 age range. Female drivers and vehicle owners form less than 0.4% of the total.

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

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

- 19.3 The recommendations contained in this report do not unlawfully discriminate, harass or victimise people affected by the policy, whether vehicle owners, drivers or members of the general public. The extensive consultation that has taken place in the compilation of this report evidences the fact that we have attempted to advance equality of opportunity between people who share a protected characteristic and those who do not by encouraging people from protected groups to participate in public life.

- 19.4 We recognise that there will be financial consequences for large numbers of drivers and vehicle owners if they are required to replace their vehicles or to retrofit engines to achieve compliance with emission standards, however,

these consequences arise because of the fact that they are licensed drivers and owners and are not attributable to a protected characteristic.

- 19.5 In terms of mitigation for drivers and vehicle owners affected by the proposed policies there are options for drivers which include:
- Government plug-in grants of up to £4,500 for purchasers of new electric and hybrid vehicles and up to £7,500 towards the cost of electric taxis
 - The Government's Electric Vehicle Homecharge Scheme will fund up to 75% (capped at £500 including VAT) to pay for the installation of a dedicated domestic recharging unit.
 - Individual vehicle manufacturer scrappage schemes for people replacing older vehicles with newer cleaner vehicles.
 - The possibility of retrofitting engines, including replacement with LPG as a fuel. Birmingham City Council will bid for additional funding support LPG conversions if Government announces that funds will be made available.
 - LEVC (formerly LTC) has announced a Personal Contract Purchase (PCP) scheme for taxi drivers to spread the cost of its new TX electric taxi and is also making second hand TX4 vehicles (with Euro 6 diesel engines) available on a PCP scheme.
 - A company in Birmingham is making electric private hire vehicles available for rent to licensed drivers on an hourly basis.
- 19.6 We have moved the implementation date for our emissions policy as far back as possible to 1st January 2020 in order to allow drivers and vehicle owners the longest possible time to prepare for the change.
- 19.7 We have considered the impact that licensing saloon vehicles as hackney carriages would have on the number of wheelchair accessible vehicles available to the public. We have had regard to the comments received as part of our consultation from people who consider that it would reduce the availability of wheelchair accessible vehicles and have therefore recommended that Birmingham does not license non-wheelchair accessible vehicles as hackney carriages in order to advance equality of opportunity for disabled passengers.
- 19.8 Based on an initial Equality Analysis, for the reasons set out in section 19 of this report, we have concluded that a full Equality Analysis is not deemed appropriate or necessary.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

List of Appendices:

- Appendix 1: Summary of draft emissions policy approved for consultation by Licensing and Public Protection Committee on 15th February 2017.
- Appendix 2: Statistical summary of response to consultation and demographic profile of respondents.
- Appendix 3: Summary of narrative response to consultation.
- Appendix 4: Numbers of compliant and non-compliant vehicles licensed by Birmingham.
- Appendix 5: Age profile of vehicles licensed by Birmingham.
- Appendix 6: TOA response to consultation
- Appendix 7: RMT response to consultation
- Appendix 8: 24 7 Carz response to consultation
- Appendix 9: Birmingham and Solihull Taxi Alliance response to consultation
- Appendix 10: Ethnicity of vehicle owners and drivers
- Appendix 11: Age profile of vehicle owners and drivers
- Appendix 12: Gender profile of vehicle owners and drivers
- Appendix 13: Birmingham's Health & Social Care Overview and Scrutiny Committee report 'The Impact of Poor Air Quality on Health'.

Background documents:

A Clean Air Zone Framework: Principles for Setting up Clean Air Zones in England May 2017 - DEFRA and Department for Transport.

The Private Hire Vehicles (London PHV Licences) (Amendment) Regulations 2015.

Birmingham's public consultation on an emissions policy for private hire and hackney carriage vehicles – narrative responses.

Summary of Proposed Medium-Term Policy

		Existing Policy	Policy from December 2017	Policy from December 2018
Minimum Vehicle Requirements and Standards	New or replacement vehicles	<p>Maximum age of 8 years for PHV</p> <p>Maximum of 14 years for HCV</p> <p>Basic MOT requirements applicable to all vehicles for emissions</p>	<p>Euro 6 or ULEV for HCV</p> <p>ULEV for PHV</p>	<p>Euro 6 or ULEV for HCV</p> <p>ULEV for PHV</p>
	Existing licensed vehicles	<p>No age limit for PHV or HCV provided the exceptional condition test is met</p> <p>Basic MOT requirements applicable to all vehicles for emissions</p>	<p>Euro 3 for HCV</p> <p>Euro 4 for all petrol vehicles and Euro 5 for all PHV diesel vehicles or ULEV</p>	<p>Euro 6 for all diesel vehicles or ULEV</p> <p>Euro 5 for all petrol vehicles or ULEV</p>

Summary of Proposed Long-Term Policy

		Policy from 2021	Policy from 2026	Policy from 2030
Minimum Vehicle Requirements and Standards	New/Replacement Vehicles	No HCV older than 14 years No PHV older than 8 years All vehicles to be ULEV	All vehicles to be ULEV	All vehicles to be zero emission
	Existing vehicles	No HCV older than 14 years No PHV older than 8 years Euro 6 for all diesel vehicles or ULEV Euro 5 for all petrol vehicles or ULEV	All vehicles to be ULEV	All vehicles to be zero emission

Key to abbreviations used in tables:**PHV** Private Hire Vehicle**HCV** Hackney Carriage Vehicle**LPG** Liquid Petroleum Gas**ULEV** Ultra-Low Emission Vehicle (includes LPG). A ULEV vehicle is defined as having a pure electric engine, a plug-in hybrid engine or a car with CO2 emissions below 75 g/km

Proposals to introduce Emission Standards for Taxi and Private Hire Vehicles: Summary report

This report was created on Monday 12 June 2017 at 09:06.

The consultation ran from 01/03/2017 to 09/06/2017.

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Answered no to renting or hiring	7
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Drive cleaner, less pollution	7
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Ethnicity Black/African/Caribbean/Black British	13
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Question 1: What is your name?

Name

There were **749** responses to this part of the question.

Question 2: What is your address?

Address

There were **741** responses to this part of the question.

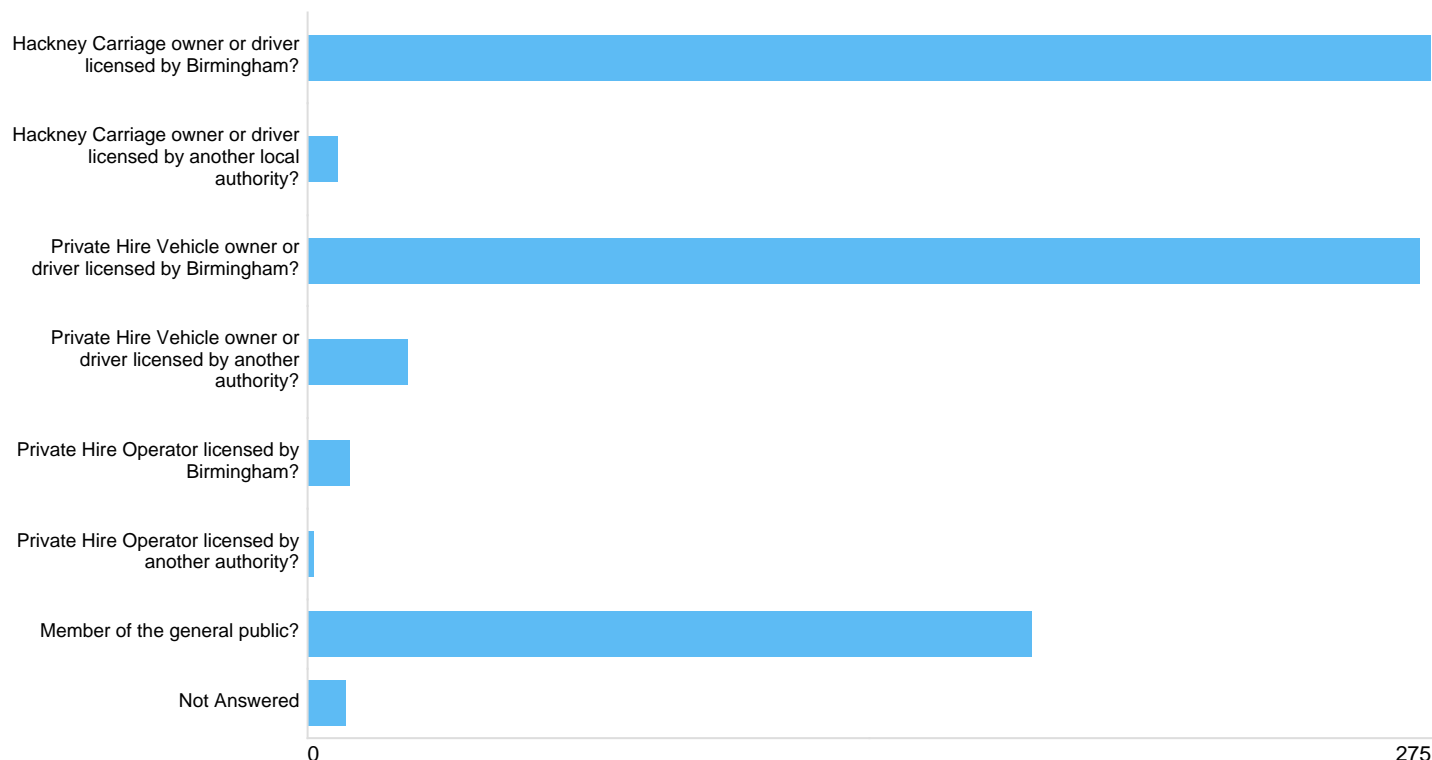
Question 3: What is your email address?

Email

There were **702** responses to this part of the question.

Question 4: Please describe yourself by choosing one of the following. Are you a:

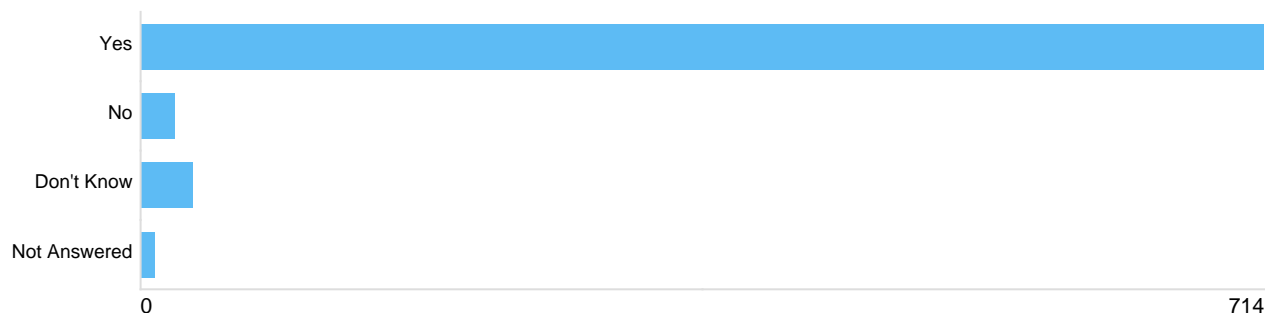
Occupation



Option	Total	Percent
Hackney Carriage owner or driver licensed by Birmingham?	275	35.48%
Hackney Carriage owner or driver licensed by another local authority?	7	0.90%
Private Hire Vehicle owner or driver licensed by Birmingham?	272	35.10%
Private Hire Vehicle owner or driver licensed by another authority?	24	3.10%
Private Hire Operator licensed by Birmingham?	10	1.29%
Private Hire Operator licensed by another authority?	1	0.13%
Member of the general public?	177	22.84%
Not Answered	9	1.16%

Question 5: Do you understand that the reason for the proposed policy is because of the impact that pollution is having on the health of people who live and work in Birmingham?

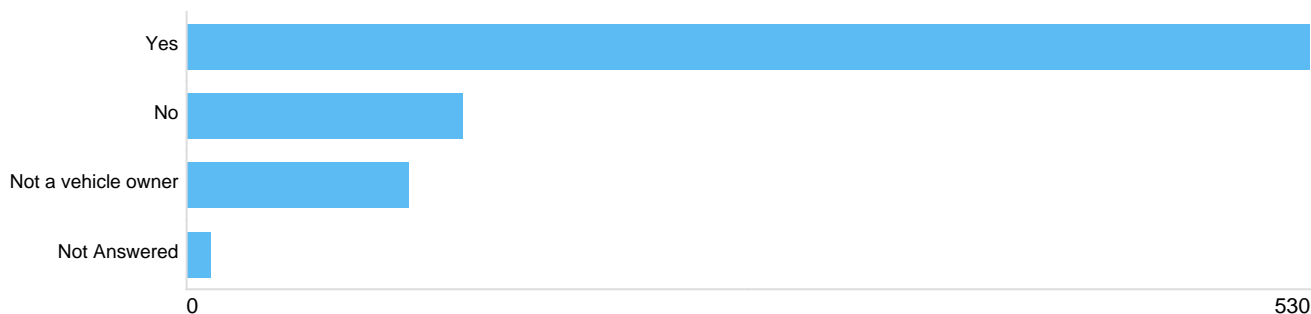
Impact of pollution



Option	Total	Percent
Yes	714	92.13%
No	21	2.71%
Don't Know	32	4.13%
Not Answered	8	1.03%

Question 6: If you are a vehicle owner, would the proposed changes to licensing policy require you to update your vehicle(s)? If you are not a vehicle owner please select 'Not a vehicle owner'

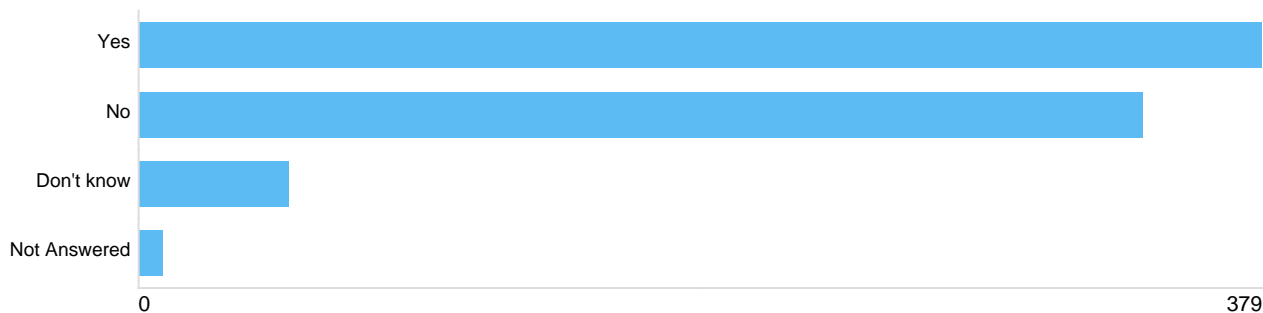
Update vehicle



Option	Total	Percent
Yes	530	68.39%
No	130	16.77%
Not a vehicle owner	104	13.42%
Not Answered	11	1.42%

Question 7: The draft policy sets out proposals to remove the oldest vehicles that emit the highest levels of pollution first. Do you agree that this is the right approach?

In agreement



Option	Total	Percent
Yes	379	48.90%
No	338	43.61%
Don't know	50	6.45%
Not Answered	8	1.03%

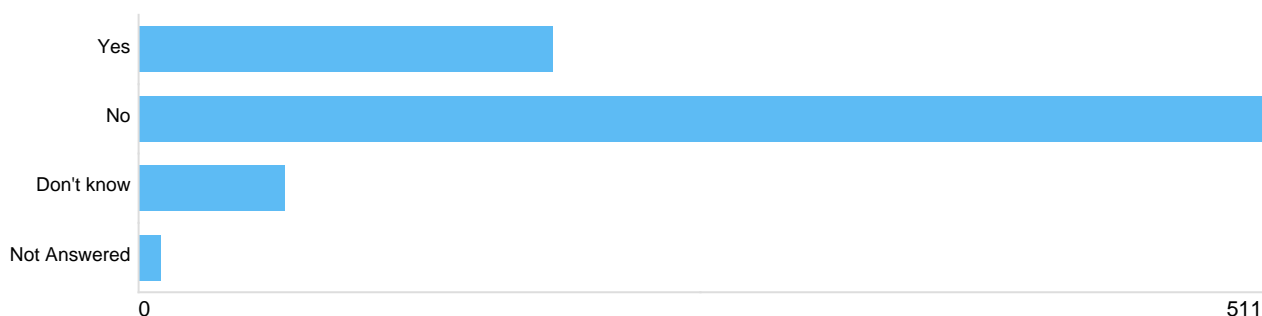
Question 8: If you have answered no to the last question, what criteria do you think should be used to decide which vehicles should be removed first?

Criteria

There were 365 responses to this part of the question.

Question 9: Do you think that the proposals allow sufficient time for vehicle owners to update their vehicles to meet the emission standards?

Time



Option	Total	Percent
Yes	188	24.26%
No	511	65.94%
Don't know	66	8.52%
Not Answered	10	1.29%

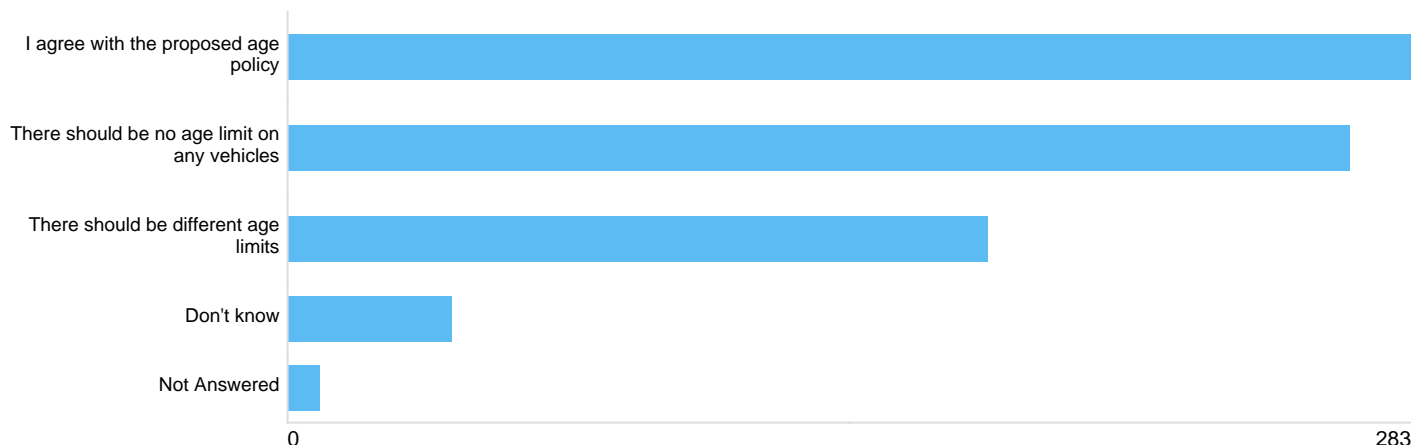
Question 10: If you answered no to the last question, what deadlines do you think we should apply in order to ensure that Birmingham meets the minimum Clean Air Zone standards of Euro 4 for petrol vehicles and Euro 6 for diesel vehicles by 2019?

deadline

There were **482** responses to this part of the question.

Question 11: Do you agree with the age policy that we have proposed that would take effect in 2021 of 14 years for hackney carriages and 8 years for private hire vehicles?

Age policy agreement



Option	Total	Percent
I agree with the proposed age policy	283	36.52%
There should be no age limit on any vehicles	267	34.45%
There should be different age limits	176	22.71%
Don't know	41	5.29%
Not Answered	8	1.03%

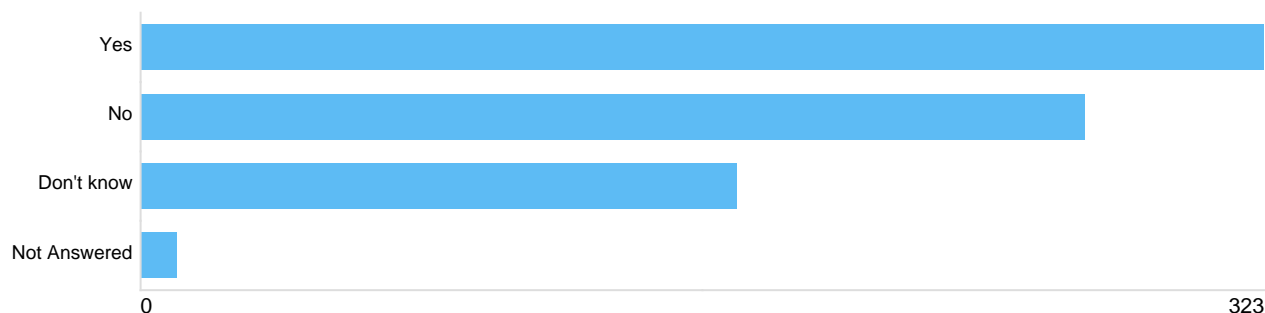
Question 12: If you answered the last question to say that there should be different age limits, what age limits would you suggest?

Age limits

There were **288** responses to this part of the question.

Question 13: The most significant impact of the proposals is likely to be felt by hackney carriage owners due to the limited choice of suitable ultra-low emission vehicles on the market and the cost of buying a new hackney carriage. One option that has been put forward is that Birmingham should consider licensing a mixed fleet of wheelchair accessible 'London style' cabs and saloon vehicles as hackney carriages? Would you be in favour of this proposal?

Mixed fleet



Option	Total	Percent
Yes	323	41.68%
No	271	34.97%
Don't know	171	22.06%
Not Answered	10	1.29%

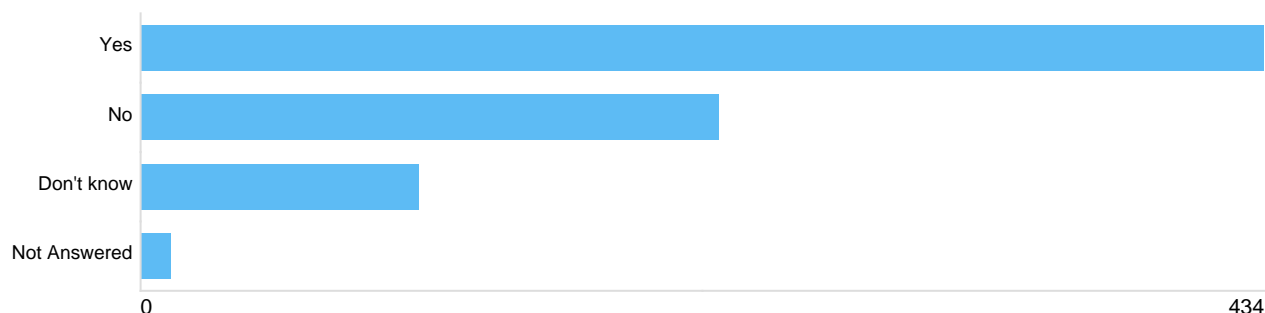
Question 14: If you have answered no to the last question, what are your reasons for opposing a mixed fleet of hackney carriages?

Please add your comments here

There were **258** responses to this part of the question.

Question 15: Do you agree that Birmingham should aim for all of its licensed hackney carriages and private hire vehicles to be zero-emission vehicles by 2030?

Zero Emission Vehicles



Option	Total	Percent
Yes	434	56.00%
No	223	28.77%
Don't know	107	13.81%
Not Answered	11	1.42%

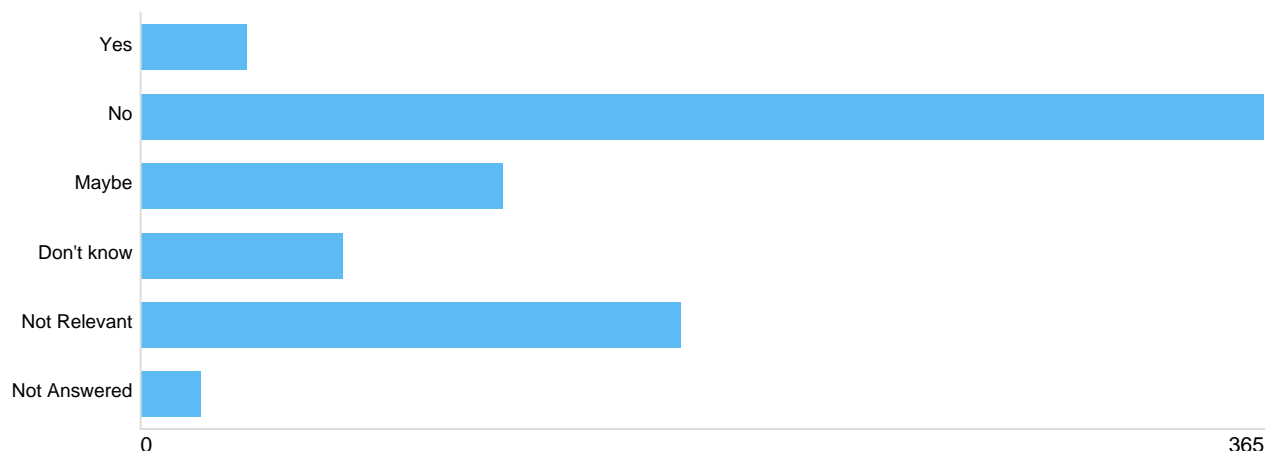
Question 16: How significant do you think the impact on disabled passengers would be if there were fewer wheelchair accessible hackney carriages licensed by Birmingham? Can you support your answer with any data?

Impact

There were **498** responses to this part of the question.

Question 17: The cost of buying a new hackney carriage or private hire vehicle is likely to be substantial. If you are a licensed vehicle owner or driver would you consider renting or hiring a vehicle as an alternative to buying one?

renting or hiring



Option	Total	Percent
Yes	34	4.39%
No	365	47.10%
Maybe	117	15.10%
Don't know	65	8.39%
Not Relevant	175	22.58%
Not Answered	19	2.45%

Question 18: If you have answered no to the last question, what is your reason for saying no?

Answered no to renting or hiring

There were **389** responses to this part of the question.

Question 19: Is there anything that you think the City Council or the Government can do to help vehicle owners to drive cleaner, less polluting vehicles or to reduce levels of air pollution in the city?

Drive cleaner, less pollution

There were **599** responses to this part of the question.

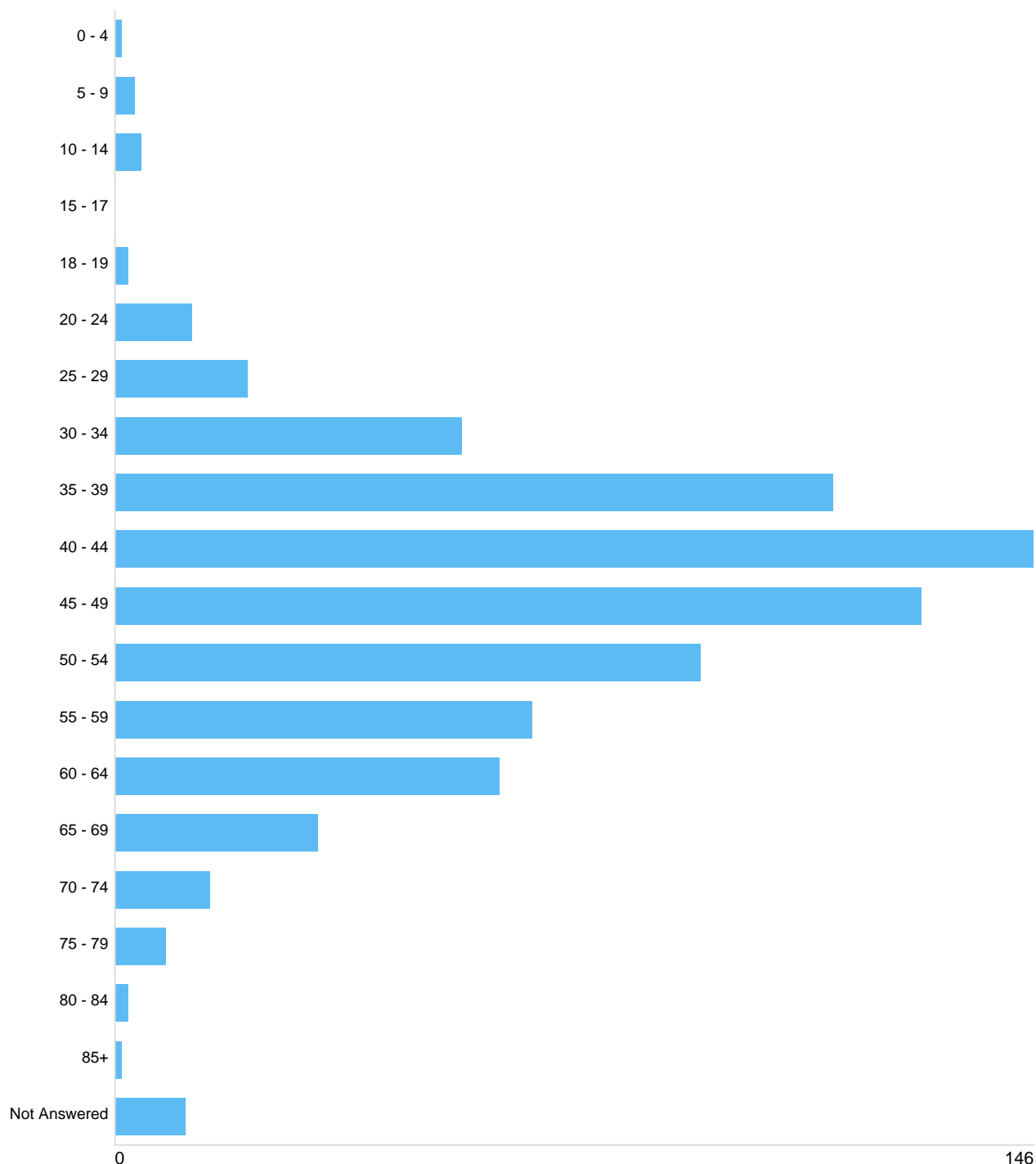
Question 20: Is there anything else that you would like to say about the proposals that you have not said so far?

Final Comments

There were **475** responses to this part of the question.

Question 21: Age: Which age group applies to you?

Age



Option	Total	Percent
0 - 4	1	0.13%
5 - 9	3	0.39%
10 - 14	4	0.52%
15 - 17	0	0%
18 - 19	2	0.26%
20 - 24	12	1.55%
25 - 29	21	2.71%
30 - 34	55	7.10%
35 - 39	114	14.71%
40 - 44	146	18.84%
45 - 49	128	16.52%
50 - 54	93	12.00%
55 - 59	66	8.52%
60 - 64	61	7.87%
65 - 69	32	4.13%
70 - 74	15	1.94%
75 - 79	8	1.03%
80 - 84	2	0.26%
85+	1	0.13%
Not Answered	11	1.42%

Question 22: Sex/Gender: What is your sex?

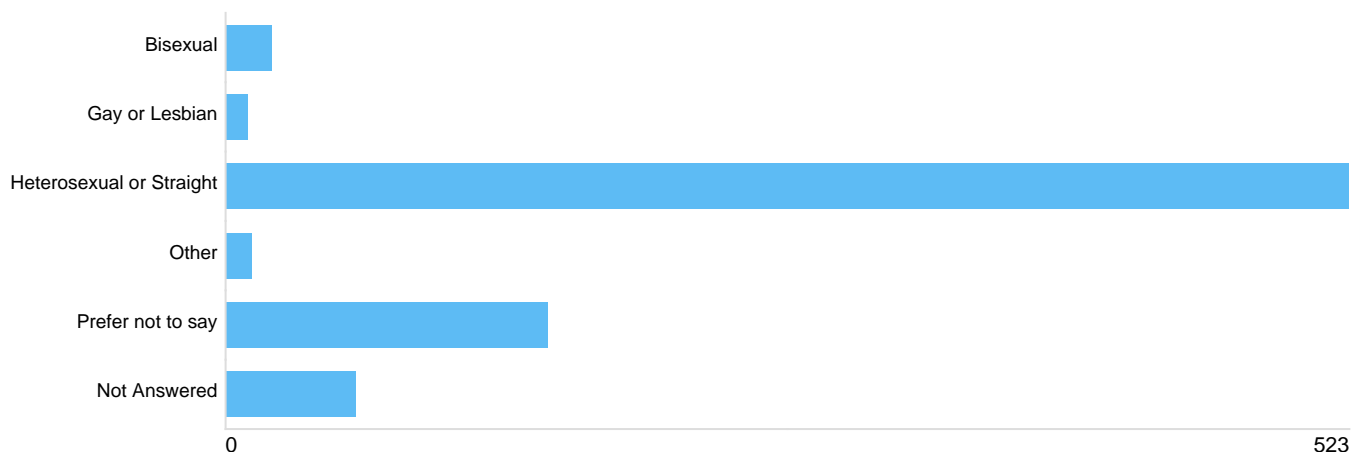
gender



Option	Total	Percent
Male	709	91.48%
Female	52	6.71%
Not Answered	14	1.81%

Question 23: Sexual Orientation: What is your Sexual Orientation?

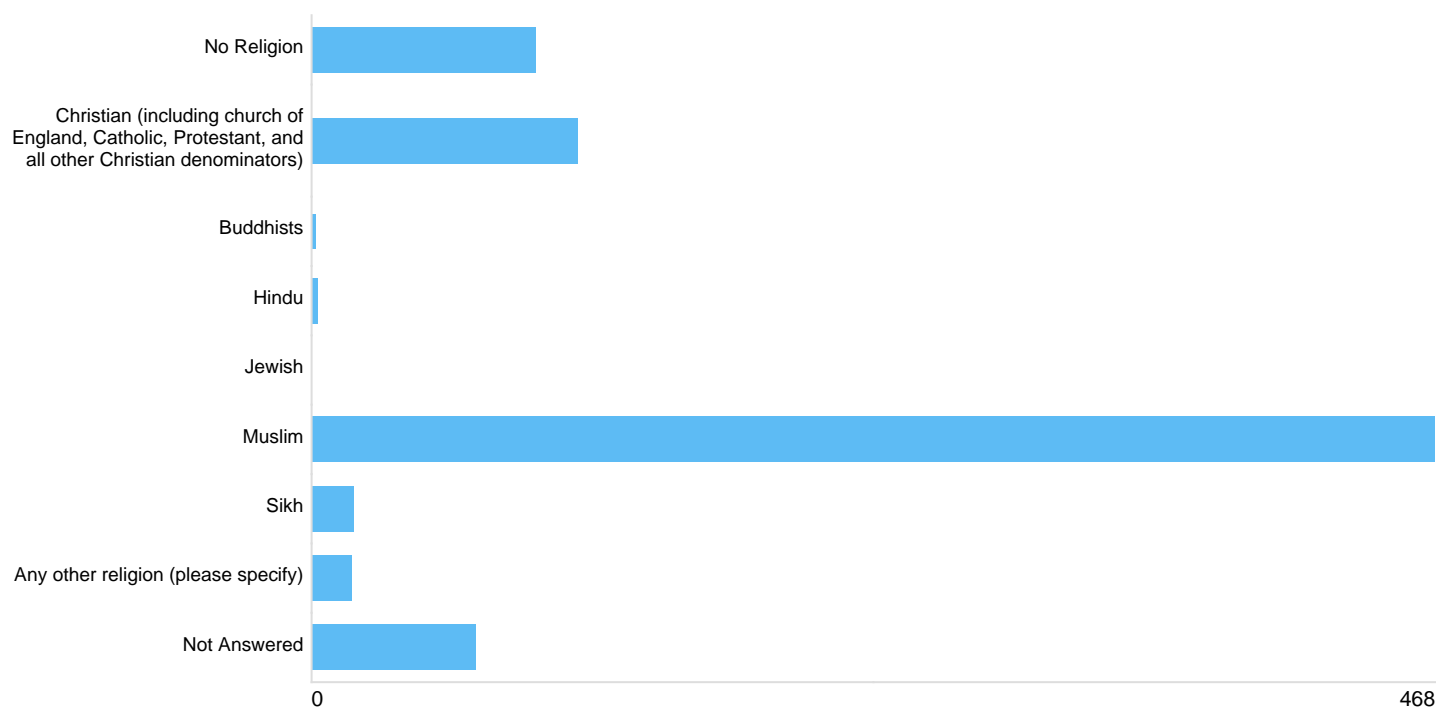
Sexual Orientation



Option	Total	Percent
Bisexual	21	2.71%
Gay or Lesbian	10	1.29%
Heterosexual or Straight	523	67.48%
Other	12	1.55%
Prefer not to say	149	19.23%
Not Answered	60	7.74%

Question 24: Religion: What is your religion or belief?

Religion



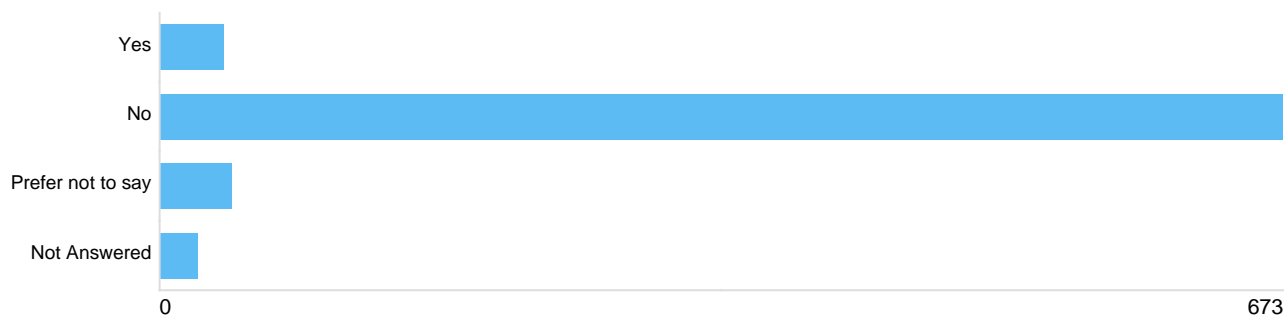
Option	Total	Percent
No Religion	93	12.00%
Christian (including church of England, Catholic, Protestant, and all other Christian denominators)	110	14.19%
Buddhists	1	0.13%
Hindu	2	0.26%
Jewish	0	0%
Muslim	468	60.39%
Sikh	17	2.19%
Any other religion (please specify)	16	2.06%
Not Answered	68	8.77%

Other religion

There were **37** responses to this part of the question.

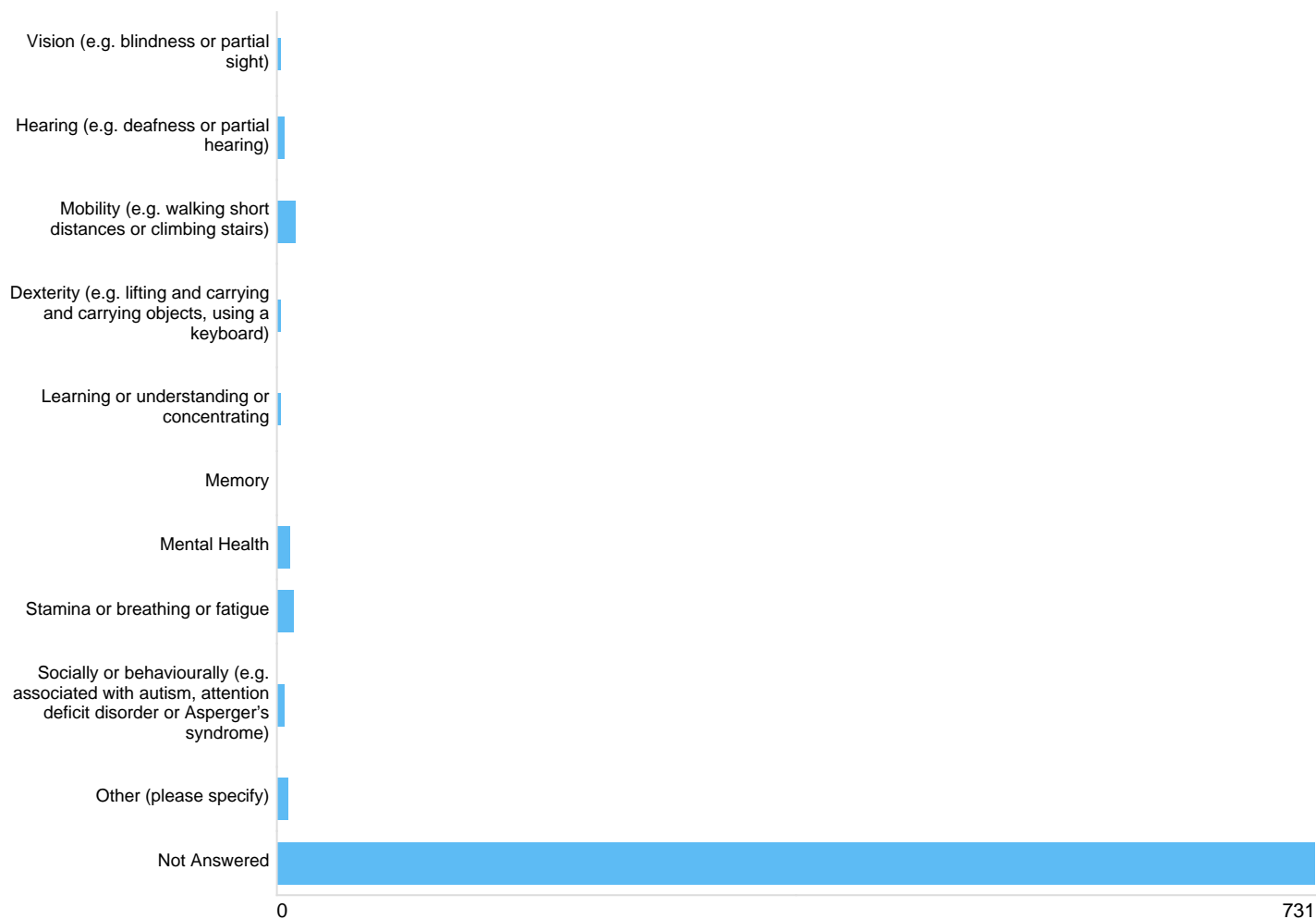
Question 25: Disability: Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?

Physical or mental health conditions



Option	Total	Percent
Yes	38	4.90%
No	673	86.84%
Prefer not to say	42	5.42%
Not Answered	22	2.84%

disabilities



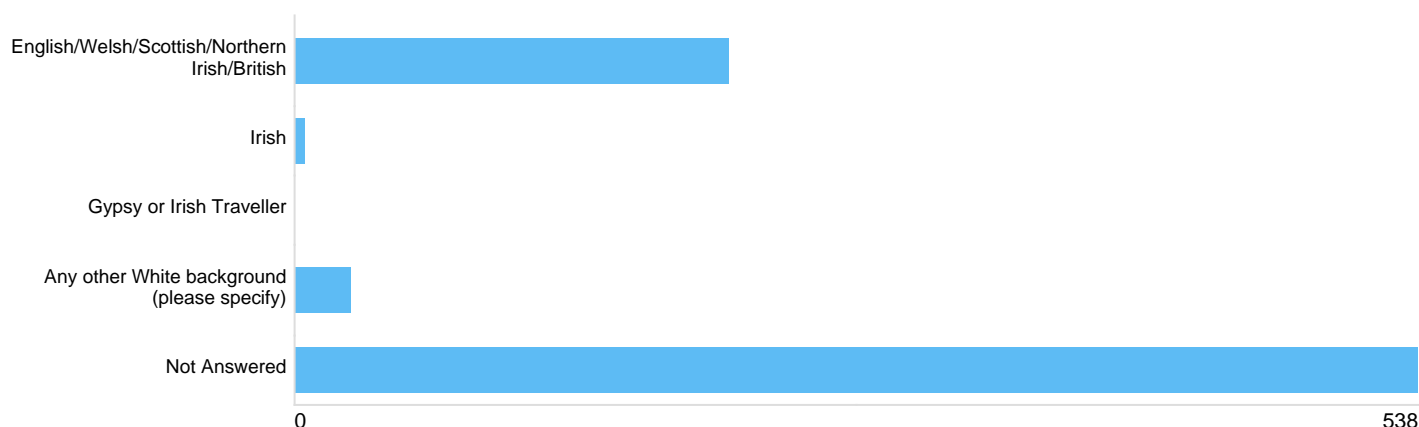
Option	Total	Percent
Vision (e.g. blindness or partial sight)	2	0.26%
Hearing (e.g. deafness or partial hearing)	5	0.65%
Mobility (e.g. walking short distances or climbing stairs)	13	1.68%
Dexterity (e.g. lifting and carrying and carrying objects, using a keyboard)	2	0.26%
Learning or understanding or concentrating	1	0.13%
Memory	0	0%
Mental Health	9	1.16%
Stamina or breathing or fatigue	11	1.42%
Socially or behaviourally (e.g. associated with autism, attention deficit disorder or Asperger's syndrome)	4	0.52%
Other (please specify)	7	0.90%
Not Answered	731	94.32%

If other, please specify

There were **23** responses to this part of the question.

Question 26: Ethnicity: What is your ethnic group?

Ethnicity White



Option	Total	Percent
English/Welsh/Scottish/Northern Irish/British	207	26.71%
Irish	4	0.52%
Gypsy or Irish Traveller	0	0%
Any other White background (please specify)	26	3.35%
Not Answered	538	69.42%

Ethnicity Other White

There were **39** responses to this part of the question.

Ethnicity Mixed/Multiple

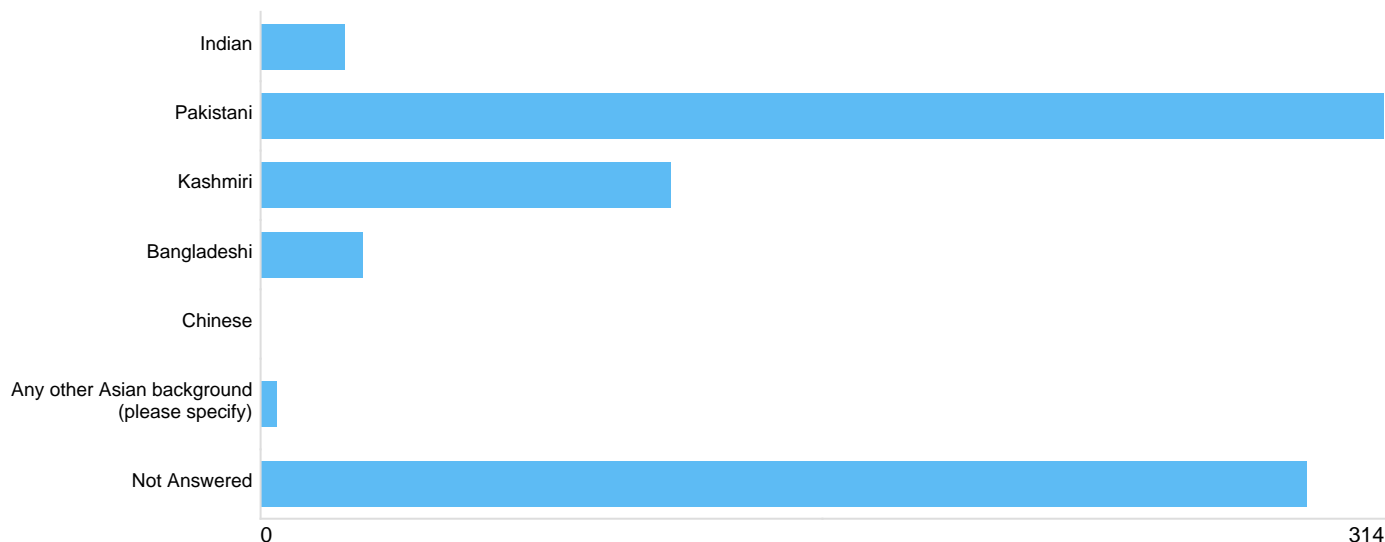


Option	Total	Percent
White and Black Caribbean/African	4	0.52%
White and Asian	20	2.58%
Any other Mixed background (please specify)	3	0.39%
Not Answered	748	96.52%

Ethnicity Other Mixed/multiple

There were **10** responses to this part of the question.

Ethnicity Asian/Asian British



Option	Total	Percent
Indian	23	2.97%
Pakistani	314	40.52%
Kashmiri	114	14.71%
Bangladeshi	28	3.61%
Chinese	0	0%
Any other Asian background (please specify)	4	0.52%
Not Answered	292	37.68%

Ethnicity Asian/Asian British Other

There were **20** responses to this part of the question.

Ethnicity Black/African/Caribbean/Black British



Option	Total	Percent
African	6	0.77%
Caribbean	3	0.39%
Any other Black/African/Caribbean background (please specify)	0	0%
Not Answered	766	98.84%

Ethnicity Black African/Caribbean/Black British Other

There were **4** responses to this part of the question.

Ethnicity Other Ethnic Group



Option	Total	Percent
Arab	0	0%
Any other ethnic group (please specify)	1	0.13%
Not Answered	774	99.87%

Ethnicity Other ethnic group - Other

There were **8** responses to this part of the question.



02 August 2017

Report

Taxi Consultation Analysis

Clean Air Zone Services (CAZ) Birmingham City Council

making the **difference**

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Introduction

This report presents analysis of survey data for the proposal to introduce emission standard for Taxi and Private Hire vehicles in Birmingham. The analysis was carried out for eight questions of the survey, which include questions 8, 10, 12, 14, 16, 18, 19 and 20. The answers from each question were grouped by similarity to allow for dominant prevailing themes to surface. Many of these themes are as expected; e.g. more funding required, longer timescale needed. However, various general statements that did not fit in any of the identified themes have been included in the “Other” category. Furthermore, examples of constructive responses for each question are presented under opportunity section for each question.

Certain underlying themes have been mentioned frequently within all the analysed questions, these themes are:

- Victimisation - Hackney Carriage and Private Hire drivers being misinformed regarding the vehicle ban within the Clean Air Zone, many believe only Taxis are being targeted and ask why the general public, buses and Lorries are being allowed a free pass. This is obviously not the case, working in the wider Clean Air Zone they will all be subjected to the scheme.
- Lack of trust - Many drivers believe the driving force of the Clean Air Zone is financial gain, a tax on diesel cars, rather than a benefit to public health.
- Emissions over age - This was repeated within all questions, even questions specifically asking about wheelchair users. Drivers wanted to emphasise old age and high emissions are not proportionally related or necessarily interlinked.
- Many respondents seemed to answer the questions assuming that they were being asked whether this scheme should go ahead or not, rather than from the standpoint that this is something that is going to happen regardless and the consultation is only to potentially help improve it

Question 8: If you have answered no to the last question, what criteria do you think should be used to decide which vehicles should be removed first?

Number of responses	Theme										
	Criteria should be emissions not age	Provide Financial help to driver e.g. Grants/ None profit lease / Incentive	The proposed timescale is not long enough for us to make changes	Fear of leaving the trade due to already saturated market	Extend to include new diesel cars (VW scandal)	Provide an emissions kit	Lack of trust in the Council	Criteria should be emissions not age	Reduce to Euro 4	Opportunity	Other
365	97	73	59	43	38	28	10	9	4	3	16
380*	25.5%	19.2%	15.5%	11.3%	10.0%	7.4%	2.6%	2.4%	1.1%	0.8%	4.2%

* Total number of identified themes



Summary:

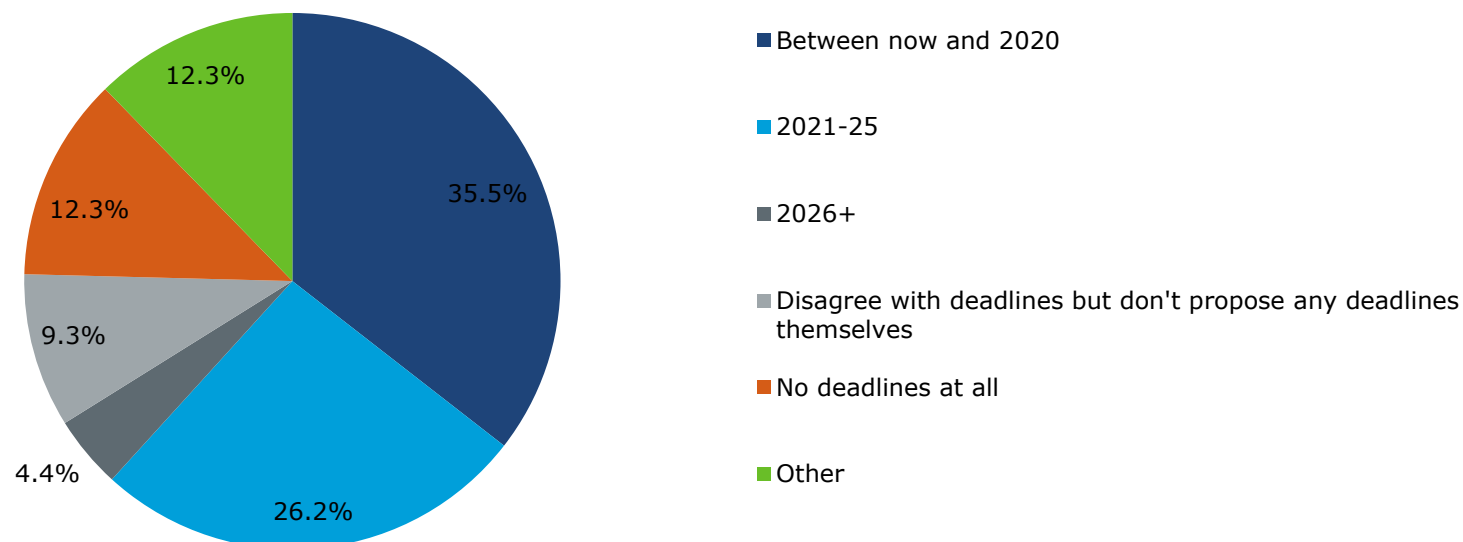
- **Seems to be distortion in process of providing information from council to taxi trade. Many believe Taxi's drivers are unfairly being discriminated, while the general public and buses are allowed to roam free. This is of course not the case. Example statements as below:**
 - "The taxi trade is struggling as it is we do not have the funds to purchase a new car plus why aren't other public transport like bus coaches vans lorry been told to upgrade"
 - "This is an unaffordable proposal. I believe this is an unfair decision targeting the taxi drivers. Why this does not apply to all those old vehicles owned by general public. There are hundreds of old buses which I believe do not meet the standards either. Why these don't get banned? I hope this proposal does not get materialised."
- **Over 11% bring up the lack of work, due to Uber and out of city drivers working in the area makes buying a new car financially unviable. Example statements as below:**
 - "There is simply not much work left at the ranks thanks to Uber and pirating and taxi drivers from anywhere working in Birmingham."
 - "Birmingham private hire drivers are already suffering from the drivers work in Birmingham from outside councils"
- **About 26% believe if their Taxi passes its MOT test then its emissions levels are acceptable, therefore, disagree with their taxi being held to a higher standard. Example statements as below:**
 - "If the vehicle can pass an MOT then it should be allowed to be used as a taxi."
 - "If any vehicle regardless of age can demonstrate that it is capable of producing low levels off pollution it should be allowed to be used as a taxi."
- **Some drivers seems to be well informed of emissions kit with 7% of responses mentioning them, naming solutions such as EGON and CGON. However, they still expect funding from the Council. Example statements as below:**

- “Also there are other gadgets on the market that can help older vehicles to reduce their emissions such as the Egon model which allows all the fuel and particulates to be burn in the combustion chamber releasing steam only.”
- **There is an underlying theme of lack of trust in the Council and governing bodies, with the 3% of responses making direct reference to it and others alluding to it. Example statements as below:**
 - “My reason is I have so far not seen any data published out into the public domain that tells me the cities engines are producing high levels of dangerous pollutants.”
 - “I think this policy is just to make money because Birmingham city council you can't guarantee to us that there will be 100% clean air zone its impossible where as other country like in Europe have failed to provide 100% clean air zone stats.”
- **Various general statements that did not fit in any of the identified themes have been included in the “Other” category. These highlighted how many drivers are nearing the retirement age. The responses also included references to Brexit and why is the Council following European standards. Example statements as below:**
 - “I am a 60 year old taxi driver trying to make a living and survive. How would I and those in my situation afford such vehicles even in the next 10 years?”
 - “Where not in Europe why should we follow them”
 - “When Brexit is operational, we should be able to make our own laws.”
- **Opportunity - These are examples of constructive responses:**
 - “The council have taken in my mind a too late approach on this matter, Birmingham Air is one of the worst in Europe, (and) we should be a clean smart city. Not Just Tax's, why are we not hitting Buses more? Why do buses still enter the city? We have a perfect chance to rid all non-essential vehicles from the city, Millennium point HS2 station, this should be a new hub for all transport, new large city bus depot, let's have buses and taxis drop off here. Easy mobile or walk distance to city. Let's rid the city streets of air pollution.”
 - “Suggest special deal for public service vehicles e.g. buses on grounds that pollution per passenger-km is probably lower than a flock of 1.2-passenger private cars.”
 - “Wouldn't a congestion zone charge be better like London?”

Question 10: If you have answered no to the last question, what deadlines do you think we should apply in order to ensure that Birmingham meets the minimum Clean Air Zone standards of Euro 4 for petrol vehicles and Euro 6 for diesel vehicles by 2019?

Number of responses	Theme					
	Between now and 2020	2021-25	2026+	Disagree with deadlines but don't propose any deadlines themselves	No deadlines at all	Other
482	130	96	16	34	45	45
366*	35.5%	26.2%	4.4%	9.3%	12.3%	12.3%

* Total number of identified themes



Summary:

- **About 36% of responses gave timescales of up until 2020 (a year after the proposed deadline). Example statements as below:**
 - “Should be extended to at least 2020 and only after proper tests and trials”
 - Last plate renewal should be in 2018 and after that no more renewals for all cars that don't qualify for emissions.
- **Approximately 12% disagreed with the proposed deadlines but did not propose any deadlines of themselves. Example statements as below:**
 - “I think that the phase out should be more gradual.”
 - “Changes coming too quickly. Drivers should be given more time to upgrade vehicles I want to drive new vehicle but we are not making enough earnings to buy a new vehicle so quickly.”
- **Many of these responses that didn't include any proposed deadlines had a recurring theme of taxi drivers currently in midst of a long term lease simply cannot afford to change vehicles. Example statements as below:**
 - “2 years ago I paid £12500 for a bmw which does not meet the requirement. If I had known then i would have waited and bought a car that would have meet the criteria now I cannot afford it because I am still paying the finance. Why so short notice who messed up I think they should compensate the drivers.”
 - “Why so short notice who missed up I think they should compensate the drivers. Vehicle can pass an MOT then it should be allowed to be used as a taxi.”
- **Various general statements that did not fit in any of the identified themes have been included in the “Other” category. These included references to lack of funding, lack of available work, out of council workers not being forced to change their vehicles. Example statements as below:**
 - “Why is it some other councils have no age limit yet their drivers are allowed to work in Birmingham you haven't a clue have you.”

- “Not enough time nor enough finance”

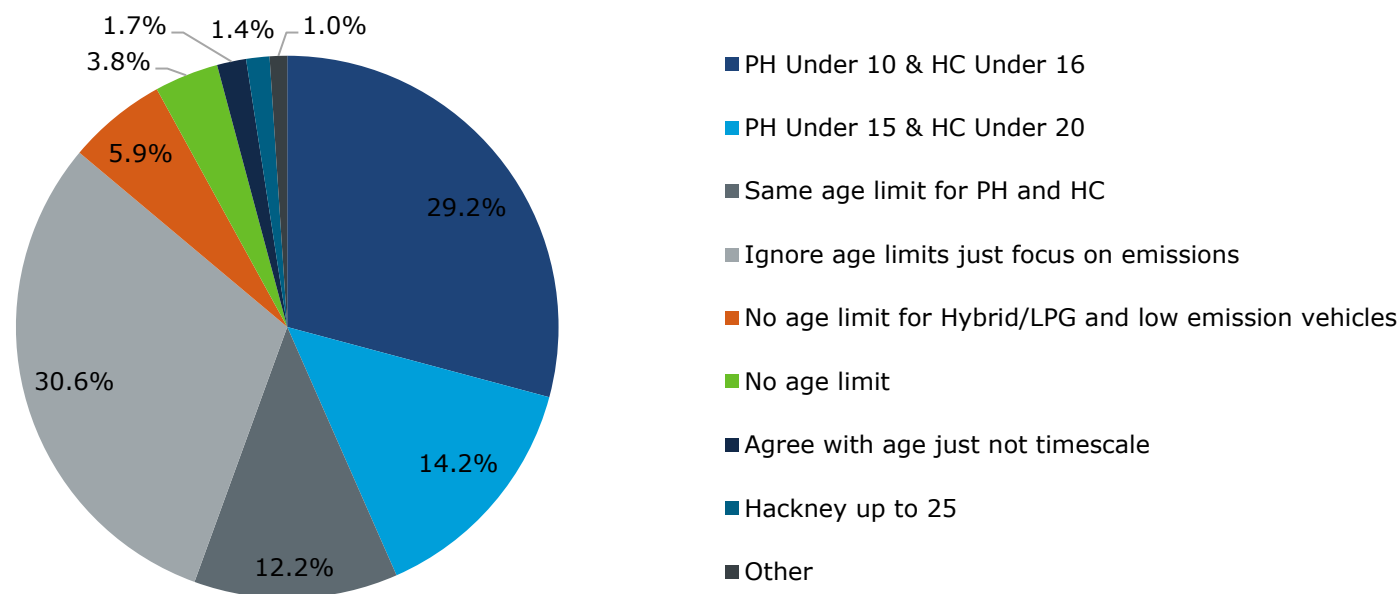
- **Opportunity - this is an example of constructive response:**

- “I don't believe any grants needs to be paid to Hackney carriage licence holders. It's a commercial world and the reduction in emissions could be easily achieved by one or more petrol stations stocking HVO fuel as used in Scandinavia and California. This fuel, which is now available in the UK, see www.greenplus.com, gives up to 90% reduction in carbon and 80% reduction in NOx particulate emissions. It is a drop in fuel, and can be the same price as current diesel but gives all the benefits in carbon and NOx reduction. The money saved in subsidising Hackney carriages can then be put to better use. HVO fuel has full engine manufacturer's warranties as the fuel is the same chemical structure as ordinary diesel. Scandinavia is the world leader in carbon and NOx reduction. They will be carbon neutral by 2045. Why reinvent the wheel when we can just copy them.”

Question 12: If you have answered the last question to say that there should be different age limits, what age limits would you suggest?

Number of responses	Theme								
	PH Under 10 & HC Under 16	PH Under 15 & HC Under 20	Same age limit for PH and HC	Ignore age limits just focus on emissions	No age limit for Hybrid/LPG and low emission vehicles	No age limit	Agree with age just not timescale	Hackney up to 25	Other
288	84	41	35	88	17	11	5	4	3
288*	29.2%	14.2%	12.2%	30.6%	5.9%	3.8%	1.7%	1.4%	1.0%

* Total number of identified themes



Summary:

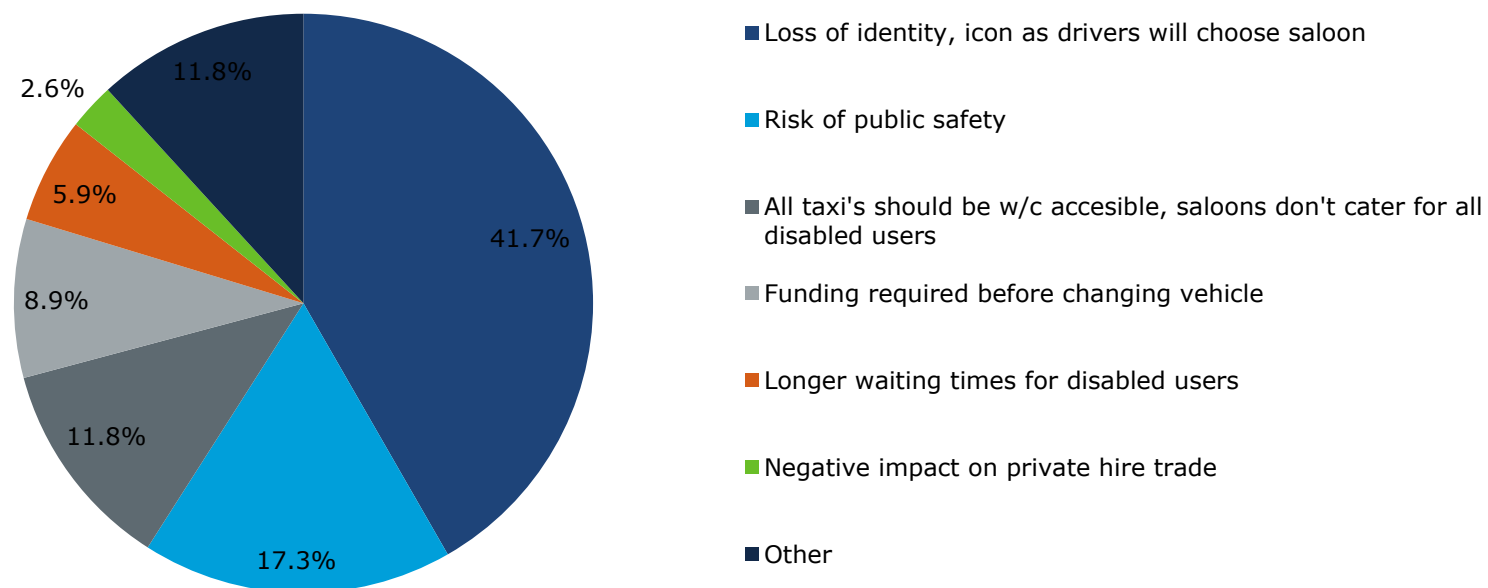
- **Almost 30% of people who answered the survey wanted just a slight adjustment (extra year or two) of the proposed 8 years for private hire and 14 for hackney carriages. Example statements as below:**
 - “15 for HC and 10 for private hire”
 - “A maximum age limit of 16 years on hackney and 10 year on private hire after that they should be out no exception should be allowed.”
- **Clear frustration shown by some private hire drivers, with about 12% disagreeing with proposal that hackney carriage drivers get an extra 6 years, feel unfairly targeted. Example statements as below:**
 - “There should be no age different between the two types, I. E. Hackney carriages & private hire. As it's the age of the car & the technological systems adapted to that vehicle will determine the level of emission concentration. Especially when most of Hackney carriages rely on their work to be in the city centre.”
 - “The age limits should be the same for private hire and hackney vehicles”
- **Repeated theme (30.6% of responses) from members of the public, private hire drivers and hackney carriage drivers that each vehicle should be assessed by its individual own merit and a decision on whether its emission level is acceptable in the city centre made. Example statements as below:**
 - “Every vehicle would be differently maintained.so there should be no age limit.”
 - “It should be the same for both emission levels not age.”
 - “It should be based on condition”
 - “I mostly agree with the policy, and whilst age is a good indicator it should not be used in place of direct measurement of pollutant levels.”
- **About 6% of responses wanted to highlight that they should be given an exception if their car is hybrid/lpg or had an emissions kit applied to it. Example statements as below:**

- “If the car is hybrid and low emissions there should not be an age limit but if the car is not meeting the emissions criteria the driver should have to replace their car.”
- “Age doesn't matter. As long as the vehicles pass the emission test with the new kit put in place then you would make hundreds of drivers happy so will be the environment.”
- **Various general statements that did not fit in any of the identified themes have been included in the “Other” category. These included references to private hire drivers also using their vehicles for personal use. Example statements as below:**
 - “PH should allow longer, as vehicles used for dual use, personal and business, PH income is limited, especially with restriction around City Centre and bus lanes, HC pollute more earn more and have more privileges and less fines etc.”

Question 14: If you have answered no to the last question, what are your reasons for opposing a mixed fleet of hackney carriages?

Number of responses	Theme						
	Loss of identity, icon as drivers will choose saloon	Risk of public safety	All taxi's should be w/c accessible, saloons don't cater for all disabled users	Funding required before changing vehicle	Longer waiting times for disabled users	Negative impact on private hire trade	Other
258	113	47	32	24	16	7	32
271*	41.7%	17.3%	11.8%	8.9%	5.9%	2.6%	11.8%

* Total number of identified themes



Summary:

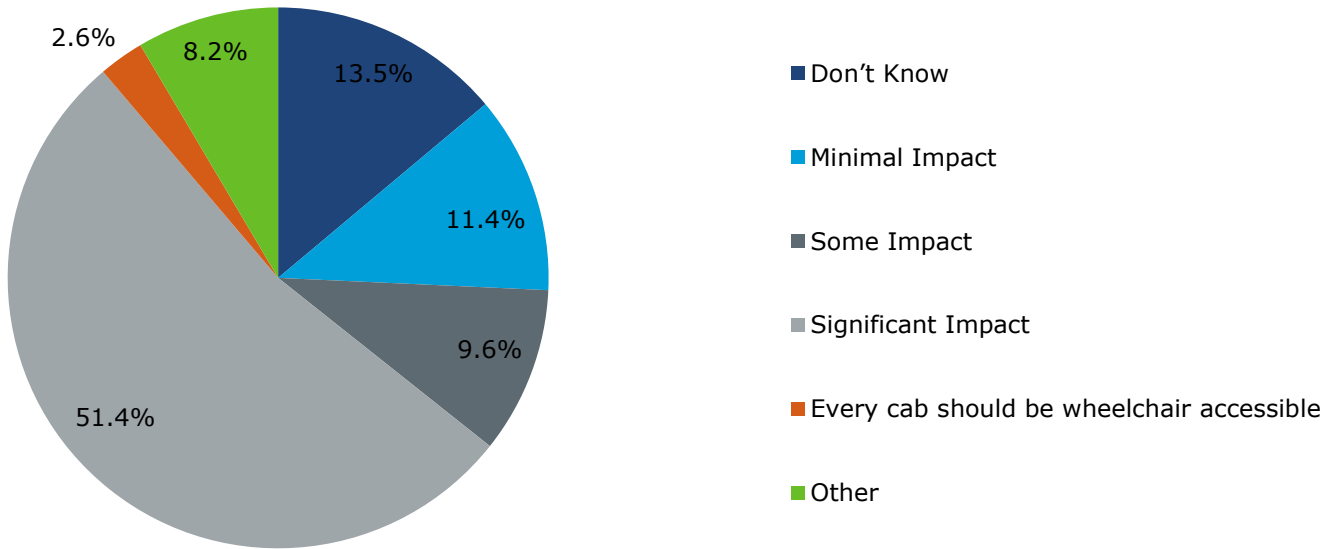
- **There was a consistent theme of fear of losing the identity of hackney carriages with over 40% making references to this. If the hackney licence is available to saloon car many drivers say they would move or anticipate others moving to the saloon as they can do both (private hire and hackney). Example statements as below:**
 - “A hackney carriage is synonymous to being a taxi. It allows more people in, of greater ages and abilities. They are a stereotypical part of the identity of a British city, inc Birmingham, which we should protect. Technology will catch up with demand, reversing a mix of saloon cars as hackney carriage will be harder.”
 - “We would lose our identity and it would appear that we have a one tier system.”
 - “Because the definition of a taxi is a Hackney carriage vehicle and a Hackney Carriage is like the coat of arms of a city it would be like given up your identity”
- **About 12% stated that the saloon option would not cater to all disabled users, common example given was those with manual wheelchairs, with an additional 6% saying the proposed policy will result in longer waiting times for wheelchair users. Combined, nearly 18% believe the policy would in some way be detrimental to wheelchair users. Example statements as below:**
 - “You are discriminating against disabled people’s right to hire a hackney vehicle on a rank or a flag down do they have to wait longer than an abled bodied person? I don't think so see you in court.”
 - “Every hackney vehicle should have wheelchair facilities it's not fair on disabled people if there are less vehicles they have a longer wait”
 - “The disabled would be discriminate against simply if there were no wheel chair available cab on the rank they would have to wait for one ,why should they are they be considered inferior”
- **Additionally public safety was brought up in 17.3% of responses, by hackney drivers and the general public, stating not knowing the difference between a taxi and a private hire could be a potential risk to public safety such as private hires not providing insurance if not pre-booked. Example statements as below:**

- “Passengers will be at risk. It's hard for them to know they are travelling in hackney carriage or a private hire. Especially in night work. In saloon vehicles there is no passenger compartment so drunk or abusive passenger can easily access to the driver.”
 - “No difference between hackney and private hire. Passengers already will not be able to distinguish between the types and therefore risking public safety”
 - “There is no difference then between hackney carriage and private hire. The public will not know the difference which could cause public safety issues of no insurance”
- **Also approximately 12% of responses made reference to saloon cars not providing wheelchair access with Hackney Carriage drivers claiming saloon type vehicles cannot be utilised by all disabled users. Example statements as below:**
 - “Disabled customers won't be able to use saloon type vehicles. For this reason, only London style cabs should be licensed as hackney carriages.”
 - “Cars are not manual wheelchairs friendly and no safety for driver's without partitions”
- **Various general statements that did not fit in any of the identified themes have been included in the “Other” category. These included claims by Hackney Carriage drivers stating they should not be forced to accept wheelchair users which may be lower in fare because the saloon in front cannot cater for the customer. Example statements as below:**
 - “Why should I, do a wheelchair job which the car in front can't do or makes up some excuse that he can't do it. there would be too much problems from the start”
 - “If the mini cab in front of me had a short job of £4 and could not do it he could the probably take my job which could be £10. Ask yourself a simple question, would you like the next person to you in your office getting paid twice what you are for the same type of job. Enough said on that!”

Question 16: How significant do you think the impact on disabled passengers would be if there were fewer wheelchair accessible hackney carriages licensed by Birmingham? Can you support your answer with any data? – Impact

Number of responses	Theme						
	Don't Know	No Impact	Minimal Impact	Some Impact	Significant Impact	Every cab should be wheelchair accessible	Other
498	67	16	57	48	256	13	41
498*	13.5%	3.2%	11.4%	9.6%	51.4%	2.6%	8.2%

* Total number of identified themes



Summary:

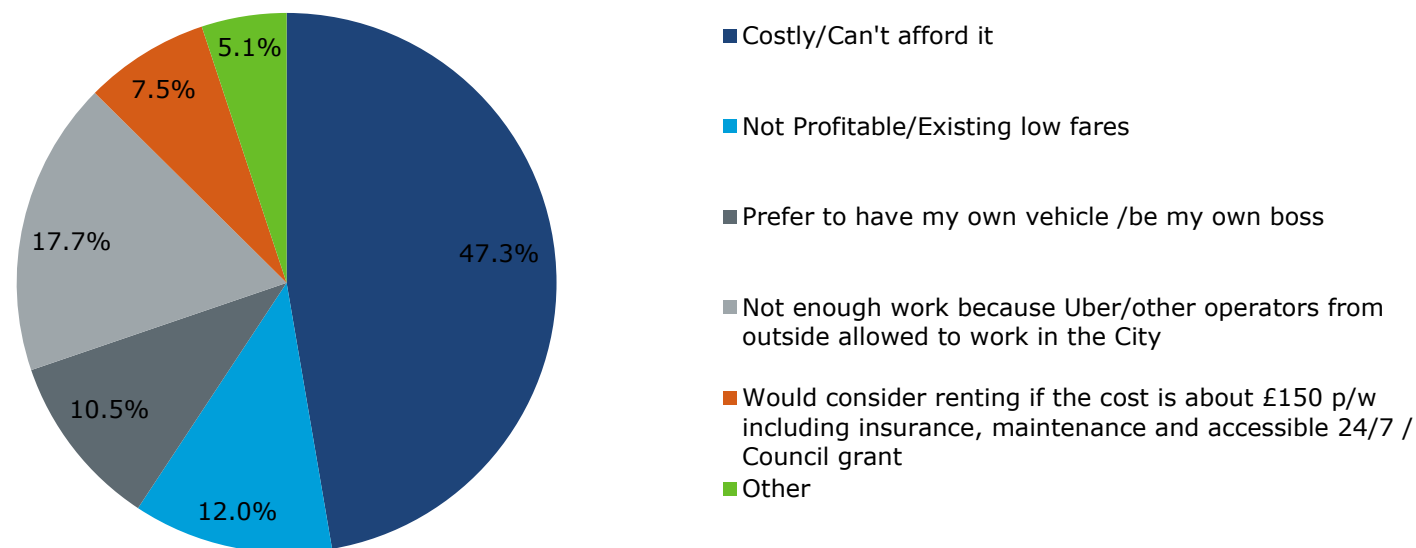
- **The majority of responses (73%) indicate that there will an impact (minimal to significant) on disabled passengers if there were fewer wheelchair accessible Hackney carriages.**
- **More than 50% (51.4%) believe this impact will be significant, however, only 20% provided data to support their answers. Example statements as below:**
 - “Very significant -this would be a step backwards.”
 - “Very big impact as a lot of wheelchair users demands accessible hackney carriages. I personally assist 2/3 per shift.”
 - “I am a radio driver for TOA and I do at least 3 to 4 wheel chair jobs every day. These passengers would never be able to travel anywhere without the service my vehicle can provide.”
- **Some drivers indicate that disabled passengers are “already struggling” to get taxis and this proposal will only cause them more problems. Example statements as below:**
 - “There's not enough disable access vehicles anyway and it will effect very significantly wheelchair users”
 - “Wheelchair users already struggle to get taxis and this proposal will reduce their availability even more.”
- **Various general statements that did not fit in any of the identified themes have been included in the “Other” category. These mainly show concerns for disabled users and support wheelchair accessible hackney carriages drivers. Example statements as below:**
 - “There should be bigger vehicles for disabled passengers, so they can easily turn round the wheelchairs”
 - “Any decisions regarding transportation which effects people with disabilities must be considered with far greater attention in order to assist those needy.”
 - “There should be financial support criteria for such type of vehicles to encourage their owners”

- **Opportunity – this is an example of a constructive response:**
 - “Measures should be taken to ensure availability, e.g. apps to check locations/order a suitable cab at a rank.”

Question 18: If you have answered no to the last question, what is your reason for saying no? - Answered no to renting or hiring

Number of responses	Theme					
	Costly/Can't afford it	Not Profitable/Existing low fares	Prefer to have my own vehicle /be my own boss	Not enough work because Uber/other operators from outside allowed to work in the City	Would consider renting if the cost is about £150 p/w including insurance, maintenance and accessible 24/7 / Council grant	Other
272	158	40	35	59	25	17
334*	47.3%	12.0%	10.5%	17.7%	7.5%	5.1%

* Total number of identified themes



Summary:

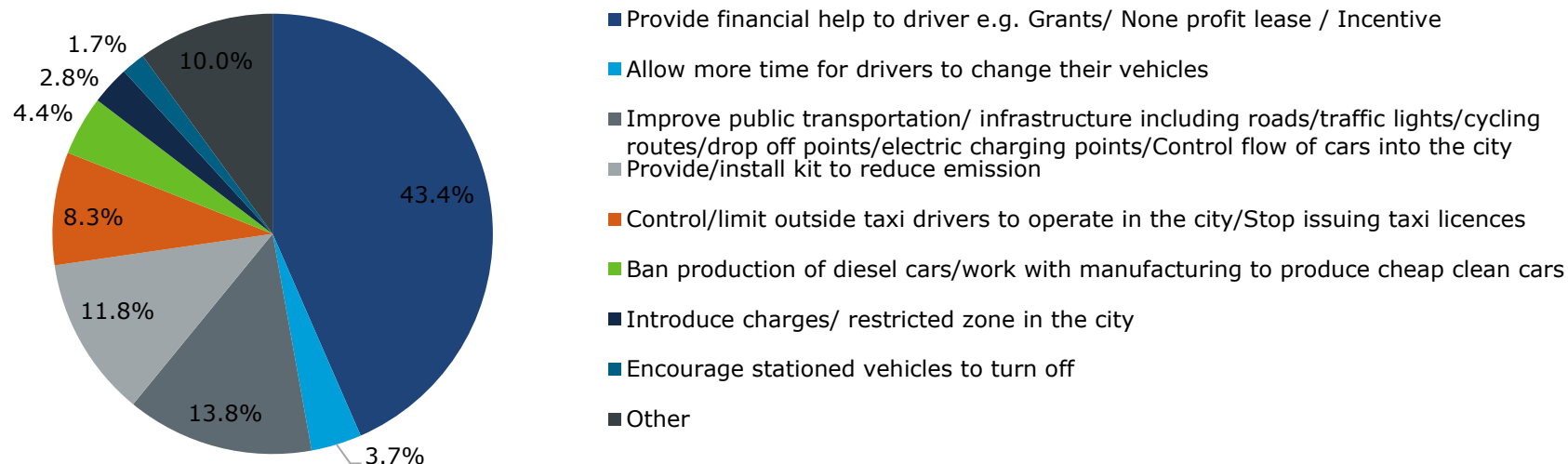
- **The cost of renting or hiring is the main obstacle for drivers. 47.3% stated cost as the key reason for not considering hiring or renting. Example statement as below:**
 - “Renting a private hire vehicle is very expensive and I would not be able to afford it. ”
 - “It would be too costly and not affordable. You got to realise our earnings are limited.”
- **Many drivers (17.7%) believe that there is a limited amount of work in the city due to competition from other private hire coming from other counties and companies like Uber. Example statements as below:**
 - “The amount of work available now due to competition from both private hire coming in from other counties allowed to work cross border and companies like Uber I think we are just about surviving and drivers are working longer hours to make a living and I can't see how they can afford to buy new cabs or even rent them as it won't be cheap”.
 - “I believe the rent for these cabs will be very high so it will not be affordable in Birmingham where most of the taxi work is pirated by Uber or other private hire cars and licensing department has no solution to this problem, in fact I believe that licensing department is part of this problem.”
- **12% of responses stated that hiring or renting is not profitable with the existing fares and low level of work. Example statements as below:**
 - “The rent is too expensive. After paying the rent, drivers will be left with nothing.”
 - “Hiring or renting costs are far more than the wage we get. I have expenses to take out like bills to pay a house to run I can't be paying money on top as the taxi business is not as busy.”
- **7.5% of responses would consider hire or renting if the price in the range of £150/week including maintenance, insurance and 24/7 access or if the council provide financial support e.g. grant. Example statement as below:**
 - “Would only consider renting a vehicle if it £150p/w which included insurance, maintenance and was for 24/7 use.”

- “In my opinion I would like a grant to buy a new vehicle from the council to pay for half of my vehicle due to me not being able to rent out another vehicle.”
- **Various general statements that did not fit in any of the identified themes have been included in the “Other” category. These mainly present suggestion to tackle the pollution issue. Example statements as below:**
 - “Keep traffic flowing so congestion does not build up.”
 - “Upgrade other buses and lorries first as they pollute more”
 - “I think there should be more consultation before any final decisions are made.”
 - “The air pollution within Birmingham does not primarily stem from vehicles, but rather from the factories in the region.”
- **Opportunity - These are examples of constructive responses:**
 - “Reduce the poaching that we suffer to 'all of the above' - Sandwell, Wolverhampton and the likes etc. This may allow Birmingham HC drivers to earn enough money to consider purchase of replacement vehicles. This combined with smarter working patterns and two drivers - per taxi would also be a potential solution.”
 - “Introduce a meter fitted to all vehicles including private hire all charging the same rate.”
 - “Council owned taxi's meaning the cars could be shared between taxi drivers and rented.”
 - “Take away City centre car parks and replace them with say half a mile North, South, East and West car parks with frequent Metro links to City Centre. This would be self-funding through sale of expensive city centre parks to fund car parks in Nechells, Aston, Ladywood/Edgbaston and Highgate/Balsall Heath. As well as rejuvenating those areas would be complementing a richer, cleaner city centre.”

Question 19: Is there anything that you think the City Council or the Government can do to help vehicle owners to drive cleaner, less polluting vehicles or to reduce levels of air pollution in the city? - Drive cleaner, less pollution

Number of responses	Theme								
	Provide financial help to driver e.g. Grants/ None profit lease / Incentive	Allow more time for drivers to change their vehicles	Improve public transportation/ infrastructure including roads/traffic lights/cycling routes/drop off points/electric charging points/Control flow of cars into the city	Provide /install kit to reduce emission	Control/lim it outside taxi drivers to operate in the city/Stop issuing taxi licences	Ban production of diesel cars/work with manufacturing to produce cheap clean cars	Introduce charges/ restricted zone in the city	Encourage stationed vehicles to turn off	Other
447	199	17	63	54	38	20	13	8	46
458*	43.4%	3.7%	13.8%	11.8%	8.3%	4.4%	2.8%	1.7%	10.0%

* Total number of identified themes



Summary:

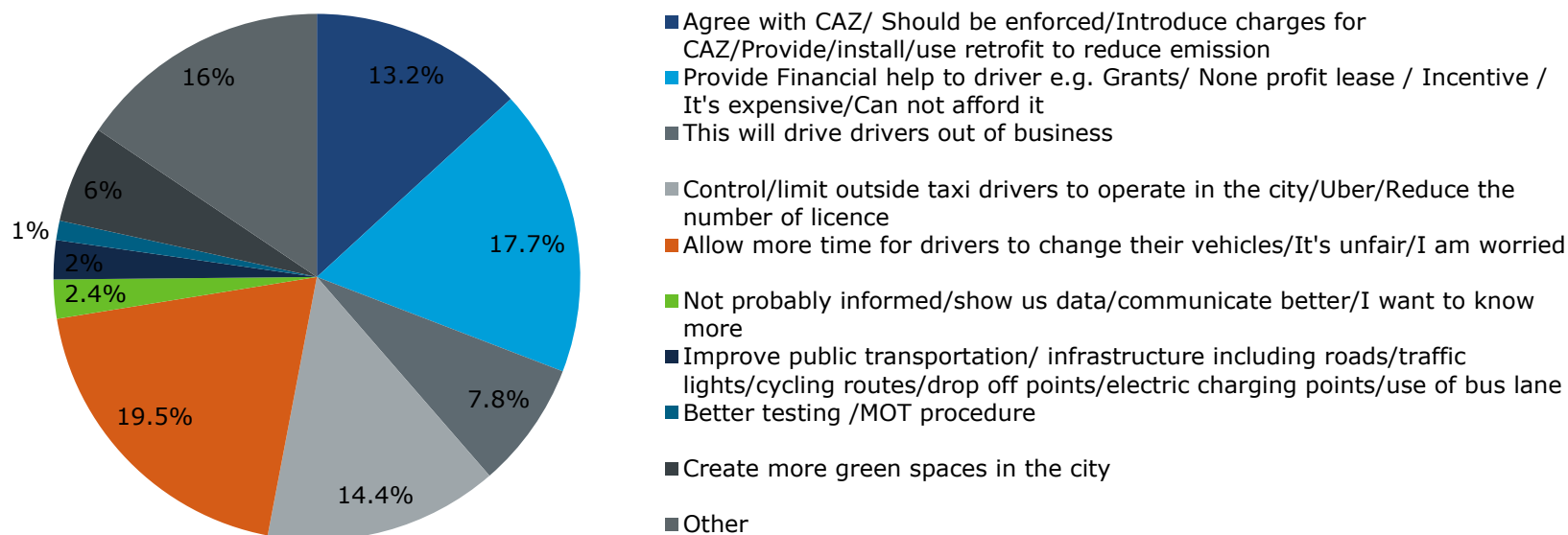
- **About 44% of responses asked for financial help to driver e.g. grants/ none profit lease / incentive to help with purchasing low emission vehicles. Example statement as below:**
 - “Provide financial support to upgrade the cars to for in cleaner exhausts”
 - “Yes give us good amount of grant so we can all update for new cabs”
 - “Offer better incentives to come out of these high polluting vehicles.”
- **13.8% of responses considered improving public transportation/ infrastructure including roads, traffic lights, better cycling routes, creating drop off points, install more electric charging points and control flow of cars into the city. Example statement as below:**
 - “Reduce amount of traffic coming in to city centre.”
 - “Improve on the road structure, junctions, traffic lights, and better filter systems on right turn at lights, bus stops without the ass end of the bus sticking out cousin obstruction.”
 - “Better public transport more trams outside town drop off for private hire or pacific points if drop off where there would be public transport for passengers.”
 - “I think the extension of public transport projects such as the Metro extension and opening of public train stations at Kings Heath and Moseley should be a top priority to reduce vehicle usage.”
- **Approximately 12% of responses suggested providing/installing kit such as CGON unit, LPG to reduce emission as an alternative solution. Example statement as below:**
 - “Put kit in the vehicles that sort all the problem and drivers do not have to buy new vehicles.”
 - “Use retrofit solutions like the CGON unit which is affordable and reduces emissions.”
 - “Convert more taxis vehicles to LPG”

- **Various general statements that did not fit in any of the identified themes have been included in the “Other” category. These mainly present suggestions to tackle the pollution issue. Example statements as below:**
 - “Keep traffic flowing so congestion does not build up.”
 - “Increase the cab fares and decrease the tax rates on the cabs and have garages specific to cabs that don’t charge as much for repairs.”
- **Opportunity - These are examples of constructive responses:**
 - “Introduce no driving days, or days when half of the drivers (odd/even number plates) can't drive. Have no driving days as festivals.”
 - “Roadside tests for polluting vehicles.”
 - “Have a policy of no diesel Lorries in the city during the day.”

Question 20: Is there anything else that you would like to say about the proposals that you have not said so far? - Final Comments

Number of responses	Theme									
	Agree with CAZ/ Should be enforced/Introduce charges for CAZ/Provide/install/use retrofit to reduce emission	Provide Financial help to driver e.g. Grants/ None profit lease / Incentive / It's expensive/cannot afford it	This will drive drivers out of business	Control/limit outside taxi drivers to operate in the city/Uber/Reduce the number of licence	Allow more time for drivers to change their vehicles/unfair /I am worried	Not probably informed/show us data/communicate better/I want to know more	Improve public transportation / infrastructure	Better testing /MOT procedure	Create more green spaces in the city	Other
475	44	59	26	48	65	8	8	4	20	52
334*	13.2%	17.7%	7.8%	14.4%	19.5%	2.4%	2%	1%	6%	16%

* Total number of identified themes



Summary:

- **19.5% of responses indicated that drivers are worried, the proposal is unfair and wanted more time should be allowed to change their vehicles. Example statements as below:**
 - “We should have been given lot more time to change our vehicles.”
 - “It’s unfair for the cab driver to pay extortion money for new taxis.”
 - “Worried about my living.”
- **Repeated theme as in Question 18, many responses (17.7%) asked for financial help e.g. grants/ none profit lease / incentive to help with purchasing low emission vehicles as it is very expensive. Example statements as below:**
 - “Drivers should be helped more with funds towards the new cars.”
 - “Increase the funding for black cabs or offer interest free loan for the drivers.”
 - “It's very difficult for hackney drivers, because the prices of electric vehicles.”
- **Another recurring theme as in Question 18 is that many responses (14.4%) asked the council to control/limit outside taxi drivers to operate in the city and reduce the number of licence. Example statements as below:**
 - “Stop other licensed drivers to drive in Birmingham.”
 - “If you had limited the number of licensed vehicles in Birmingham then we wouldn't have this problem today.”
 - “Birmingham licensed driver should only work within Birmingham and no other drivers.”
- **Also, a small percentage of responses (6%) recommended the use retrofit solution, like the CGON unit. Example statements as below:**
 - “The council could use retrofit solutions like the CGON unit which reduces emissions and is an affordable solution.”

- **Various general statements that did not fit in any of the identified themes have been included in the “Other” category. These mainly present suggestions to tackle the pollution issue or an opinion of the issue. Example statements as below:**
 - “Short car journeys should be replaced - people need to be encouraged to walk or take public transport.”
 - “The restrictions should apply to all high polluting vehicles entering the City centre”
 - “I think all three parties should work together to achieve positive results.”

- **Opportunity - These are examples of constructive responses:**
 - “Make Birmingham greener! Not only cars but also more trees and parks please!”
 - “Probably compulsory for every road to have certain level of trees. Instead of selling all those roads to investors to build more high rises socially in city centre, rather make more green spaces and plant edges on sides of the roads.”

APPENDIX 4

VEHICLE TYPE	DIESEL	DIESEL/ELECTRIC	GAS BI FUEL	HYBRID ELECTRIC	PETROL	PETROL/ELECTRIC	PETROL/LPG	Grand Total
Hackney Carriage	1263							1263
Private Hire	3142	6	7	7	1015	140	4	4321
Grand Total	4405	6	7	7	1015	140	4	5584
Percentages	79%	0%	0%	0%	18%	3%	0%	100%

Euro Rating – Vehicle Numbers

Vehicle Type	E0	E1	E2	E3	E4	E5	E6	Grand Total
Hackney Carriage	247	158	38	391	346	76	7	1263
Private Hire	1		46	726	2307	1058	183	4321
Grand Total	248	158	84	1117	2653	1134	190	5584

Euro Rating – Vehicle Percentages

Vehicle Type	E0	E1	E2	E3	E4	E5	E6	Grand Total
Hackney Carriage	20%	13%	3%	31%	27%	6%	1%	100%
Private Hire	0%	0%	1%	17%	53%	24%	4%	100%
Grand Total	4%	3%	2%	20%	48%	20%	3%	100%

Vehicle Age

Year	Hackney Carriage	Private Hire	Grand Total
2017		11	11
2016	10	105	115
2015	13	114	127
2014	14	113	127
2013	14	146	160
2012	23	194	217
2011	16	222	238
2010	48	387	435
2009	40	619	659
2008	115	694	809
2007	83	539	622
2006	107	469	576
2005	102	359	461
2004	79	164	243
2003	59	83	142
2002	73	26	99
2001	151	19	170
2000	147	29	176
1999	104	19	123
1998	46	4	50
1997	11	1	12
1996	3		3
1995	2		2
1993	1		1
Grand Total	1261	4317	5578

TOA TAXIS RADIO SYSTEMS LTD

OBJECTION/COUNTER PROPOSAL TO THE EMISSIONS DRAFT POLICY 15TH FEBRUARY 2017

On 15th February 2017 Head of licencing Mr Chris Neville presented a proposed draft document for the committee to adopt a CAZ policy with 4 weeks consultation.

We would like to emphasise why we believe that the introduction of any reduction in the age limit on taxis is the wrong approach in both ensuring Birmingham's air quality meets E.U standards and ensuring a viable and sustainable taxi service to the city of Birmingham.

It is clear that the only reason that Birmingham are considering a reduction to the taxi fleet is a belief that it will enable them to meet their air quality targets by the year 2020. We believe it is a wrong assumption.

A reduced fleet will have a detrimental effect on residual values, which is acknowledged by everybody. It will not cause any uplift in the sales of new cleaner/electric taxis as it will not address the major barrier to sales which will be increased upfront purchase costs over that of an existing diesel model.

Owners of all vehicles will suffer an immediate loss of value of their assets the moment any reduction in the fleet is announced. This means that whatever the agreed loss to the fleet is, it will be owed and should be paid on day one to the affected. In effect a fleet limit strategy punishes drivers immediately, and from what we can gather, without any plans to compensate.

The only sensible, practical and logistically possible route is to retain the current fleet with the aid of a retrofit solution to achieve the reduction in emissions. There will no immediate loss of current residuals and no complicated calculations to assess each individual claim of loss. The drivers can have confidence in knowing and planning around a stable market. When cleaner vehicles are introduced in the future drivers will be able to plan knowing their existing residual values have not changed from the business plans they made when they invested in their current vehicle.

The DEFRA document titled "UK plan for tackling roadside Nitrogen Dioxide concentrations" (an overview) page 9 paragraph.22 reads: *Government will assess local plans to ensure they are effective, fair, good value and deliver the necessary air quality compliance.*

The current draft policy is neither fair nor good value, it won't necessarily achieve the emission goals/targets set.

GOVERNMENT DIRECTIVE

Birmingham licencing Committee has argued that it has been asked to prepare a draft policy so that by year 2020 Birmingham City has to have zero emission. **What the Government did not say was**

that Birmingham City Council to force Black cabs off the road from December 2017. This policy was the brainchild of the Licencing department. The only mandate Birmingham City Council and licensing department have over this is to provide facts/ information and prepare the trade for transition in 2020. To proceed with in this “text” the proposed policy would have a devastating effect on the Hackney Carriage trade.

Trade reps are of the opinion that Birmingham City Council left it very late to bring this to the trade’s attention. This should have been discussed years before and not just to spring it on the trade with full might and expect the trade to embrace it at drop of a hat.

This is totally unacceptable and the trade rejects Birmingham licensing’s proposed policy.

Toa’s opinion of the Draft proposed policy

The February draft document is full of gaps. It is a clear indication that no consideration was given on how this will affect the Hackney Carriage trade and how it will have a devastating effect on the drivers’ livelihoods.

There was no meaningful dialogue between the licencing department and the trade reps. At the bi-monthly liaison meetings very little time was given to this topic. At no stage this proposed draft policy was discussed at the trade meetings or was even given slightest hint that this was in the pipe line.

All the discussions that took place were around “how conversions will take place and how many vehicles were to be converted” The funding was only for 63 vehicles out of 1200 plus licensed vehicles. There is only one garage in Birmingham who are authorised to carry out these conversions. These 63 cab conversion took 2 years.

When questions were raised as “what about rest of the vehicles” the answer was we don’t know, we will have to “BID” for more funding but we don’t know if we will be successful.

Mr Neville stated at one meeting that “we will seek more funding for TX1, Tx2 and TX4 vehicles. He further stated that there was no solution as yet for EURO cab vehicles this is because we have yet to identify a suitable engine that can be installed and converted to LPG.

A week before 14th of February the trade was sent this bombshell which sent shock waves across the trade.

There is no one in the trade that says no to cleaner air to breath. The drivers themselves are victims to this pollution and not to mention their families.

The trade is in agreement with this council that they have to tackle this problem. But there must be a procedures/assistance put in place to achieve this target.

Toa’s Proposal

- 1. No vehicle should be taken off the road until year 2020 as long as the vehicle meets an “exceptional test” with the aid of a retrofit solution to reduce emissions.**
- 2. All LPG converted vehicles must have extensions until year 2026. To take them off in year 2021 would be deemed to have been wasted £500,000 tax payer’s money.**
- 3. Meaningful discussions at length with the trade.**
- 4. Provide fully documented evidence of effected CAZ hotspots through surveys conducted.**

5. Surveys to be done to ascertain what percentage of pollution the taxis are contributing to this pollution.
6. We should discourage congregation of vehicles in the CAZ hotspots by providing more rank spaces.
7. Not to remove any taxis until there are affordable replacement vehicles.
8. More funds/grants need to be made available to the taxi trade to transit over to newer cleaner vehicles.
9. Steps need to be put into place to safe guard the Hackney Trade if the drivers were to invest in new expensive vehicles. I.e. enforcement, rank spaces and out of town vehicles operating in Birmingham should be stopped.
10. Not to remove any vehicles until 2020 as the DEFRA document titled "UK plan for tackling roadside Nitrogen Dioxide concentrations" shows on page 7 a pie chart (figure 3) which shows that taxis only contribute to 2% of the pollution. Therefore removing taxis will probably not reduce the pollution problem in it's entirely but by removing the taxis it will cause the consumer and supplier a lot of problems.
11. Birmingham should carry out their own environment pollution study as the onus has been put on local authorities by Defra to make plans to combat pollution. The DEFRA document titled "UK plan for tackling roadside Nitrogen Dioxide concentrations" (an overview) page 7, paragraph 16 states *"given the local nature of the problem, local action is needed to achieve improvements in air quality. As the UK improves air quality nationally, air quality hotspots are going to become even more localised and the importance of action at a local level will increase. Local knowledge is vital to finding solutions for air quality problems that are suited to local areas and the communities and businesses affected. A leading role for local authorities is therefore essential."*

IMPACT

The impact on the disabled users has not even been taken into consideration in the February report. At TOA taxis we carry out 50,000 wheelchair journeys per year. This does not include the unaccountable wheelchair journeys that NON-TOA drivers carry out. By reducing the number of cabs proposed over the next two years will leave the disabled community without a viable form of transport. As will other members of the public who rely daily on our service. The hackney drivers are usually the first point of contact when foreign dignitaries arrive in Birmingham and are the ambassadors of Birmingham. The taxi trade provides a 24 hour public service where no other transport does. The Taxi trade also contributes a great deal towards Birmingham's economy and much more. All which under these proposals will be lost by the end of 2018.

These proposed changes will also have a detrimental effect on drivers and their families. Taxi drivers in Birmingham are mainly from ethnic back ground. It is a very complicated back ground where families are interconnected with communities which can be huge burden to most of the families. Many drivers have to support family members beyond their own families such as parents, grandparents or uncles/aunties. This is imbedded in Asian culture and has been practise by generation after generation.

No financial impact report has been done on the drivers. Will the drivers have enough funds to buy a new cab? If they need finance will they be able to get finance due to their age or their credit ratings? Some drivers have already got finance on a vehicle that they recently purchased. To some drivers this will mean taking out another mortgage.

How many drivers will be made to go on the dole? Adding to unemployment?

Highlighted are extracts from proposed policy in February 2017

5.1 “Work has already begun in Birmingham to address emissions from hackney carriages and private hire vehicles. We have been successful in obtaining £0.5m from the Department for Transport’s Clean Vehicle Technology Fund to pay for conversion of 63 hackney carriages to run on LPG. The funding has paid for a solution that involves new Vauxhall engines that are converted to run on LPG being put into hackney carriages. LPG has zero NO2 emissions”

In year 2021 these vehicles will be taken off the road. This is a clear indication that this proposed policy was not thought out properly and other consciences were not taken into consideration. Our goal has to be a long term solution to this problem. Other affordable solutions are available as “retrofits” to achieve our goals.

The buses have received over £30 million in bursaries but the taxi trade “nil”.

In the licencing’s draft proposal in paragraph 3.5 it reads as follows

“ To inform this process (DEFRA) and DFT undertook a consultation with local authorities to build up an understanding of COMMITTED INTERVENTIONS which would address air quality together with an understanding of other potential interventions which were planned or might be required to reach compliance. This included a discussion around what additional support might be needed from Government to enable these changes to happen”

So the question arises.

1. What type of support was asked for, from the Government?
2. Has the Government and licencing department provided affordable alternative replacement vehicles available to drivers to purchase?
3. Has the Government provided any finance incentives in form of grants?

- 3.6 Refers to EU could be levied against UK Government to the amount of £300 million. This is a false statement when we are no longer in the EU.
- 3.7 Under the Environment Act 1995. Has Birmingham complied with the emission obligation? Has Birmingham been fined under Act 1995
- 3.8 Refers to Birmingham being fined if “not fully comply with limit value” In paragraph 3.5 refers to “what additional support from Government” This is translated as far as the trade is concerned is “how can Government fine you when it is offering additional support” The only logical possibility of being fined would be if the additional support was not used towards to achieve this goal.

4. FLAWS IN BIRMINGHAM LICENSING PROPOSAL

- 4.1 CAZs haven’t been identified yet but the vehicles have.
- 4.2 Refers to a charge being applied if offending vehicles enter “THE ZONE”.
- 4.3 “Exact location of CAZ has yet to be determined”.
- 4.4 Refers to propose changes under “CONSIDERATION” This is interpreted as they may or may not happen. If these changes were to be adopted by Birmingham City Council, what would the cost be? Where will the funds come from for “Park and Ride”? Where will these “PARKS” will be situated?

5.2 The City has also put in a bid to the DFT for a scheme to install 197 electric charging points at key locations around the city to enable ULEV and electric hackney carriages and private hire vehicles to recharge. There are several different type of electrically powered vehicles.

Please note: There are no “ELECTRIC” vehicles available to the hackney trade. The new TX5 due to be rolling of the production line in September 2017. Even then it will first be offer to London drivers. We have not been given a date when it will be offered to Birmingham. The price tag is staggering £55,000

a.

No vehicles meet the most recent Euro VI/6 emissions standard and only 4% meet the Euro 5 standard introduced on 01.01.11. 21% meet Euro 4; 33% Euro 3; 2% Euro 2; 16% Euro 1 and 25% predate the Euro standards completely. The taxi fleet is, therefore, likely to be a major source of Particulate Matter and NOx emission in Birmingham.

Please note

- The DEFRA document titled “UK plan for tackling roadside Nitrogen Dioxide concentrations”(detailed plan) page 7 figure 3 shows that in London taxi contribution to the emissions is only 2%.
 1. The biggest pollution takes place when the city gets grid locked and traffic is at stand still and tails back for miles.
 2. A38 runs through the middle of the city and is the heaviest pollution generator caused mainly by commuters in their cars travelling to/from work.
 3. No evidence has been provided that the taxi fleet to be major source of pollution. Another reason not to remove taxis at the end of 2017.
 4. Better freight management (where goods vehicles who pollute the most in a traffic situation by stop and start, should only be allowed into the city at off-peak times).

8.3 We have such an old fleet of licensed vehicles because our lenient policy decisions in the past have been influenced by a wish to support the economic welfare of the drivers.

FACTS

In actual fact the economic welfare has been totally ignored.

The real reasons are, lack of enforcement for illegal plying for hire by out of town Private Hire. This resulted in hackney drivers fare counts being drastically reduced which meant the drivers earnings declined. The cost of fuel, living, and the insurance went through the roof. The country went into deep recession in 2007 which made it very difficult for drivers to achieve even the basic minimum wage hence the end result was that drivers simply could not afford to upgrade their vehicles.

Our licencing committee are failing in their “Duty of care” to Birmingham Hackney drivers; Even now we have more out of area cross border influx of drivers coming into Birmingham and hackney drivers see day in and day out their fares are being taken through illegal acts of plying for

hire. The hackney drivers are helpless and powerless to do anything. The lack of enforcement further increases the problem. Birmingham licensing could use its licensing conditions to restrict out of towners working in Birmingham as other councils like Knowsley are proposing to do. (*Liverpool echo newspaper 28/02/2017*).

The DEFRA document titled “UK plan for tackling roadside Nitrogen Dioxide concentrations” (detailed plan) page 12 paragraph 34 states “*local authorities in Great Britain also have powers to tackle local air pollution via the clean air act 1993*” therefore if the de-regulation act allows for out of town private hire to operate cross-border then the clean air act can restrict this behaviour as out of town private hire will be causing congestion and pollution.

We will now see even more P.H drivers in our city due to the relaxing of the private hire knowledge test.

Uber has been allowed to operate at will without vetting drivers. They are under cutting with ridiculous fare charges to drive the competition out. This makes it impossible to compete through unfair competition.

HOW COULD DRIVERS THEN GO AND BUY NEW REPLACEMENT VEHICLES WITH THE LACK OF SUPPORT AVAILABLE FROM THE GOVERNMENT AND BIRMINGHAM CITY COUNCIL IN MONETARY AND IN THE FORMS OF BETTER ENFORCEMENT TO UPGRADE THEIR VEHICLES. IT IS SIMPLY NOT AFFORDABLE SINCE THEIR EARNINGS HAVE DWINDLED, WHILST COMPETITION GROWS THE AMOUNT OF CUSTOMERS HAVE NOT GROWN AS THE LATEST UNMET DEMAND SURVEY SHOWS THAT BIRMINGHAM IS NOW ONLY AT 1% RATE FOR PASSENGERS HAILING A TAXI IN THE STREET.

We ask that you consider the following:

The trade has now fully realised that by 2020 they have to meet vehicles emissions standards. We have 3 years to plan as how best we are going to replace our vehicles/meet our vehicles emissions with assistance from the Government and Birmingham City Council.

- Not to impose restrictions on vehicles in December 2017 but wait as close as we can to 2020. The DEFRA document titled “UK plan for tackling roadside Nitrogen Dioxide concentrations” (an overview) states on page 10 paragraph 24 “*This package of measures will support delivery of our obligations on air quality in the shortest time possible. We are clear, however, that this must be done in a way that does not unfairly penalise ordinary working families who bought diesel vehicles in good faith.* By removing vehicles at the end of 2017 will be deemed as penalising the drivers and their families as there is no real affordable solution/vehicle to turn to as yet.
- Identify the pollution HOT SPOTS and work with the trade to de-congest pollution hotspots with hackney vehicles. (TOA TAXIS RADIO SYSTEM will work with licencing department if asked on achieving this).
- Secure realistic scrappage grants and grants towards new vehicles from the government. The trade requests that Birmingham City Council matches the Government’s grant. This funding can be achieved from the revenue generated through “emission zone charges”. The DEFRA document titled “UK plan for tackling roadside Nitrogen Dioxide concentrations” (detailed plan) page 38 reads “*the aim of a scrappage scheme would be to target support at those who are most likely to be most significantly impacted by measures to improve air quality*”.
- As new and used vehicles readily become available, the oldest cabs are then immediately replaced with new ones.

- The trade also asks that Birmingham City Council considers the impact this will have on Disabled people and of course the public at large.
- TOA carries over 50,000 wheelchairs per year. This does not include countless numbers that non-Toa drivers carry.
- Taxis are a form of 24 hour public hire service to take people home safely. Don't take this away the public who desperately depend on us.
- To look at alternative technology to reduce emissions on existing vehicles (retrofits)
- An independent report to be done on the air quality in Birmingham (showing how much taxis are contributing to the pollution and whether the proposed changes will actually improve the air quality to the desired standard)
- The DEFRA document titled "UK plan for tackling roadside Nitrogen Dioxide concentrations" (detailed plan) also states in paragraph 96;
"Government will assess plans to ensure they deliver the necessary air quality compliance, are fair, cost effective and where possible deliver wider benefits. Government will provide feedback on local Authorities' initial plans and will decide whether or not to approve final plans. A plan will only be approved by government and thus be considered for appropriate support if it can show that:
 - A. it is likely to cause NO2 levels in the area to reach legal compliance within the shortest time possible*
 - B. the effects and impacts on local residents and businesses have been assessed, including on disadvantaged groups, and there are no unintended consequences "*

The letter sent to the Prime Minister from the combined authorities highlighting issues are quite rightly asking the Government for help to tackle inner city pollution. The taxi trade is extremely disappointed in the licensing department that they have failed to take these issues into consideration when they decided to put this Policy forward for adoption

The City Council Committee on 15th Feb showed tremendous compassion towards the drivers' plight. The dead line is in 2020. We believe this deadline can be achieved even beyond 2020 by taking meaningful steps and working in unison with the Trade.

The trade is looking to their Council for their life changing support and saving the Iconic Black Cab from disappearing into the history books.

Please support our proposal.

These are some of the extracts taken from THE LONDON ASSEMBLY report for your consideration.

LONDON ASSEMBLY Environment Committee

DRIVING AWAY FROM DIESELS 2015

The ULEZ therefore will rightly penalise diesel vehicles older than the new Euro 6 standard entering central London. But even with the newest standard, the testing is inadequate and some certified Euro 6 diesel cars emit several times more pollution than the standard allows in real urban driving. The Mayor should press for effective new tests to be brought in soon. The Mayor

should also consider further tightening the ULEZ standard as circumstances allow. With a government scrappage scheme, the Mayor should consider removing all diesel cars from ULEZ exemption – other European cities are considering diesel bans. And, supported by effective charging infrastructure, the Mayor should bring forward from 2025 the date by which he proposes to restrict the exemption to zero-tailpipe-emission cars.

Older buses, like older HGVs, are heavy polluters. We support the Mayor's policy that, by 2020, double-deckers operating in central London should be Euro VI hybrids and that single-decker buses should be zero-emissions. TfL does not propose to retrofit its first 300 New Routemaster buses to make them Euro VI compliant, but instead to allow them to operate in the ULEZ without meeting the standards of other diesel vehicles. We are concerned that this undermines the credibility of the ULEZ, and sends out the wrong signal.

Reducing emissions from taxis and minicabs will require support and investment from the Mayor and Government. There is currently a shortage of zero-emission-capable taxi models on the market. On top of this, London doesn't have enough rapid charging points – a problem that affects taxis, minicabs and other vehicles. However, 2033 is too late a date for all taxis and minicabs to be zero-emission capable

Non-Road Mobile Machinery: 14%
Industry: 7%
Gas - Non-domestic: 9%
Gas - Domestic : 7%
Other: 1%
Ground-based Aviation: 8%
Motorcycle: <1%
Petrol Car: 7%
Diesel Car: 11%
Light Goods Vehicle (eg van): 5%
Rigid Heavy Goods Vehicle: 8%
Artic Heavy Goods Vehicle: 4%

TfL Bus NOX emissions¹⁷

London Atmospheric Emissions Inventory and Transport Emissions Road Map
Road diesel emissions are in red, other diesel in orange, and other or mixed fuels in blue

1.15 Recent statements by the Mayor and his environment adviser have indicated that compliance could be achieved by 2020, if there is sufficient support from national government. The measures the Mayor is asking for include a national scrappage scheme for older diesels and the reform of Vehicle Excise Duty to reflect emissions of local pollutants as well as CO₂.²³

There are still problems with Euro 6 diesel cars. Because of inadequate testing, some certified Euro 6 models emit several times more pollution than the standard permits in real urban driving. The Mayor should press for effective new tests to be brought in soon. The Mayor should also consider further tightening the ULEZ standard as circumstances allow. The Government should bring in a scrappage scheme for replacing a polluting vehicle with a cleaner one. With such a scheme, the Mayor should consider removing all diesel cars from ULEZ exemption. And, supported by effective charging infrastructure, the Mayor should restrict the exemption to zero-tailpipe-emission cars sooner than the proposed 2025.

3.7 Every vehicle, apart from taxis, entering the ULEZ from September 2020 will need to comply with a set of exhaust emission standards (Euro 4 for petrol and Euro 6 for diesel) or pay an additional daily charge (£12.50 for cars and vans, £100 for lorries and buses).

3.13 Even with the new Euro 6 standard, diesel cars and vans remain a problem. These vehicles (coming in now and compulsory from September) are considerably cleaner than earlier diesel models, but – as Appendix 2 shows – their NO_x emissions, realistically-tested, are still about six times higher than those of Euro 5 or 6 petrol's. For this reason, we heard from professors of air pollution and public health at Kings College London that no diesels – even Euro 6 vehicles – should be exempt from the ULEZ charge.

3.16 The Mayor has called for national funding for a scrappage scheme. People would be offered grants when scrapping a polluting diesel vehicle and purchasing a low-emission vehicle, such as a plug-in hybrid. A similar scheme in 2009-10 saw 392,000 cars removed from the road.²⁹ The Mayor's adviser argued that this could be close to fiscally-neutral, if VAT receipts on the new purchase and the stimulus to UK manufacturing were considered.³⁰ Some older petrol vehicles, not complying with Euro 4, would also need to be replaced. A scrappage scheme or similar support may be particularly important to ease the compliance of the light goods and commercial fleet.

3.18 There are currently few alternatives to diesel-powered HGVs, and we therefore agree that Euro VI heavy vehicles should be exempt from the ULEZ charge until lower emission alternatives are widely available. Over the longer term, lower emissions from HGVs will be possible with new technology (such as hybrid, plug-in electric or hydrogen fuel cell) and better freight management (reducing the use of HGVs by planning deliveries better and making more use of smaller vehicles for smaller deliveries)

Reducing emissions from taxis and minicabs will require support and investment from the Mayor and Government. There is currently a shortage of zero-emission-capable taxi models on the market. On top of this, London doesn't have enough rapid charging points – a problem that affects taxis, minicabs and other vehicles

4.7 Taxis (black cabs) are a significant source of pollution in central London and are rightly subject to regulatory action to reduce this. However, past and current regulation is responsible for the emissions of the current taxi fleet, and it is not feasible to expect the trade to implement radical changes without sufficient support or viable alternatives to diesel engines.

Reducing the age of diesel taxis

4.8 The Mayor had proposed that, from 2020, the age limit on taxis would be reduced from 15 to 10 years. However, this proposal has been withdrawn in the face of opposition from the trade (and questioning by this Committee). Instead, the new proposal is to supplement the existing 15-year limit with a subsidy of up to £5,000 for voluntary decommissioning of taxis over 10 years old.

Introducing zero-emission capable taxis

4.9 From 2018, all newly registered taxis will have to be 'zero-emission capable' (plug-in petrol-electric hybrid, fully electric or similar). While we support this move, we also have concerns about how this will be implemented and the impact on the taxi trade.

4.10 Until there are enough zero-emission capable taxis on the market, and enough rapid charging points in central London, it will be difficult for the taxi trade to switch away from diesel vehicles. Indeed, the two issues are related; the London Taxi Drivers' Association (LTDA) told us that manufacturers are not launching new electric taxis because of the lack of rapid charging points in central London. And Nissan has also cited the zero-emission requirement as a reason for suspending the launch of its planned petrol London taxi, which would have been cleaner than existing commercial models and was to have been the precursor to an all-electric model.³³ TfL is confident that suitable vehicles will be on the market from 2017, on the basis of undisclosed 'working with a number of manufacturers'. It has announced a grant scheme with a £3,000 supplement to the £5,000 available from the government's Office for Low Emission Vehicles to support the purchase of plug-in taxis. This, and the voluntary decommissioning grant, are to be paid for by a fund of £65 million secured by TfL with government support.³⁴ The Government has also recently confirmed £10 million of additional funding for a rapid-charging network in London.³⁵

Timetable

4.11 Under current plans with the 15-year age limit, London's taxi fleet may not be fully zero-emission capable until 2033. Some, heavily polluting, Euro 5 diesel vehicles will not qualify for the voluntary decommissioning grant until 2025 and could still be operating in London until 2030, and Euro 6 diesels (many inadequately tested) for three years after that (whereas it is proposed that by 2025 private cars and minicabs will all be subject to the ULEZ charge unless they are fully zero-emission). The Mayor should therefore encourage the rapid phasing out of Euro 4 and 5 taxis from 2018 and their replacement with zero-emission capable models.

4.14 Questions were raised during our investigation, but not answered, as to how electric and plug-in hybrid minicabs will charge up. Many minicab (and taxi) drivers keep their vehicles at home and do not have access to off-street parking, which would enable them to charge a vehicle outside of working hours. There will increasingly be a need for a network of rapid charging points available for minicabs and other vehicles across London.³⁶

5. Minority opinion from the GLA Conservatives

5.1 The GLA Conservatives are unable to support the findings of this report. We are particularly concerned about the recommendations to bring forward the ULEZ from 2020 and to impose additional restrictions from the outset, such as an increased daily charge for vehicles, a further tightening of ULEZ standards, and to widen the ULEZ area beyond the Congestion Charge Zone.

5.2 We do not feel that there would be sufficient benefit to justify the additional restrictions and costs to vehicle owners, or the impact on London's economy that these measures are likely to bring.

5.3 We strongly feel that a far better approach to tackling diesel is through a focus on incentives, including a diesel scrappage scheme, as well as the taxi incentives recently announced by the Mayor.

5.4 We would therefore request that our opposition to this report be noted.

Recommendation 9

The Mayor should, in his response to this report, set out (following further consultation with the taxi industry where necessary) how:

- Sufficient zero-emission capable taxis will be available from 2018 to support the requirement that all new taxis must meet this standard
- The necessary infrastructure (rapid charging network and/or hydrogen stations) will be delivered to enable a large fleet of zero-emission capable taxis, and another of minicabs, to operate across London from 2018
- The heavily-polluting pre-Euro 6 taxis will be phased out before 2025, rather than between then and 2030

The trade has not been given the full facts as to how the licencing committee seek to put this into practise without jeopardising drivers' livelihoods and the service the trade provides to the public at large.

Thank you for taking your time to consider this proposal.



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Birmingham Rail Branch 0141

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Date: 15th May 2017
To Mr Chris Neville
Head of Licensing
Birmingham City Council
Place Directorate
Regulation and Enforcement
Manor House
40 Moat Lane
Birmingham. B5 5BD

Dear Chris

Taxis - Birmingham & Solihull – Vehicle emissions

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

This letter coincides with the consideration of proposals concerning taxi and minicab vehicle emission policy (as formulated by the Council's Regulation and Enforcement team and placed before the Licensing and Public Protection Committee in February 2017). However, the scope of this letter is broader, takes priority over and is not contingent on the consultation.

My members are all long-term resident in Birmingham & Solihull, as are their families (ie a significant number of people of all ages are reliant on the income earned by taxi drivers). I have been inundated with messages of concern from members. Those concerns are well-founded and I fully share them.

While we support the department's stated goal of reducing emissions/ improving air quality in Birmingham and Solihull pledge to play an appropriate role in achieving that goal, the proposals as currently formulated represent an unacceptable threat to taxi drivers' livelihoods. Indeed the viability of the trade is thrown into question by these proposals.

Following discussions with our member drivers, we are responding to the questions posed in the consultation currently underway. However, it is already apparent that the consultation is too narrowly focussed. Accordingly, we are setting out in this letter, our assessment of the condition of the sector, together with steps that we recommend be taken as a priority.

We believe that the City Council could do more to support taxis. We propose that the City Council regularly and consistently promote the use of Hackney carriage as a mode of public transport. Further we request that City Council account jobs, be allocated to taxis rather than private hire.

We are concerned about the poor positioning of ranks together with the lack of signage directing members of the public to ranks. The situation deteriorated following the implementation of the tram system in the city – which resulted in the loss of several important ranks.

We propose a review of ranks, to take place in conjunction with cab trade representatives. Our intention is that this will lead to the repositioning of old ranks and introduction of ranks at new locations. In particular, we request that ranks be created at shopping centres, locations at which such vehicles are known to routinely illegally tout.

We are concerned about the restrictions placed on routes that could otherwise be used by taxis. Such restrictions have resulted in the lengthening of journey times (meaning higher cost to passengers and unnecessarily elevated emissions). Bus lanes and 'u' turns which are currently not available for use by all modes of public transport (ie including taxis) should be opened up.

In order to give passengers a choice of public transport modes, Corporation Street should be opened to taxis, and Broad Street should revert to cabs and buses only.

The double barrier at the main entrance of New St station is causing tailbacks. Accordingly we propose that New Street station barrier be removed.

The number of taxis and private hire vehicles already licensed is excessive and the sector is oversupplied. We propose that, until such time as the level of vehicles has been reviewed by a trade body, no new taxi or private hire licences should be issued.

While a nominal attempt is made to curtail the ever prevalent illegal activity of touting, this issue still remains a huge and ever increasing problem. For example, satellite areas (eg Moseley, Harborne, Sutton, Erdington and Bearwood) now have private hire regularly forming 'ranks' with little or no regard for the law.

The City Council should honour its previous agreement to use the already existing and extensive CCTV network to gather evidence and, where appropriate, prosecute illegal plying for hire and 'touting'. All taxi vehicles not licensed by Birmingham City Council and unlawfully plying for hire in and around the city, should be seized.



The Police should be regularly trained on plying, touting and illegal ranking of the private hire. Further, complaints about the failure of Police Officers to uphold the law, should be facilitated, fast tracked and monitored by the Council.

Reflecting the high costs of initial purchase and the specialist nature of taxi vehicles (eg wheelchair accessible), the age restriction on cabs should be extended to 16 years. Also, all hackney vehicles that fit the criteria to be licensed for seven passengers, in line with all surrounding towns (eg Dudley, Sandwell and Solihull), should be granted permission to operate.

The City Council should purchase new taxi vehicles for drivers and/or provide an interest free loan (covering the full cost of a new vehicle) for drivers to purchase a new taxi vehicle themselves.

The City Council should examine alternative means of reducing emissions, via the use of alternative fuels/ additives (eg hydrogen cells and liquefied petroleum gas conversions).

Threats to drivers' livelihood must immediately be removed. Irrespective of the type and age of vehicle, there should be a moratorium until such time as all the available options have been fully explored, exhausted and a mutual agreement has been reached.

In relation to integrated public transport issues and any future infrastructure changes, the City Council should consult with the Hackney carriage trade via the RMT.

Thank you for considering the above matters. I look forward to meeting with you urgently to discuss how and when drivers proposals will be implemented.

Many thanks

Yours Truly

A handwritten signature in black ink, appearing to read 'Raja Amin', written over a horizontal line.

Raja Amin JP MBE

President RMT Midland Regional Council.

Birmingham Rail Branch Secretary.

Mobile: 07968 186238

P.S the below are answer to your Emissions proposal.

7. The draft policy sets out proposals to remove the oldest vehicles that emit the highest levels of pollution first. Do you agree that this is the right approach?

No

8. If you have answered no to the last question, what criteria do you think should be used to decide which vehicles should be removed first?

The premise of the question is incorrect. It is not necessary to remove (ie permanently ban the use of vehicles). It is only necessary to reduce the volume of vehicles on the road at certain times. This can be achieved by pricing mechanisms – for example, congestion charge for leisure use of private vehicles during hours of peak demand.

The environmental costs of producing a new vehicle (including in terms of air pollution) are high. The traditional black cab vehicles made famous by their use in London and Birmingham, are manufactured in Coventry. Requiring the purchase of/ ordering the manufacture of new taxi vehicles will lead to the emission of pollutants (ie inherent in the component delivery/ production process) adverse to human health within the Midlands.

Banning a taxi vehicle which is currently in use, from being driven entirely, is a crude and environmentally illiterate measure. It is a knee-jerk, non evidence based measure, borne of an instinct to over-compensate for years of complacency and regulatory inaction. RMT opposes an outright ban on vehicles based solely on the age of a vehicle – not least because some new vehicles are more polluting than older vehicles.

Instead of banning a vehicle entirely, the use of genuinely more polluting vehicles should be discouraged through pricing mechanisms. For example, by imposing an appropriately calibrated higher licensing fee for such vehicles.

Similarly, the use of genuinely less polluting vehicles should be encouraged with full financial support. This is the orthodox and intelligent way of altering behaviour in a structured way.

The cost of purchasing a new low or zero emission vehicle produced by the London Taxi Company, is prohibitively high. The Council should permit the use of other wheelchair accessible vehicles as taxis, other than those produced by the London Taxi Company. The Council should use its purchasing power to itself acquire a fleet of low or zero emission taxi vehicles at bulk rates, which it would then lease back to drivers.

A taxi driver who only works part-time (eg Friday and Saturday night) should not be required to buy an over-priced and unproven new vehicle. To make such a requirement would be unreasonable and disproportionate.

A taxi driver who can demonstrate that, if required to purchase a new vehicle, s/he would suffer financial hardship, should be able to apply for an extension on having to replace a vehicle to the accelerated timetable proposed by the Licensing Department. Such a driver should also receive early confirmation that they will receive full financial support at the point at which they are compelled to acquire a new vehicle.



How polluting a vehicle is, should be assessed with real life road tests and not assumed from results derived from unrealistic and easily manipulated lab tests. This is because there is substantial evidence, including as recently published by respected consumer group “Which?” (<http://www.which.co.uk/news/2016/01/car-emissions-is-nobody-clean-430938/>) that lab tests do not reflect emissions from vehicles given how they are driven in practice. This discrepancy extends well-beyond the software installed by VW, to poorly performing systems installed in a variety of cars, such as those within the Renault group.

9. Do you think that the proposals allow sufficient time for vehicle owners to update their vehicles to meet the emission standards?

No

10 If you answered no to the last question, what deadlines do you think we should apply in order to ensure that Birmingham meets the minimum Clean Air Zone standards of Euro 4 for petrol vehicles and Euro 6 for diesel vehicles by 2019?

The timescale for drivers switching vehicles is far too compressed. The Licensing Dept proposes that all drivers - by December this year (ie in just a few months) - switch from their existing vehicles to a Euro 3 or 4 compliant vehicle (depending on whether the engine is fuelled by petrol or diesel). Followed by all drivers switching by December 2018 (ie further change just a year later) to a Euro 5 or 6 compliant vehicle (again, depending on whether the engine is fuelled by petrol or diesel).

If enacted this would result in the majority of the current fleet/ hundreds of vehicles being rendered obsolete. The economic impact on the trade, already suffering from unfair competition from Uber and equivalent interlopers, would be significantly to the downside. The cost of Euro 5 or 6 compliant vehicles would rocket and the resale value of models of taxis currently in use would collapse.

In practice – due to the differential in earnings - taxi vehicles in use in Birmingham are purchased second hand from London cabbies. Any new vehicle requirement in Birmingham must therefore be linked to the mass release by the black cab manufacturer (the London Taxi Company) and take up of new models by London cabbies. The earliest that the latest LTC model will be released is January, the earliest that the current taxis in use in London will be put up for resale will therefore be many months after January 2018.

Also, for the reasons set out in my answer to Question 8, the expensive requirement to change vehicles will likely not appreciably lower harmful emissions from vehicles.

11. Do you agree with the age policy that we have proposed that would take effect in 2021 of 14 years for hackney carriages and 8 years for private hire vehicles?

There should be different age limits

12. If you answered the last question to say that there should be different age limits, what age limits would you suggest?

How polluting a vehicle is, is not necessarily reflected in its age. Some newer vehicles are more polluting than older versions of the same vehicle.

How polluting a vehicle is, should be assessed with real life road tests and not assumed from results derived from unrealistic and easily manipulated lab tests. This is because there is substantial evidence, including as recently published by respected consumer group "Which?" (<http://www.which.co.uk/news/2016/01/car-emissions-is-nobody-clean-430938/>) that lab tests do not reflect emissions from vehicles given how they are driven in practice. This discrepancy extends well-beyond the software installed by VW, to poorly performing systems installed in a variety of cars, such as those within the Renault group.

13. The most significant impact of the proposals is likely to be felt by hackney carriage owners due to the limited choice of suitable ultra-low emission vehicles on the market and the cost of buying a new hackney carriage. One option that has been put forward is that Birmingham should consider licensing a mixed fleet of wheelchair accessible 'London style' cabs and saloon vehicles as hackney carriages? Would you be in favour of this proposal?

No

14. If you have answered no to the last question, what are your reasons for opposing a mixed fleet of hackney carriages?

Low and Zero emission technology is still in developmental stage. Such vehicles are expensive and have not been rigorously tested. Further, London Taxi Company does not have an unblemished track record in developing new models. Further, their current proposals are for vehicles which are far more ambitious/ involve more of a technological leap than ever before. Their risk of failure is commensurately larger.

Taxi vehicles need not solely be provided by the London Taxi Company. However, they should continue to be wheelchair accessible, provided that the Council takes its responsibility for protecting the investment which drivers make in expensive wheelchair accessible vehicles. Namely, by taking steps – as Reading Council has done – to prosecute and exclude PHV minicabs which are illegally plying for hire via mobile phone apps operated by interlopers such as *Uber*.



15. Do you agree that Birmingham should aim for all of its licensed hackney carriages and private hire vehicles to be zero-emission vehicles by 2030?

16. How significant do you think the impact on disabled passengers would be if there were fewer wheelchair accessible hackney carriages licensed by Birmingham? Can you support your answer with any data?

The population is ageing. There are already around 1.2 million wheelchair users in the UK (<https://www.england.nhs.uk/ourwork/pe/wheelchair-services/>). The proportion of people able to comfortably use salon style vehicles is shrinking. The impact of a restricted fleet on disabled passengers will be very significant.

17. The cost of buying a new hackney carriage or private hire vehicle is likely to be substantial. If you are a licensed vehicle owner or driver would you consider renting or hiring a vehicle as an alternative to buying one?

No

18. If you have answered no to the last question, what is your reason for saying no?

I would only be willing to lease a vehicle from the Council and not from private car hire operators. Private car hire operators have a history of exploiting new taxi drivers in particular. Currently the Council does not own taxi vehicles and lease them out. However, the Council should use its purchasing power to itself acquire a fleet of low or zero emission taxi vehicles at bulk rates which it would then lease back to drivers. The Council would do this on a not-for-profit basis, ie at no cost to itself.

19. Is there anything that you think the City Council or the Government can do to help vehicle owners to drive cleaner, less polluting vehicles or to reduce levels of air pollution in the city?

Taxis are just one minor contributor to emissions. The council needs to share the burden more fairly and more intelligently between all types of vehicles – lorries, private cars, buses, motorcycles and above all mopeds and delivery vans.

Mopeds have primitive two stroke engines which emit fumes unfiltered. A moped is more polluting in terms of particulates known to be toxic to health, than the emissions of a lorry. Many cities are taking steps to limit the use of mopeds (eg Genoa, Italy). Further mopeds are often driven erratically by

teenage tearaways and are associated with petty crime (eg mobile phone snatching).

Online shopping and the tax dodging companies that provide goods over the internet are undermining trade on our high streets. Delivery vans facilitate this trade. Delivery vans are proliferating and causing congestion and higher vehicle emissions. They should be banned from delivering to offices and other locations in the city centre during peak hours.

We recommend stronger enforcement measures be taken against vehicle engine idling. Emissions are highest (ie least filtered) when vehicles are stationary. Private hire vehicles are reliant on business directed to them via mobile phone apps. Drivers, when “on duty” are required to be constantly available and ready to accept work – failing which they can be penalised. *Uber* and equivalent apps operate on the “Apple” operating system. Apple phones have short phone lives and the *Uber* app quickly drains phone batteries. As a result PHV drivers often run their engines simply to charge their phones. PHV drivers should be required to carry spare pre-charged charging packs and they should be subject to punitive penalties for engine idling.

Other than black cabs, the cost of purchasing a car is too cheap and has been consistently falling. The UK, unlike most comparable EU countries, is witnessing an increase in new car ownership (up 4.5% a year).

According to the “Society of Motor Manufacturers and Traders” the increase is “partly down to a plethora of car loan deals”. Certainly there is lax regulatory control of financing arrangements (especially “Personal Contract Plans”). The Bank of England shares this analysis: <https://www.autocar.co.uk/car-news/new-cars/bank-england-looks-regulate-pcp-car-finance-deals>.

The glut of new cars obviously has a knock-on impact on the price of second hand cars. The volume of cars being put up for resale has increased and data from ONS shows the cost of buying second hand cars consistently dropping:

The council should be lobbying central government to intervene to make financing for private cars, less attractive, eg a higher initial deposit and extend minimum period over which someone must own their car before they can return it to a dealer.

Birmingham is not failing to comply with all categories of emissions. The number one source of emissions which need tackling is NOX (nitrogen compounds). These are substantially agricultural (resulting from the spreading of nitrates by farmers on fields, which are then carried on the wind. The cause of this type of pollution has nothing to do with drivers. Farmers in the region



should be presented with alternatives and required to only spread nitrates during periods of sustained forecast low wind.

Around half of the pollutants causing the city to have low air quality are derived from the building sector. I am concerned that the Council is disproportionately penalising taxi drivers, when it should of course be taking a holistic and integrated approach to the issue. I am keen to hear about your proposals for better controlling dust generated from construction. I am also keen to hear about your proposals for improving building energy efficiency.

20. Is there anything else that you would like to say about the proposals that you have not said so far?

I am disappointed that the Regulation and Enforcement team have advanced their proposals in such a gung-ho fashion and with such scant regard for the anxiety caused to hard-working and responsible drivers. Given the draconian nature of their proposals and the far reaching implications for the city's economy, that the department pressed for a compressed four week consultation period, shocks me. It suggests to me that the department has little interest in giving my views a fair hearing. I hope that the consultation will turn out to be a meaningful and genuine one. I certainly expect to see progress with the alternative proposals which I have outlined above.

Many thanks

Yours Truly

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

Raja Amin JP MBE

President RMT Midland Regional Council.

Birmingham Rail Branch Secretary.

Mobile: 07968 186238

Proposals to introduce Emission Standards for Taxi and Private Hire Vehicles Response of 24 7 Carz

5. Do you understand that the reason for the proposed policy is because of the impact that pollution is having on the health of people who live and work in Birmingham?

Yes and 24 7 Carz agrees that this issue needs addressing. The complicating factor is that the government is only now consulting on “Improving air quality in the UK: tackling nitrogen dioxide in our towns and cities Draft UK Air Quality Plan for tackling nitrogen dioxide”¹. The consultation period on this document ends on the 15th of June 2017 and the final Air Quality Plan will not be published until the 31st of July 2017. There are a number of proposals set out in that document, which will impact upon this consultation and the proposals set out within it. Those proposals, most importantly retrofitting devices which reduce harmful emissions ought to be able to implemented, as part of the proposals for hackney carriages and private hire vehicles.

6. If you are a vehicle owner, would the proposed changes to licensing policy require you to update your vehicle(s)? If you are not a vehicle owner please select 'Not a vehicle owner'

Whilst 24 7 Carz does not own vehicles itself, the vast majority of our drivers do own their own vehicles. Discussions with those drivers have informed us that, in line with the council’s own research, that the large majority will have to replace their vehicles as part of these proposals.

7. The draft policy sets out proposals to remove the oldest vehicles that emit the highest levels of pollution first. Do you agree that this is the right approach?

24 7 Carz agree that those vehicles which are most polluting will need to be replaced first, unless modifications can be made to ensure that the vehicles emit substantially less pollutants.

Yes but why does the council propose to set standards for hackney carriages and private hire vehicles, which exceed the minimum standards required by a Clean Air Zone, that the vehicles be Euro 4 for petrol and Euro 6 for diesel.

The requirements for new or replacement vehicles from December 2017 and onwards far exceed the requirements of hackney carriages and private hire vehicles for a Clean Air Zone. From December 2018, the requirement for petrol private hire vehicles will also exceed that of a Clean Air Zone. The requirement is that the vehicle be Euro 4 petrol, yet the requirement will be that the vehicle is Euro 5.

24 7 Carz submit that setting the requirement above the minimum requirement set by the government is not justified in Birmingham. The reason for this is that the government research indicates that taxis are not minimal contributors to NOx concentrations, see table 3 c, at page 14

¹ <https://www.gov.uk/government/consultations/improving-air-quality-reducing-nitrogen-dioxide-in-our-towns-and-cities>

of the Draft Air Quality Plan.² The report does not define taxis, though it would seem that it is referring to hackney carriages, rather than including private hire vehicles.

9. Do you think that the proposals allow sufficient time for vehicle owners to update their vehicles to meet the emission standards?

24 7 Carz do not believe that the policy, with the current time limits will give vehicle owners sufficient time to change vehicles. There is a large amount of confusion amongst drivers as to what the requirements will be. 24 7 Carz have provided information to drivers in an easier to understand format, but this has not dealt with the concerns that drivers have.

The times scales for implementation will be very tight, given the fact that the consultation ends on the 9th of June and that the matter will then have to be considered by the Committee. The lead in time will be very short to implementation. Only once the policy has been agreed will drivers know what the requirements will actually be. Once that has been done then the drivers will have to: work out a budget, agree finance and purchase a vehicle in a relatively short space of time, for those vehicles where the licence expires in December or January.

The issue is further complicated by the fact that the DEFRA Draft Air Quality Plan at paragraphs 167 to 169 discusses the Clean Vehicle Technology Fund, which Birmingham City Council accessed in relation to modifying hackney carriages to LPG. The plan states that there will be a series of workshops aimed at Local Authorities to share experience and evidence. The plan indicates that Clean Vehicle Retrofit Accreditation Scheme (CVRAS) will commence in 2017, see paragraph 169. 24 7 Carz believes that it would be premature to bring in the changes proposed before the scope of the CVRAS is known.

The modification of existing vehicles is of great interest to our drivers. The capital investment is much less than in purchasing a new car. Modified vehicles are also likely to have a better resale price in due course than current vehicles, as such vehicles will be more attractive to private buyers on a tight budget.

A high proportion of 24 7 Carz drivers do not work full time. Those drivers who do not work full time, in particular, have indicated that: 1) they may well leave the trade, or 2) look to licence with an alternative local authority, should the policy be put into effect without amendment.

10. If you answered no to the last question, what deadlines do you think we should apply in order to ensure that Birmingham meets the minimum Clean Air Zone standards of Euro 4 for petrol vehicles and Euro 6 for diesel vehicles by 2019?

No changes should occur until we know what the final DEFRA Air Quality Plan states and also what is the scope of the CVRAS, so that drivers can research whether or not such modifications are available for their vehicle and/or financially viable.

As an alternative, the requirements should be that renewals of vehicles be allowed as long as they meet Euro 4 for petrol and Euro 6 for diesel until at least December 2019. Newly licensed vehicles and renewals which have been fitted with a CVARS accredited modification be allowed to be licensed.

² https://consult.defra.gov.uk/airquality/air-quality-plan-for-tackling-nitrogen-dioxide/supporting_documents/Draft%20Revised%20AQ%20Plan.pdf

11. Do you agree with the age policy that we have proposed that would take effect in 2021 of 14 years for hackney carriages and 8 years for private hire vehicles?

No. Vehicles over 14 and 8 years respectively can, if well maintained and driven in an eco-friendly manner, work perfectly well beyond 14 and 8 years. The traditional hackney vehicle is built to last, given the cost of purchase, as are most modern cars. The possibility of retro-fitting mechanisms by which emissions can be reduced, shows that the useful working age of all hackney and private hire vehicles can be prolonged. Imposing a fixed terminal age on hackney and private hire vehicles is not good for the environment. Vehicles consume a large amount of energy during the production process, what needs to be encouraged is the extension of the working life of a vehicle, provided that harmful emissions of older vehicles can be kept at the appropriate level.

12. If you answered the last question to say that there should be different age limits, what age limits would you suggest?

That there be no age limit for vehicles which are classed as ULEV, including those where accredited modifications are made to vehicles so that they become ULEV. This would then encourage drivers to purchase a ULEV or modify a non-ULEV vehicle so that it becomes ULEV.

13. The most significant impact of the proposals is likely to be felt by hackney carriage owners due to the limited choice of suitable ultra-low emission vehicles on the market and the cost of buying a new hackney carriage. One option that has been put forward is that Birmingham should consider licensing a mixed fleet of wheelchair accessible 'London style' cabs and saloon vehicles as hackney carriages? Would you be in favour of this proposal?

No.

14. If you have answered no to the last question, what are your reasons for opposing a mixed fleet of hackney carriages?

The hackney fleet in Birmingham is distinctive and this is a positive factor which enhances the status of the city and the hackney fleet. Hackney vehicles work predominantly in the city centre, when compared with the private hire fleet.

Those hackneys which are 'London style' would face the fact that the cost of purchase and running such a vehicle would be uncompetitive when compared the saloon hackney carriages.

15. Do you agree that Birmingham should aim for all of its licensed hackney carriages and private hire vehicles to be zero-emission vehicles by 2030?

Yes.

16. How significant do you think the impact on disabled passengers would be if there were fewer wheelchair accessible hackney carriages licensed by Birmingham? Can you support your answer with any data?

We are not in a position to be able to comment on this.

17. The cost of buying a new hackney carriage or private hire vehicle is likely to be substantial. If you are a licensed vehicle owner or driver would you consider renting or hiring a vehicle as an alternative to buying one?

24 7 Carz do not own vehicles or rent them to drivers. It does not fit within our business model. This is because our drivers much prefer to own their own vehicle. When discussing the issue with our drivers, they have made the following 2 points: 1) they are reluctant to enter into the commitment of long term rental agreements, which are necessary to obtain a lower rent charge, 2) many drivers work part-time and find that the short-term rental agreements are prohibitively expensive.

19. Is there anything that you think the City Council or the Government can do to help vehicle owners to drive cleaner, less polluting vehicles or to reduce levels of air pollution in the city?

Postpone adopting a definitive policy until the government have agreed upon criteria for retrofitting which is compatible with the Clean Air Zone requirements under CVARS.

Provide similar assistance to private hire drivers as is provided to hackney carriage owners who are converting their vehicles to LPG.

Introduce charging for all non-compliant vehicles who enter the Clean Air Zone, that way the public will be encouraged to reduce unnecessary journeys into the zone. The public would then be given an incentive to use public transport, the private hire and hackney trade.

20. Is there anything else that you would like to say about the proposals that you have not said so far?

The statistics which set out the source of NO_x pollution as provided in the Draft Air Quality Plan at figure 3c on page 14 of the document, indicate that diesel 'taxis' cause a very small amount of the NO_x roadside concentrations outside of London. The conclusion to be drawn from this is that the wholesale changes to the hackney and private hire vehicle fleet will have limited effect in reducing the harmful emissions of NO_x.

24 7 Carz estimate that fewer than 20% of our bookings enter the area of the proposed Clean Air Zone. The figures for hackney vehicles, will be higher, because hackney vehicles traditionally serve the city centre through the ranks. 24 7 Carz private hire vehicles do not enter and remain in the Clean Air Zone a great deal. Our vehicles do not therefore contribute significantly to the NO_x pollution in the city centre, especially when compared to ordinary car journeys into the Clean Air Zone.

The result is that the changes proposed will impose a heavy cost burden onto the private hire trade with little or no improvement through reduced NO_x emissions within the Clean Air Zone.

OBJECTION TO THE EMISSIONS DRAFT POLICY 15th FEBRUARY 2017

Dear Councillors

Birmingham and Solihull Taxi alliance represents the Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators and we are the largest trade organisation.

A report was prepared by the head of licensing Chris Neville which was presented to the Licensing Committee on 15th February 2017 for your approval to adopt the CAZ policy. The report was flawed and misleading.

How can you implement something when it has not been confirmed what the emissions standards are going to be?

Trade reps should have been consulted before this report was prepared and presented to the members. If this had been done then there would not be so much confusion which has led to an enormous amount of stress on the drivers.

The DEFRA document states that the government will assess local plans to ensure they are effective, fair and good value. The current draft policy is neither fair nor of good value.

The current policy is unreasonable and unacceptable as it will have devastating effects on the trade and their livelihoods. There are other options available in reducing emissions which have not been fully explored. It is unreasonable and unacceptable to force the drivers out of employment at such short notice, bearing in mind the council has known since 2010 that they had to reduce emissions.

The buses have received £30 million and the Hackney Carriage and Private Hire Trade has received nothing, Why Not? Our trade is not the major cause of pollution.

We are not against reducing the emissions standards but what we are against is this unfair policy that is being put in to place in Birmingham.

We have raised all our concerns and made a number of suggestions to Chris Neville who has confirmed that he will include them in his report to the Licensing Committee.

We hope you will take on board our views and suggestions as to how we can reduce the emissions and not put such a huge burden on the drivers when making your decision.

Kind Regards

Mohammed Rashid – Chairman

Birmingham and Solihull Taxi Alliance

Licence Holder - Demographic Breakdown

Demographic: **Ethnic Origin**

Report run at 12:35 on 11/10/2017

	Hackney Carriage Driver	Hackney Carriage Vehicle	Private Hire Driver	Private Hire Vehicle	Total
Asian or Asian British - Bangladeshi	24	23	379	306	430
Asian or Asian British - Indian	139	125	401	306	598
Asian or Asian British - Other background	42	41	222	173	285
Asian or Asian British - Pakistani	919	770	3,282	2,578	4,461
Black or Black British - African	50	42	173	129	225
Black or Black British - Caribbean	9	5	38	25	52
Black or Black British - Other background	2	1	9	4	11
Chinese or Other Ethnic Group - Other	0	0	0	1	1
Declined	0	1	2	4	5
Mixed - Other background	3	6	47	31	54
Mixed - White and Asian	1	1	4	3	5
Mixed - White and Black African	0	0	3	3	3
Mixed - White and Black Caribbean	0	0	7	1	7
Not Disclosed	49	54	124	129	240
White - British	84	67	221	166	364
White - Irish	1	1	6	5	8
White - Other background	2	0	6	6	7
Total	1,325	1,137	4,924	3,870	6,756

Licence Holder - Demographic Breakdown

Demographic: **Age Group**

Report run at 12:32 on 11/10/2017

	Hackney Carriage Driver	Hackney Carriage Vehicle	Private Hire Driver	Private Hire Vehicle	Total
20 - 24	2	0	20	10	26
25 - 29	5	2	102	76	114
30 - 34	30	27	363	245	404
35 - 39	82	69	832	621	941
40 - 44	231	205	1,084	847	1,371
45 - 49	324	280	959	771	1,378
50 - 54	206	188	671	551	968
55 - 59	195	168	453	372	739
60 - 64	150	120	308	257	527
65 - 69	67	54	101	90	205
70 - 74	22	16	22	21	56
75 - 79	5	5	8	8	17
over 80	6	3	1	1	10
Total	1,325	1,137	4,924	3,870	6,756

Licence Holder - Demographic Breakdown

Demographic: **Gender**

Report run at 12:28 on 11/10/2017

	Hackney Carriage Driver	Hackney Carriage Vehicle	Private Hire Driver	Private Hire Vehicle	Total
Female	3	4	13	19	27
Male	1,322	1,133	4,911	3,851	6,729
Total	1,325	1,137	4,924	3,870	6,756



The Impact of Poor Air Quality on Health

EFFECTS OF AIR POLLUTION



Up to
900 DEATHS
per year linked to man-made air pollution



LINKED TO

Heart disease
Diabetes
Asthma
Obesity
Cancer
Dementia



LINKED TO

Still births
Infant deaths
Low birth weight
Organ damage
Premature deaths



CHILDREN IN HIGH POLLUTION AREAS

x4

more likely to have reduced lung function when they become adults



61% OF JOURNEYS TO WORK ARE BY CAR OR VAN

Exposed to **21%** higher levels of pollution



Affects the **VULNERABLE & DEPRIVED** areas most



BUS & TAXI DRIVERS

are exposed to

3x



more pollution than anyone else

#BrumBreathes

Numbers have been rounded. Evidence provided by Public Health Birmingham, May 2017: birminghampublichealth.co.uk

 **Birmingham City Council**

A report from Overview & Scrutiny





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The Impact of Poor Air Quality on Health

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Preface

By Councillor John Cotton

Chair, Health and Social Care Overview & Scrutiny Committee



Every year, nearly 900 people in Birmingham suffer an early death because the air they breathe is polluted. Others, often some of the most vulnerable and deprived of our fellow citizens, face a lifetime of dealing with chronic health conditions directly attributable to the pollutants in our atmosphere. There is no questioning the evidence linking the quality of our air to poor health: it is unambiguous and incontestable. It should also be a spur to action.

In the nineteenth and twentieth centuries, our predecessors in this Council faced similar public health challenges. They responded with bold leadership, taking the steps to clean up our water, improve our sanitation and tackle the root causes of disease and illness. Today, we should draw inspiration from their example and show the same resolve in removing the causes of so many preventable deaths and illnesses in 2017.

Tackling air pollution is not the responsibility of one organisation alone. It will require a collective effort, mobilising all levels of government and all parts of our economy and society. Our report sets out a series of recommendations and policy options that reflect this shared duty. Locally, there is a vital role for the City Council, not just with regard to its Public Health services, but also as the body that has the power to shape our local environment and give collective leadership to the city as a whole. The Council is in a unique position to focus attention on this issue and encourage partners to join with us in tackling the root causes of pollution.

The newly-elected West Midlands Mayor, along with Transport for West Midlands (TfWM), also have important roles to play. The evidence we received from TfWM showed that they see air pollution as a priority and this has also been echoed in public comments by the Mayor following his election. A strong partnership between the Council and our Combined Authority partners is essential to ensuring that these positive early steps are the start of a sustained regional effort to address the problem.

It is of course the Government who have ultimate ownership of the Clean Air Strategy and the Clean Growth Plan. As such they have a responsibility to ensure that local authorities are properly resourced to deliver the policies envisaged in these national plans and also to make full use of the fiscal and other policy levers they have at their disposal. Some of the changes that are needed to significantly reduce air pollution can only be delivered by clear leadership at a national level.

This report has been long in the making, reflecting the fact that as we have been taking evidence, the national policy environment has been continuing to evolve and we have had to adjust our recommendations accordingly. I would like to thank the many Council officers and external partners who gave evidence to the inquiry, together with the members of both Committees for their time and



The Impact of Poor Air Quality on Health

contribution over several months. We were, as ever, ably supported by our excellent Scrutiny Office staff, to whom I would also like to extend our thanks.

I hope that this report provides the basis upon which we resolve to act as firmly as our predecessors did. This is a public health crisis. We have to act and act now.

Councillor John Cotton



Summary of Recommendations

	Recommendation	Responsibility	Completion Date
R01	There is now clear and compelling evidence that poor air quality has an impact on general population health and child development. The evidence also shows that diesel vehicle emissions are the most prevalent and impactful source of health-affecting air pollution in Birmingham. The City Council needs to demonstrate leadership and take ownership of this issue by developing a strategy to address this effectively, with particular emphasis on selected priority hotspot zones where the risk of public exposure is highest.	Cabinet Member for Health & Social Care (working in conjunction with Cabinet Member for Clean Streets, Recycling & Environment, Cabinet Member for Transport and Roads and Chair of Planning Committee)	March 2018
R02	That, based on the evidence about the health impacts of poor air quality, the Executive should develop a clear policy approach that will move Birmingham progressively towards becoming a low air pollution City.	Cabinet Member for Health & Social Care Cabinet Member for Clean Streets, Recycling & Environment	March 2018
R03	That there should be a requirement for enhanced air quality monitoring across Birmingham, consisting of a comprehensive citywide network of sites, at both ambient and high-exposure locations, monitoring the most health-impactful pollutants. This will entail an examination of the resource implications regarding the number and optimal location of air quality monitoring stations. This monitoring information about air quality levels across the city should be made available to the public in an accessible format, with local online alerts to GPs and the public on days when weather conditions conspire to forecast risk of excessive exposure.	Cabinet Member for Clean Streets, Recycling & the Environment Cabinet Member for Health & Social Care	December 2019
R04	That Birmingham hospitals and other substantial public buildings be encouraged to consider adopting a smoke free zone initiative similar to the one being implemented by Birmingham Children's Hospital to protect vulnerable population groups, especially children, who are at higher risk of adverse health outcomes from exposure to air pollution.	Cabinet Member for Health & Social Care	March 2018



The Impact of Poor Air Quality on Health

R05	That the City Council should engage with schools, colleges and Higher Educational Institutions to develop an education programme to raise awareness about air quality and to explore the use of existing and new technology to monitor air quality around schools and colleges.	Cabinet Member for Children, Families & Schools Cabinet Member for Health & Social Care	March 2019
R06	That, in order to facilitate better traffic management at a local level, authority should be sought from government to enable the West Midlands Combined Authority to enforce legislation enacted in Part 6 of the Traffic Management Act 2004 in relation to moving traffic infringements.	Cabinet Member for Transport & Roads	March 2018
R07	That the Cabinet Member should liaise with the West Midlands Combined Authority to seek to accelerate the introduction of buses with a minimum emissions requirement of Euro VI or Ultra Low Emission Vehicles for all buses going into the city centre and to work with bus operators to accelerate the implementation of future plans for the introduction of greener vehicles in the city.	Cabinet Member for Clean Streets, Recycling & Environment Cabinet Member for Transport & Roads	March 2018
R08	That when planning for future transport infrastructure consideration should be given to the wider and longer-term benefits of keeping mature trees, especially in roadside locations where a buffering effect on air pollution is provided; and that appropriate protection for mature trees should be incorporated into any planning permission granted.	Chair of Planning Committee	December 2019
R09	That planning for new developments should incorporate the planting of trees of a suitable species in the right place with careful selection of the species to be planted, density of placement of the trees and with provision for appropriate maintenance for a period after planting, as a condition of planning for new developments.	Chair of Planning Committee	December 2019



R10	That the City Council should continue to collaborate with other cities to lobby central government to ensure that the proposed Clean Air Strategy and Clean Growth Plan provide an appropriate national policy framework for tackling air quality issues.	Leader to Central Government	December 2018
R11	That the City Council will respond with demonstrable proposals to the forthcoming government consultation on diesel scrappage schemes.	Leader to Central Government	December 2018
R12	That the City Council can evidence that it is accessing appropriate funding as set out in the 'UK plan for tackling roadside nitrogen dioxide concentrations'.	Cabinet Member for Health & Social Care	December 2018
R13	That the City Council can show that any additional measures, which may include charging owners of non-compliant vehicles, are based on evidence provided through a local feasibility study.	Cabinet Member for Transport & Roads	December 2018
R14	That the City Council should continue to collaborate with the West Midlands Mayor to build on the vision set out in the Birmingham Connected Transport Strategy to get clarity and commitment about the measures needed to support sustainable and inclusive growth and achieve compliance with air quality limits across the region.	Leader to West Midlands Mayor	March 2018
R15	Progress towards achievement of these recommendations should be reported to the Health & Social Care O&S Committee no later than March 2018. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.	Cabinet Member for Health & Social Care	March 2018



1 The Public Health Challenge

1.1 The impact of air pollution on health nationally

- 1.1.1 Significant progress has been made in improving air quality in recent decades. In spite of this and in spite of the fact that current concentrations of many recognised harmful pollutants are now at the lowest they have been in the UK since measurements began, medical evidence shows that many thousands of people still die prematurely every year because of the effects of air pollution.
- 1.1.2 The evidence from Public Health England was that within the UK, air pollution is the largest environmental risk linked to deaths every year.¹ The Committee was told that both long and short-term exposure to air pollution are known to adversely affect health. Short-term exposure (over hours or days) to elevated levels of air pollution can cause a range of effects including exacerbation of asthma, effects on lung function, increases in hospital admissions and mortality. Epidemiological studies have shown that long-term exposure (over several years) reduces life-expectancy, mainly due to increased risk of mortality from cardiovascular and respiratory causes and from lung cancer.
- 1.1.3 It has also now been firmly established that air pollution (particulate matter, nitrogen dioxide, sulphur dioxide and ozone) contributes to thousands of hospital admissions per year.² While other components of air pollution damage health, particularly at high levels of exposure, there is strong evidence of harm from lower levels of pollution caused by long-term population wide exposure to nitrogen dioxide and particulate matter.
- 1.1.4 Recently evidence on the health impact of exposure to nitrogen dioxide (NO₂) has strengthened significantly.³ It is well established that exposure to high concentrations of NO₂ causes inflammation of the airways, decreased lung function and respiratory symptoms but there is now evidence directly linking NO₂ exposure to mortality. When this evidence is applied to the exposure levels across the UK it suggests that exposure to NO₂ is increasing mortality by the equivalent of 23,500 deaths per year. Additionally the impact of exposure to particulate matter pollution (PM_{2.5}) is estimated to have an effect on mortality equivalent to nearly 29,000 deaths in the UK.² There

¹ PHE (2015) Understanding the impact of particulate air pollution, Public Health Matters, PHE blog. Available at <https://publichealthmatters.blog.gov.uk/wp-content/uploads/sites/33/2015/11/sunset4.pgn>

² Committee on the Medical Effects of Exposure to Air Pollutants (1998) 'Quantification of the Effects of Air Pollution on Health in the United Kingdom'. Available (Archived) at http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@ab/documents/digitalassets/dh_118120.pdf

³ Committee on the Medical Effects of Air Pollutants (COMEAP) (2015) 'Statement on the Evidence for the Effects of Nitrogen Dioxide on Health'. Available at <https://www.gov.uk/government/publications/nitrogen-dioxide-health-effects-of-exposure>



may be overlaps between these two estimates of mortality, but the combined impact of these two pollutants is a significant challenge to public health.

- 1.1.5 The quality of the air in our cities is vital to people's health and to the environment. The submission by Public Health England made it clear that air pollution is now associated with a much greater public health risk than was understood even a decade ago, and more associated adverse health effects are emerging. There is evidence that both nitrogen dioxide and particulate matter pollution can affect health even below current air quality guidelines and there is no safe level of either pollutant that does not harm health. The evidence referred to above shows that, even allowing for possible overlaps and using conservative estimates, every year in Britain in the region of 40,000 people die prematurely as a result of air pollution.

1.2 The impact of air pollution on health in Birmingham

- 1.2.1 The evidence from Birmingham Public Health was that man-made outdoor air pollution in Birmingham causes just under 900 premature deaths per year. That is over half the number of deaths attributed to tobacco use and has a harm profile remarkably similar to that caused by tobacco smoke. Most deaths are due to stroke and coronary heart disease.
- 1.2.2 Birmingham performs poorly on air quality related health measures according to indicators in the Public Health Outcome Framework and pollution undoubtedly affects respiratory health which is an area in which all Birmingham Clinical Commissioning Groups have poor outcomes.
- 1.2.3 For Birmingham, an estimated 5.7% of all-cause mortality is attributable to air pollution.



2 Air Quality in Birmingham

2.1 Legislative Standards

- 2.1.1 Birmingham Environmental Health provided evidence to the inquiry about the legislative standards and set out the pollutants for which local authorities have a statutory responsibility to report. They provided data on the network of air quality monitoring stations, data on the concentrations of main pollutants, emission sources, levels and sources of air pollution in Birmingham and also in specific pollution hotspots. They provided information about compliance with air quality objectives in Birmingham and how these rates compare to other major cities.
- 2.1.2 It was explained that the City Council has a duty to report air quality data and to comply with certain objective levels of emission limits on seven specified pollutants as identified in the Local Air Quality Management Policy Guidance produced by Defra. Local authorities have a responsibility to report on these under the Local Air Quality Management (LAQM) regime. These are Nitrogen Dioxide (NO₂), Particulate matter (PM₁₀), Sulphur Dioxide (SO₂), Benzene, 1,3-Butadiene, Carbon Monoxide and Lead.
- 2.1.3 Particulate matter is made up of a wide range of materials arising from a variety of sources and is generally categorised on the basis of the size of the particles. Although there is a requirement for the City Council to report on and comply with certain levels for larger particles (PM₁₀), there is no requirement for the City Council to comply with any emission limits for fine particles (PM_{2.5}). A limit value for PM_{2.5} does exist but the duty lies with the Government. Monitoring for PM_{2.5} is done at two sites in Birmingham which show levels significantly below the limit value. However, it was stressed that there is no safe limit for PM_{2.5} exposure and fine particles have a well-recognised health impact and therefore it is important to seek reductions in such pollution to promote and safeguard public health.

2.2 Monitoring and Compliance

- 2.2.1 Birmingham Environmental Health provided detailed evidence about the network of air quality monitoring stations maintained by them. These incorporate both real time monitoring stations (RTMS) which sample air in real time and provide outputs over a short period e.g. five minute averages and also passive stations which sample over a longer period to provide an average concentration e.g. monthly. The RTMS are mostly established and maintained at the same location for a number of years to give more accurate trends, whereas the passive sites, which mostly monitor for nitrogen dioxide (NO₂), are more flexibly used. Members were given information about the locations of the real time automatic monitoring sites, data for all the pollutants monitored at each of the stations over a number of years which is reported to Defra on an annual basis, together with data on exceedances. The Committee queried the adequacy of the coverage and



location of the RTMS across the city and whether there should be a requirement for enhanced air quality monitoring to be more widely distributed across the city.

- 2.2.2 In relation to this point, the Committee received written evidence from ClientEarth which included their response to the Defra consultation on the implementation of Clean Air Zones (CAZs) in England. Their response to Question 2, about whether there are additional measures which should be highlighted under each theme, was as follows:

Yes. We welcome the focus on using CAZs to raise awareness. Signage will support this. However, there should also be a requirement for enhanced air quality monitoring and public information in CAZs. Ensuring that a minimum number of monitoring stations are in place within a CAZ, and that data from those stations is made publicly available both online and on electronic displays, will greatly enhance public understanding and allow local authorities to more accurately assess the effectiveness of CAZs. A national awareness raising campaign should also be introduced, using social media, television and billboards, explaining why CAZs are being introduced and highlighting the multiple health and environmental benefits which they will bring.

- 2.2.3 In terms of compliance with air quality objectives, Members were told that from the perspective of fulfilling statutory air quality reporting requirements, which is different to a public health perspective, the only pollutant of concern in Birmingham was, and remains, nitrogen dioxide (NO₂). The whole city was designated an Air Quality Management Area (AQMA) for NO₂ in January 2003 on the basis of observed and predicted continued exceedance of the annual mean level for NO₂ within the Air Quality Objective. Apart from a declaration for particles which was subsequently revoked on the basis that there had been no exceedance nor was there any future exceedance predicted, no other pollutant has been identified as warranting a declaration. For this reason, Environmental Health maintain a network of passive diffusion tubes, which are relatively cheap and easy to deploy and provide a reasonably accurate output, to monitor this pollutant. Members were provided with information about the locations of these sites and with indicative results for 2016 which had not been finalised at the time that evidence was given.

- 2.2.4 Subsequent to the evidence gathering, the Inquiry was provided with the results of a first round of air pollution monitoring done by Ecosutton using passive diffusion tubes over a period of two weeks between 7th July and 21st July 2017 in the vicinity of a number of schools in Sutton Coldfield. The results, which it must be stressed only represent a snapshot of the air pollution levels for the place and time monitored and are not comparable to annual data, did however show that levels at 2 out of the 18 sites monitored, were above the European Union legal mean annual limit for nitrogen dioxide.

2.3 Sources of air pollution

- 2.3.1 There are limits on emissions of harmful pollutants from many sectors but this is outside of the scope of this inquiry. Harmful pollutants are produced from a variety of sources including industrial and agricultural emissions from a wide range of sources ranging from intensive pig and poultry



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farms to chemical manufacturing sites and power stations. However, for the purposes of this inquiry, the data in Birmingham from the RTMS and the network of passive diffusion tubes show that the main emissions of relevance in Birmingham are nitrogen dioxide (NO₂) and particulate matter (PM).

- 2.3.2 In the UK the biggest human-made sources of particulate matter are stationary fuel combustion and transport. Road transport gives rise to primary particles from engine emissions, tyre and brake wear and other non-exhaust emissions. All combustion processes in air produce oxides of nitrogen (NO_x). Nitrogen dioxide (NO₂) and nitric oxide (NO) are both oxides of nitrogen and together are referred to as NO_x. Road transport is the main source followed by the electricity supply industry and other industrial and commercial sectors.⁴
- 2.3.3 It was explained to members that although it is known that the primary source of NO₂ is from road traffic, how this actually translates into local emissions is known as 'source apportionment'. Evidence was presented modelling NO_x concentration on the A38 fronting the Mailbox. The largest source of emissions was from local sources (118.4 compared to 66.9 from regional and urban background combined). The largest contributor to the local sources are diesel cars followed by diesel light goods vehicles. Evidence of source apportionment from the Low Emissions Towns & Cities Programme Low Emission Zone Technical Feasibility Study also showed that in relation to the daily traffic on the A38 near to the Children's Hospital the greatest proportion of NO₂ emissions is from diesel cars and diesel light goods vehicles.

2.4 How we compare to other cities

- 2.4.1 The UK, as an EU Member State, has to report air quality data on an annual basis under the EU Directive on ambient air quality and cleaner air for Europe (2008/50/EC). This covers a range of pollutants but of particular relevance are the limit values for NO₂. The UK has remained in breach of the EU limit values for NO₂ since failing to meet the deadline for compliance in 2010.
- 2.4.2 For the purposes of air quality monitoring, the Government has created 43 discrete areas within the UK and assessed each area for compliance against EU limit values. Birmingham sits within the West Midlands Urban Area (WMUA) and the government has predicted that the WMUA would have the second largest amount of non-compliance, second only to London. The model shows that the WMUA would still be non-compliant by 2020 but by 2025 would be compliant.
- 2.4.3 Of the 43 areas, the Government predicted that only six cities are projected to exceed the limit values in 2020 – London, Birmingham, Leeds, Nottingham, Derby and Southampton. For the five cities outside London, the Government requires the introduction of Clean Air Zones, along with additional measures in Leeds and Birmingham. In London the Mayor has already agreed to introduce a range of measures including the introduction of the Ultra-Low Emission Zone. The

⁴ Source: [https://uk-air.defra.gov.uk/assets/documents/What are the causes of Air Pollution.pdf](https://uk-air.defra.gov.uk/assets/documents/What%20are%20the%20causes%20of%20Air%20Pollution.pdf)



Government has directed Birmingham to deliver compliance as soon as possible and by 2020 at the latest. In the WMUA area it was only two areas within Birmingham city centre that were predicted to be in exceedance and hence the decision to mandate the CAZ.



3 The Health Effects

3.1 Main air pollutants that damage health

- 3.1.1 The Committee heard evidence from both Birmingham Public Health and from Public Health England about the main air pollutants and about their impact on public health. The evidence shows that both nitrogen oxides, principally NO₂, which is the basis of the Clean Air Zone, and particles including PM_{2.5} are linked to mortality in the Public Health Outcomes Framework. Both of these pollutants are mainly created from the internal combustion engine, especially those powered by diesel fuels. Vehicular road traffic is the major source of both NO₂ and PM_{2.5} and both are linked to a range of health effects.
- 3.1.2 Members were told that there is evidence that both of these pollutants can affect health even below current air quality guidelines. Reference was made to the UK expert panel (Committee on the Medical Effects of Air Pollutants or COMEAP)⁵ investigating the health impact which has declared that there are no safe limits for PM_{2.5} and NO₂.

3.2 Particulate Matter (PM)

- 3.2.1 Particulate air pollution is a complex mixture of many chemical components which form particles of different sizes with PM_{2.5} and PM₁₀ being the regulated size fractions. These particles are emitted directly from a range of human-made sources, such as road traffic, solid fuel combustion and natural sources such as desert dust and sea salt, or are formed by chemical reactions in the atmosphere.⁶
- 3.2.2 The evidence submitted by Public Health England said that the most consistent and convincing evidence suggests an important role for fine particulate matter (PM_{2.5}) in causing the observed adverse health effects, although other outdoor air pollutants such as nitrogen dioxide (NO₂) and ground-level ozone are also known to cause adverse health effects. There is strong evidence for the impact of short and long-term exposure to PM_{2.5} on cardiovascular health, lung cancer, reduced life expectancy, reduced lung function and heightened severity of symptoms in individuals with asthma, chronic lung disease, ischaemic heart disease and stroke^{7, 8}. It is estimated that long-term

⁵ COMEAP "The Mortality Effects of Long-Term Exposure to Particulate Air Pollution in the United Kingdom" Committee on the Medical Effects of Air Pollutants 2010

⁶ Fine Particulate Matter (PM_{2.5}) in the UK. Air Quality Expert Group, UK. Available at https://uk-air.defra.gov.uk/assets/documents/reports/cat11/1212141150_AQEG_Fine_Part particulate_Matter_in_the_UK.pdf

⁷ J.C.F Frank, J Kelly "Air pollution and public health: emerging hazards and improved understanding of risk" Environ Geochem Health, vol 37 p631-649 2016

⁸ RCP "Every breath we take: the lifelong impact of air pollution. Report of a working party," Royal College of Physicians, 2016



exposure to particulate air pollution (PM_{2.5}) has an effect equivalent to around 29,000 deaths a year in the UK.²

- 3.2.3 Members were also told about emerging evidence which suggests an effect of PM_{2.5} on children if their mothers were exposed to higher levels during pregnancy with links to adverse birth outcomes (low birth weight, preterm birth, infant mortality, neurodevelopmental harm, small for gestational age), airway inflammation and increased susceptibility to respiratory infection.^{5,6}
- 3.2.4 There is also evidence that children living in more polluted environments based on measures of PM_{2.5} are more likely to experience asthma symptoms, low lung function and increased vulnerability to Chronic Obstructive Pulmonary Disorder (COPD) in adulthood^{5,6}. Long term exposure to PM_{2.5} throughout life has also been associated with increased risk of obesity, Type 2 diabetes, changes in cognitive function including dementia and social isolation.⁶

3.3 Nitrogen dioxide (NO₂)

- 3.3.1 Evidence from Public Health England showed that on average around 80% of oxide of nitrogen (NO_x) emissions in areas where the UK is exceeding NO₂ limit values is due to transport, although urban and regional background non-transport sources are still considerable.⁹ The largest source is emissions from diesel light duty vehicles (cars and vans) where the emissions standards have had least impact and there has been significant growth in vehicle numbers over the last ten years in the UK.
- 3.3.2 Members were told that up until now, although studies had shown associations of NO₂ in outdoor air with adverse health effects, it had been unclear whether these effects were caused by NO₂ itself or by other pollutants emitted by the same sources, such as road traffic. However, evidence associating NO₂ with health effects has strengthened substantially in recent years and it is now thought that, on the balance of probability, NO₂ itself is responsible for some of the health impact found to be associated with it in the studies. However members were told that attributing health outcomes from exposure to individual constituent pollutants in emissions is not simple which supports the need to tackle emissions in general and not necessarily to focus on individual pollutants.¹⁰
- 3.3.3 It is known that NO₂ particularly at high concentrations, is a respiratory irritant that can cause inflammation of the airways. Studies have also shown associations of NO₂ in outdoor air with reduced lung development and respiratory infections in early childhood and effects on lung function in adulthood.

⁹ Defra (2015) Improving air quality in the UK: Tackling nitrogen dioxide in our towns and cities. Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486636/aq-plan-2015-overview-document.pdf

¹⁰ HPA (2009) Smallbone K. Direct delivery of predicted air pollution information to people with respiratory illness: an evaluation, Health Protection Agency (HPA): Chemical Hazards and Poisons Report, Issue 15.



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3.4 Effect on vulnerable population groups

- 3.4.1 Air pollution is harmful to everyone. However there are some occupational groups who are more exposed to outdoor air pollution, including those who work outside close to traffic pollution such as street cleaners, freight drivers and taxi and bus drivers. There is some evidence that taxi and bus drivers are exposed to three times the levels of outdoor air pollution in their vehicles.^{6,11,12}
- 3.4.2 There are also some groups who, although they may not necessarily have increased exposure to outdoor air pollution compared to the general population, may be at a higher risk of adverse health outcomes due to air pollution. These would include people living in areas of deprivation who may experience a magnified effect as a result of living on a low income with limited access to healthy food and/or green spaces, in poor housing conditions with poor indoor air quality and who may experience higher levels of chronic stress which reduces the body's resilience to toxicants present in polluted air.
- 3.4.3 Other groups at higher risk include pregnant women and the unborn child, children in high pollution areas who are four times more likely to have reduced lung function when they become adults, older adults whose risk of death from PM₁₀ exposure is twice that of younger populations and adults with pre-existing medical conditions who are at increased risk of serious adverse health events such as an asthma attack, stroke or heart attack.^{6,13}

3.5 Effect on health of children

Harmful exposures can start in the mother's womb and increase the risk of premature birth. Additionally, when infants and pre-schoolers are exposed to indoor and outdoor air pollution and second-hand smoke they have an increased risk of pneumonia in childhood, and a lifelong increased risk of chronic respiratory diseases, such as asthma. Exposure to air pollution may also increase their lifelong risk of heart disease, stroke and cancer.¹⁴

- 3.5.1 The Committee heard evidence from Birmingham Children's Hospital about the impact of air quality on the health of Birmingham's children and about the learning from the Trust's recent smoke-free zone outside the hospital. Members were told that the Trust routinely receives feedback from family members of patients about smoking outside the hospital and that the hospital carried out an eight week on-line consultation to understand how strongly people felt about the hospital pursuing establishment of the zone.

¹¹ J Wargo "Children's Exposure to Diesel Exhaust on School Buses," Environment & Human Health, 2002

¹² T. Johns "How much diesel pollution am I breathing in?" BBC, 2016. Available <http://www.bbc.co.uk/news/magazine-35717927>

¹³ AEA Technology "Air Quality and Social Deprivation in the UK: an environmental inequalities analysis," Department of Environment, Food & Rural Affairs, 2006

¹⁴ Dr Margaret Chan, World Health Organisation Director-General, News Release, 6 March 2017 Geneva The cost of a polluted environment: 1.7 million child deaths a year, says WHO.



Smoke free zone

- 3.5.2 The majority of people who responded supported action to stop people from smoking outside of the hospital and agreed that a smoke-free zone was the right way to do this. Support was very strong amongst staff and family members of patients. The zone is currently voluntary but the hospital was, at the time of writing, in consultation with the City Council about implementation. There is no consistent evidence base around harm from environmental tobacco smoke inhaled by passing bystanders but it was explained that the Trust's primary motivation for pursuing the zone is the experience and reaction of children, young people and families. Smoking is perceived as harmful behaviour and people expect to be able to arrive at an NHS site without walking through exhaled tobacco smoke. It was suggested that it would be helpful if all hospitals and other public buildings could be encouraged to consider adopting a similar smoke free zone initiative.
- 3.5.3 One point which emerged from the discussion with all members was that there needs to be a strong and consistent public health message about the importance of good air quality and how we value the health of our citizens and especially our children. This needs to be taken up and relevant information about the impact of poor air quality on health disseminated more widely in order to raise awareness amongst the public, to strengthen public understanding and help people to make informed choices about their behaviour and lifestyle.
- 3.5.4 Members heard that there is clear evidence of harm to children from poor air quality and about the growing body of literature that indicates there should be concern about the impact of air quality on the health of children in Birmingham. This gave rise to a discussion about the variety of local SMS messaging services already available such as airAlert¹⁵ and airTEXT¹⁶ which can be used to alert vulnerable people to advice about air quality and the fact that it would be useful for schools to be alerted and aware of the systems available but that there is currently no consistency in schools. It would be useful for the City Council to liaise with schools to explore what can be done to develop an education programme to raise awareness about air quality and to look at where existing and new technology can be used to assist with monitoring of air quality around schools.

Birth outcomes

- 3.5.5 Evidence was submitted from Birmingham Children's Hospital about several studies examining potential ways that air pollutants can have an impact on birth outcomes. The best evidence from one review was that increased exposures to Sulphur Dioxide (SO₂) during pregnancy made pre-term births more likely and that increased exposure to PM_{2.5} during pregnancy made low birth weight births more likely.¹⁷ Children who are low birth weight are more likely to have poorer growth in childhood. The impact of this is a higher incidence of adult diseases such as type 2 diabetes, hypertension and circulatory disease.

¹⁵ airAlert www.airalert.info

¹⁶ airTEXT www.airtext.info

¹⁷ Shah PS, Balkhair T, Knowledge Synthesis Group on Determinants of Preterm/LBW births. Air pollution and birth outcomes: a systematic review. Environment international. 2011 Feb 28;37(2):498-516



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Congenital anomalies

- 3.5.6 There was also evidence from Birmingham Children's Hospital that air pollution may contribute towards congenital anomalies. In particular both NO₂ and SO₂ were related to increased numbers of children born with significant defects in the structural arrangement of the new-born heart.

Infant mortality

- 3.5.7 Members were told that long term exposure to particulate matter has been linked with overall child mortality and that increased risk was found for post-neonatal infant deaths (between one month and one year) and for deaths from Sudden Infant Death Syndrome.

Asthma

- 3.5.8 COMEAP has issued statements agreeing that evidence supports the view that ambient air pollution causes irritation and inflammatory responses of the airways and exacerbates symptoms of asthma. COMEAP concluded in 2010 that the evidence is consistent with the possibility that outdoor air pollution might play a role in causing asthma amongst susceptible individuals.¹⁸

Childhood leukaemia

- 3.5.9 Evidence was highlighted showing that exposure to residential traffic after birth increases the risk of childhood leukaemia. There was no increased leukaemia risk from prenatal exposure.

¹⁸ COMEAP. Does Outdoor Air Pollution Cause Asthma? 2010



4 The Transport Challenge

4.1 Birmingham Local Road Transport

- 4.1.1 Transport is the primary source of emissions. Evidence was presented from Birmingham Transport and Connectivity about local road transport, sources of emissions which impact on local air quality and the transport challenge this presents for Birmingham. This reinforced the previous evidence from Environmental Health and Public Health that local road transport is the greatest source of emissions which impact on local air quality and create problems of exposure to concentrations of pollutants at harmful levels.
- 4.1.2 The scale of the transport challenge for Birmingham needs to be understood in the context of the projected growth in population and employment as described in the Birmingham Development Plan (BDP) which was set out in the evidence presented to the members. By 2031 the population of the city is expected to grow by some 150,000 people and it is estimated that the total demand for travel on our transport system both from Birmingham residents and people living outside Birmingham could rise to 4 million trips by 2031. The BDP forecasts 51,000 new jobs and 13,000 new homes in the city centre by 2031, with 75,000 people living in the city centre which is an increase of 30,000. This is estimated to create an additional 140,000 daily trips which is a 30% increase from 480,000 trips currently to and within the city centre, or 56,000 extra vehicles.
- 4.1.3 Using current car ownership levels and travel habits, Birmingham's growth could result in an additional 80,000 cars in the city, 200,000 more daily car trips, 100,000 more residents on public transport and 18,000 more public transport passengers arriving in the city centre in the morning peak period.
- 4.1.4 It is clear that a significant reduction in transport emissions will be needed if air quality in Birmingham is to be improved. Bringing about this change will be difficult and will require the promotion of a more sustainable approach to transport in order to reduce emissions and improve air quality.

4.2 Regional Road Transport

- 4.2.1 In relation to transport's contribution to air quality, evidence was presented about the number of licenced vehicles (fleet composition) in 2015 and about some of the work already underway beginning with the revision of City Council policies in relation to the transport system with a view to keeping vehicles moving and with a view to making the transition to a cleaner fleet.
- 4.2.2 There is a close working relationship between the City Council and Transport for West Midlands (TfWM) which is the transport arm of the West Midlands Combined Authority. This includes much



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work being done with TfWM on lower emission vehicles and other new technologies and on the immediate priority of pursuing a number of sites in relation to a Park and Ride Scheme.

- 4.2.3 Work has also started on developing a framework across the West Midlands Combined Authority (WMCA) area. Members were told that The M6 Toll could be better utilised and that TfWM are working with other West Midlands local authorities on various projects including traffic optimisation. Members were told that TfWM are actively lobbying government for the WMCA to be granted permission to manage traffic better at a local level. This would require the WMCA to be given the power to enforce the legislation enacted in Part 6 of the Traffic Management Act 2004 in relation to moving traffic infringements, which would significantly aid traffic management locally. This power has already been granted in London where Transport for London have already been empowered to issue fines for moving traffic violations.
- 4.2.4 TfWM have compiled an analysis of Defra's air quality assessments of the UK's zones that required an air quality action plan to reduce nitrogen dioxide in 2015. The relevant zone for Birmingham is the West Midlands Urban Area which also contains other surrounding areas including the Black Country. The analysis provided some useful comparisons.
- 4.2.5 The evidence provided by TfWM showed that the West Midlands Urban Area ranked:
- Second for total road length exceeding the national air quality objective for nitrogen dioxide. Only the Greater London Urban Area had more road length exceeding the air quality objective.
 - Second for the total road length per square kilometre exceeding the national air quality objective for nitrogen dioxide. Only the greater London Urban Area had more road length per square kilometre exceeding the air quality objective.
 - Fourth for proportion of assessed roads exceeding the national air quality objective for nitrogen dioxide, exceeded only by the Greater London Urban Area, Kingston-Upon-Hull and Coventry and Bedworth zones.
 - Equal fourth for the maximum modelled annual mean (which occurred on the A4400 near to the Mailbox) exceeded only by Greater London Urban Area, West Yorkshire Urban Area, North West and Merseyside and the Eastern Zones.

4.3 Buses

- 4.3.1 The written evidence provided to the Committee on behalf of the West Midlands Campaign for Better Transport referred to the fact that much progress has been made in recent years in improving the quality of bus services within the West Midlands and the fact that much of this progress is due to the fact that a "bus alliance" has been established. This is a partnership between the majority of bus operators in the area including the two largest, National Express West Midlands and Diamond, the West Midlands Combined Authority, the Local Enterprise Partnerships,



local authority highways/transportation departments and Transport Focus. The key objective of the alliance is to improve the quality of bus services in the West Midlands in terms of passenger experience and by providing a more modern fleet.

- 4.3.2 A statutory Quality Bus Partnership Scheme has been established in Birmingham city centre which includes a requirement that the majority of buses going into the city centre should have a minimum emissions requirement of Euro V or newer. This has removed the older, more polluting vehicles from key routes into Birmingham. However, many of these vehicles have now been displaced onto routes in the outer suburbs. One of the aims of the bus alliance is for all bus services in the West Midlands (Birmingham, Sandwell, Solihull, Walsall, Wolverhampton, Dudley and Coventry) to be operated by Euro V or newer vehicles by 2020.¹⁹ Given the air quality issues in Birmingham which have already been evidenced and given the overriding importance of delivering the 2020 target, it would seem desirable for the City Council and the WMCA to seek to accelerate this for routes within the city.
- 4.3.3 Given that the vast majority of routes in Birmingham are still operated by diesel powered buses, the City Council should also seek to work with bus operators to discuss plans to seek to accelerate the introduction of greener vehicles in the city.

4.4 Rail Transport– Birmingham New Street Station

- 4.4.1 In the course of the evidence gathering the issue of the air quality at Birmingham New Street Station was raised and Network Rail attended the March meeting to provide evidence about the air quality monitoring at New Street Station. As part of the recent station redevelopment a new impulse fan ventilation system has been installed which monitors carbon dioxide (CO₂) levels and automatically activates fans which work in conjunction with the wind direction and dependent on the sensor readings. The system allows for different train types as the extraction points are not fixed as they had previously been with the old system.
- 4.4.2 Members were told about the research project which Network Rail have been undertaking with the University of Birmingham to carry out a comprehensive assessment of air quality at Birmingham New Street. The project uses diffusion tubes to measure average CO₂ concentrations on the platforms and station concourse. Personal monitoring was also done with Network Rail staff for one week in January 2017 measuring for black carbon and PM_{2.5}. Data on background city emissions, train operations and weather data was also captured. At the time of giving evidence members were told that the data was being checked and processed with corrections made for calibration and missing data and that the data would be analysed and a report produced by the University of Birmingham over the following few months.

¹⁹“Introduction to the West Midlands Bus Alliance”. West Midlands Combined Authority 2016



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- 4.4.3 The Committee was told that currently the station is served by a mix of rolling stock, of which 694 train services per day (45%) are diesel powered. Future opportunities around orders for the purchase of hybrid trains and opportunities for further electrification were mentioned. There are currently proposals for a Rugeley - Walsall electrification programme which should be fully completed by the end of 2018 which will reduce emissions by 10% which is a substantial reduction. The creation of both West Midlands Rail, a partnership between WMCA, the West Midlands shire counties and the DfT, and Midlands Connect will provide more local influence over decisions on rail services including new rolling stock and infrastructure enhancements.



5 Why do we need to act now?

5.1 Legal action against UK Government

- 5.1.1 ClientEarth brought proceedings against the UK government in the High Court, Court of Appeal, UK Supreme Court and Court of Justice of the European Union over illegal levels of nitrogen dioxide pollution. In 2015 the UK Supreme Court said that in view of ongoing breaches of NO₂ legal limits, which were not projected to stop until in some cases after 2030, the UK Government had to prepare new air quality plans in accordance with Article 23 of the Ambient Air Quality Directive (the Directive), by the end of December 2015. The Directive requires that where limit values (i.e. legal limits) of air pollutants are breached, air quality plans must be prepared containing “appropriate measures so as to keep the exceedance period as short as possible”.
- 5.1.2 As required by the Supreme Court order, the UK Government published a new Air Quality Plan (AQP) in December 2015. However, ClientEarth was not satisfied that the measures included in the AQP were sufficient to meet legal limits in the shortest time possible and so in March 2016 ClientEarth brought new legal proceedings to challenge the AQP in the High Court.

5.2 2016 High Court Judgment

- 5.2.1 In November 2016 the High Court ruled in favour of ClientEarth, declaring that the AQP did not comply with the Directive and ordering that it be quashed.
- 5.2.2 The Court held that the Government must aim to achieve compliance with limit values by the soonest possible date. The Government must take steps to ensure that meeting the value limits “is not just possible but likely”.²⁰ This means that though the Secretary of State can determine the measures to adopt, the measures selected must be both scientifically feasible and effective in achieving compliance.
- 5.2.3 The Court ordered that the 2015 AQP be modified to achieve nitrogen dioxide limits as soon as possible. The modified plans were published in draft in April 2017 for public consultation, along with relevant technical information. The UK air quality plan for bringing nitrogen dioxide air pollution within statutory limits entitled the “UK plan for tackling roadside nitrogen dioxide concentrations” was published in July 2017. The plan requires local authorities to set out initial action plans to achieve statutory NO₂ limits within the shortest possible time, by the end of March 2018. These will be followed by final plans by the end of December 2018.

²⁰ R (ClientEarth) v Secretary of State for the Environment, Food, and Rural Affairs (No2) [2016] EWHC 2740 (Admin), Paragraph 95



6 What can be done to improve air quality?

6.1 Clean Air Zones

- 6.1.1 Mandated Clean Air Zones (CAZs) are areas where targeted types of vehicles are charged to enter an area unless they meet certain emission standards. These were identified as the most effective measure to improve air quality in the 2015 AQP. Five cities, Birmingham, Derby, Leeds, Nottingham and Southampton, were required to implement CAZs by 2020 and there was a requirement for the existing CAZ in London to be improved.
- 6.1.2 Birmingham will be mandated by Government to introduce a CAZ. It is unclear at the moment whether Birmingham will be mandated to introduce a specific category of CAZ and, if so, which category that will be, but the evidence to date has suggested that Birmingham would need to introduce a Category C CAZ with additional measures. As previously set out in paragraph 2.4.3, the Government is requiring the introduction of CAZs where only the cleanest vehicles are encouraged through the use of a charge related to vehicle emissions for the five cities outside London with modelled air quality predicted to exceed the limit values beyond 2020.
- 6.1.3 Members were told that analysis by Defra for the 2015 UK Air Quality Action Plan suggested that in order to achieve compliance with NO₂ limits before 2020 Birmingham would need to introduce a Class C CAZ with additional measures. It is anticipated that these additional measures could include a combination of improved signage and rerouting, switching to different forms of transport such as Park and Ride, road improvements and infrastructure for alternative fuels such as electric vehicle charging points and support for the use of compressed natural gas. A Class C CAZ would not include private cars.
- 6.1.4 The Council is currently preparing a feasibility study to provide an evidence base for the design and development of the CAZ that the Council will ultimately implement. The design process will need to include a thorough assessment of the wider impacts of the CAZ on the city and the final design will need to ensure, as a minimum, that levels of nitrogen dioxide in the city are reduced below the regulatory limit as soon as possible. This will require a combination of transport focused incentives and disincentives to ensure better decisions about the way that people and goods are transported. The study will inform major decisions that will need to be made about the area the CAZ will cover, whether larger static combustion plants which produce a background level of pollution should be included, as was suggested by Birmingham Friends of the Earth in their evidence, what vehicles should be included and how it will be enforced. The importance of taking a city-wide approach to clean air in order to prevent the diversion of traffic and relocation of the problem to areas outside the city centre was emphasised by Birmingham Friends of the Earth in



their evidence to Committee and also by ClientEarth who emphasised that a certain “critical mass” is necessary in relation to the size and location of a CAZ to encourage vehicle upgrade rather than simply exacerbating pollution on the perimeter of the CAZ.

- 6.1.5 The written evidence from ClientEarth suggested that more realistic modelling required following the High Court ruling in November 2016 against the Government's 2015 air quality plan is likely to require CAZs to be mandated in other cities and to include more classes of vehicles. They indicated that in those cities where CAZs have already been mandated, it is likely that they will have to apply to more classes of vehicles in order to achieve compliance as soon as possible.
- 6.1.6 The source apportionment evidence presented by Birmingham Environmental Health and summarised previously in paragraph 2.3.3 shows that the greatest contributors to local NO₂ emission sources are diesel cars followed by diesel light goods vehicles (LGVs). The evidence is that their proportion of the vehicle fleet is growing. There are numerous difficult issues that need to be considered before any decision is made about the design of the CAZ and these will be informed by the evidence from the feasibility study that is currently in progress. However, given the evidence that diesel emissions are a major source of air pollution in Birmingham and given the clear and compelling evidence of the impact that poor air quality has on health, the City Council needs to demonstrate leadership and take ownership of this issue by developing a strategy to address this effectively.

6.2 Clean Air Zone Additional Measures

- 6.2.1 Based on the assumption that Birmingham would be introducing a CAZ which did not include private cars, Defra have initially indicated that the CAZ in Birmingham in isolation is unlikely to be sufficient to achieve compliance and that a number of additional complementary measures will be required in order to achieve compliance by 2020. Defra's initial assessment suggested that these additional measures could be a combination of improved signage and rerouting, switching to different forms of transport (e.g. use of Park and Ride), road improvements, and infrastructure for alternative fuels (e.g. support for the use of compressed natural gas).
- 6.2.2 As part of the feasibility study, an assessment of potential additional measures will be produced to identify the most appropriate package of interventions to support the implementation of the CAZ and to achieve compliance before 2020.
- 6.2.3 TfWM provided evidence to the Committee about a number of additional initiatives that will complement the implementation and success of the CAZ.

Movement for Growth

- 6.2.4 The West Midlands Strategic Transport Plan “Movement for Growth” sets out the long term ambitions for transport in this area. The Plan has been adopted and is now being developed and delivered by TfWM. Making progress to provide clean air and tackling poor air quality are key



The Impact of Poor Air Quality on Health

objectives and promoting clean air and improving public health are at the heart of the vision as stated in "Movement for Growth":

"We will make great progress for a Midlands economic 'Engine for Growth', clean air, improved health and quality of life for the people of the West Midlands."

6.2.5 There are key policy objectives included to tackle poor air quality:

- Policy 9 – To significantly improve the quality of the local environment.
- Policy 10 – To help tackle climate change by ensuring a large decrease in greenhouse gases from the West Midlands Metropolitan Area's transport system; and
- Policy 11 – To significantly reduce diabetes, obesity, respiratory and cardiovascular problems through reduced transport emissions and increased active travel.

HS2 Connectivity Package

6.2.6 Although the delivery of much of the HS2 Connectivity Package is scheduled beyond the implementation of the CAZ in Birmingham, the intention is that once it is delivered, the impact of transport on the environment will be reduced which will help to improve air quality in Birmingham.

The West Midlands Low Emission Bus Delivery Plan

6.2.7 The West Midlands Low Emission Bus Delivery Plan was published in July 2016 and articulates an ambition for delivering low emission buses to help address the region's significant air quality problems. The Plan highlights areas where deployment of low emission buses should be prioritised and sets out a timeline for achieving a reduction in nitrogen oxides emissions by over 90% by 2035.

West Midlands Freight Strategy

6.2.8 Efficient logistics is recognised as a key issue for TfWM. The West Midlands Freight Strategy and Implementation plan helps to give TfWM the tools to work with businesses to provide improved access to the West Midlands by road and rail, new ways of managing deliveries, a range of techniques to reduce emissions, noise and congestion caused by goods vehicles, support for the introduction of very low emissions or zero emissions delivery systems and commitment to deliver these improvements through a partnership with businesses and government.

West Midlands Low Emissions Framework

6.2.9 It has been agreed at WMCA level to progress a number of measures to reduce emissions and TfWM are working with the Low Emissions Towns and Cities Programme (LETCP) which is a partnership of the seven West Midlands local authorities working together to improve air quality and reduce emissions from road transport.

6.2.10 The partnership will explore a wide variety of measures. The aim is to work towards developing and adopting agreed metropolitan wide policies and targets to accelerate the uptake and adoption of Ultra Low Emissions Vehicles (ULEVs) and associated infrastructure which includes increasing hydrogen and gas refuelling opportunities. The work also encompasses looking at Low Emission Zones or Clean Air Zones and the range of issues associated with these. This would include where



appropriate using accelerated timescales to clean up buses, measures aimed at improving traffic management and coordination through a West Midlands Key Route Network, policies and targets for the cleaning of public and commercial fleets, encouraging the wider roll out of Car Clubs and active travel measures, developing the metropolitan Strategic Cycle Network, targeted policies towards zero emission taxi and private hire fleets and exploring Green Travel Districts.

6.3 Wider Actions to address air quality

- 6.3.1 However, improving air quality isn't just about transport policy and infrastructure. Air quality is affected by decisions in many policy areas and improving air quality is a shared responsibility across many Council functions including public health, economic strategy, planning strategy, development control, environmental protection, licensing and public protection, sustainability, energy and procurement.
- 6.3.2 A wider programme of activities and initiatives with partners, stakeholders, businesses and communities will be necessary to bring about the improvements in air quality needed. These could include a range of measures such as awareness raising, implementing recommendations from a review of the Council fleet to promote the rapid phasing out of diesel vehicles, promoting alternative modes of travel with the public such as cycling and walking and promoting the use of and making enhancements to the public transport fleet and working with schools and community organisations.

6.4 Trees and green infrastructure

- 6.4.1 While trees are not a replacement for other strategies to improve air quality, tree planting can be a valuable and cost effective part of an overall package of measures to alleviate air pollution and to mitigate against rising temperatures in cities. Planting, maintaining and replacing of urban trees can absorb air pollution and release oxygen through photosynthesis and improve air quality. A considerable wealth of evidence was presented by Birmingham Trees for Life from studies around the world proving that tree leaves can filter out harmful particulate matter from smoke, pollen and dust and many other pollutants from the atmosphere. For example:

Researchers from Lancaster University placed a screen of 30 trees in planters in front of houses and then looked at the effect on the concentrations of fine particulate air pollutants inside the homes. They reported that, compared to houses without trees, the screened houses showed only half the indoor concentrations of particulate matter, ranging in size from 1 to 10 micrometers (PM_{10} , $PM_{2.5}$ and PM_{10}). Analysis of the trees leaves showed that the surfaces of their leaves were trapping particles similar to those found inside the houses.²¹

²¹ <https://www.accessscience.com/content/urban-tree-leaves-remove-fine-particulate-air-pollution/BR0116141>
<http://pubs.acs.org/doi/abs/10.1021/es404363m>



The Impact of Poor Air Quality on Health

- 6.4.2 The point was emphasised that the retention of mature trees is also crucial to the ability of the tree canopy to contribute to this and that the removal of healthy mature trees and replacement with young trees reduces the ability of the overall tree canopy to trap particulates and absorb NO₂. When considering the approach to the future planning for transport infrastructure, this should include consideration of the wider and longer-term benefits of keeping mature trees and to incorporate appropriate protection for mature trees into any planning permission when giving permission for transport infrastructure. The evidence also referred to other scientific studies showing that the shade cast by trees, in addition to the transpiration of water during photosynthesis, can help to reduce air temperatures.
- 6.4.3 Evidence was also referred to about the many wider benefits to general health and wellbeing of trees, green infrastructure and the wider urban nature network which go beyond alleviating air pollution. These include studies showing that public housing residents with nearby trees and grass were more effective in coping with major life issues compared to those with homes surrounded by concrete, and to studies in Japan of forest walking which have found the effects of improved immune system response, lowered stress indicators, reduced depression and lower glucose levels in diabetics.
- 6.4.4 In the light of the undoubted benefits to people and the environment it was suggested that trees should be included as a part of development opportunities in the city. The broad approach to planning for new developments should incorporate the planting of trees of a suitable species in the right place with careful selection of the spaces to be planted, density of placement of the trees, with provision for appropriate maintenance for a period after planting as a condition of planning for new developments.



7 Support from Central Government

7.1 A Legal Duty

7.1.1 The Government is under an obligation to reduce NO₂ concentrations throughout the country to the legal limits set under Article 23 of the European Ambient Air Quality Directive. The duty is an absolute, unqualified one which was enacted to safeguard human health.

7.1.2 Whilst there is rightly much emphasis placed on action at a local level and there are many local initiatives to tackle air pollution being carried out in our major cities, there are also many issues which are beyond the influence or control of local authorities. This means that our cities need greater leadership and support from Government to tackle the issue effectively. Air pollution is not a problem that local authorities can solve alone.

7.1.3 This was reflected by ClientEarth in their response to the Defra consultation on the implementation of CAZs in England. Their response to Question 3 asking whether there are other positive measures that local or central government could introduce to encourage and support clean air in our cities was:

Yes. This consultation places too much emphasis on the role of local authorities, with little or no additional resources or support from Central Government. Action at the local level needs to be complemented by action by central government, which holds most of the policy levers capable of delivering the necessary step-change.

7.1.4 This view was also supported by Transport for West Midlands in their written response to a question about the potential barriers to CAZs being implemented widely in the city to which the response was:

TfWM believe that Defra's "Implementing Clean Air Zones in England" consultation are [sic] a real missed opportunity to fully promote clean air, as indicted [sic] in the recent consultation response. Greater national action from Government is required in order to help improve air quality.

7.2 Additional government measures

Greater action to reduce the use of diesel vehicles

7.2.1 As was pointed out by ClientEarth in their response to the consultation on the implementation of CAZs in England, action at local level needs to be complemented by action by central government which holds most of the policy levers capable of delivering the scale of change that will be necessary. The Government needs to make greater use of these levers which they control such as reforming fiscal policies like Vehicle Excise Duty and Company Car Tax to provide dis-incentives to purchasing diesel cars to encourage a reduction in the use of diesel vehicles which do not meet the Euro 6 emission standard under real driving conditions. This should include further incentives



The Impact of Poor Air Quality on Health

to encourage the uptake of ultra-low emission vehicles and the City needs to continue to collaborate with other cities to lobby the Government to introduce a Clean Air Strategy with a Clean Growth Plan which provides an appropriate national policy framework for tackling air quality issues.

Encouraging Ultra Low Emission Vehicle (ULEV) take-up.

- 7.2.2 Whilst the additional funding commitments to encourage ULEV take-up made in the 2016 Autumn Statement and the recent funding to support the development of electric vehicle charging infrastructure were welcomed, it is clear that further incentives will need to be provided by Government to encourage ULEV take-up. An improved national Industrial Strategy to build ULEV markets and additional funding to encourage ULEV take-up will be needed. It was suggested that the Government should consider prioritising investment in ULEV technology in cities and city regions, such as the West Midlands, where it can be demonstrated that the investment would help to solve the problem. It was also suggested that the forthcoming national Industrial Strategy should be strengthened to help to transform the UK's vehicle manufacturing industry from producing diesel vehicles to ULEVs quickly to support local requirements in cities where air quality improvements are needed.
- 7.2.3 Both ClientEarth as part of their response to the Defra Consultation on the implementation of CAZs in England and Birmingham Friends of the Earth in their evidence to Committee made the case for the creation of a carefully designed, targeted diesel scrappage scheme to encourage people to exchange their old diesel vehicles. ClientEarth suggested in their consultation response that this could potentially be focused on drivers who are on low incomes and/or who have no alternative to driving their vehicle in a CAZ so that the scheme does not penalise those motorists least able to afford to change to less polluting vehicles. The City Council needs to respond with demonstrable proposals to the forthcoming government consultation on diesel scrappage schemes.

Funding for local action

- 7.2.4 Whilst local action is needed and there is a significant role for local authorities in tackling air quality locally, these additional demands are being placed on local authorities at a time of diminishing local authority financial resources. Implementing, operating, enforcing and monitoring a CAZ present a considerable financial cost to local authorities. This is coupled with wider resource and skills shortages given the challenge facing cities with air quality and the scale of action which is likely to be needed. This needs to be taken into account and factored into any plans with Government and local government working collaboratively to ensure resources are targeted effectively and that any action taken offers value for money. In their evidence to the House of Commons Environment, Food and Rural Affairs Committee Report on Air Quality, which was published in April 2016, ClientEarth calculated that Clean Air Zones would cost councils £24 million to establish while government grants only represented a small fraction of that.
- 7.2.5 Councils will be permitted to set charges for CAZs so as to recoup costs but not to raise additional revenue, but no assessment is available at this stage about the possible level of charge that would fully cover the costs of operating the scheme or be acceptable to local communities. In order for



local programmes to cut pollution to be successfully implemented, Councils need to be given support to implement these programmes and should be recompensed for the costs of implementing CAZs which they can't recover from imposing reasonable charges on drivers. Additional funding is being made available from central government for local authorities to cover the implementation costs and any other ongoing operational costs of CAZs. The City needs to be able to demonstrate that it is accessing appropriate funding as set out in the "UK plan for tackling roadside nitrogen dioxide concentrations" and also to demonstrate that any additional measures taken, which may include charging owners of non-compliant vehicles, are based on evidence provided through a local feasibility study.

- 7.2.6 The use of national frameworks wherever possible could also provide support for local authorities and help to improve the effectiveness of CAZs. One example suggested by ClientEarth was a "clean car" label that identifies whether or not cars actually meet emissions standards when driving on the road which would help to guide consumer choice and could also improve the effectiveness of CAZs. The development of standardised signage and other equipment which could be used by local authorities in any CAZ would also help to reduce costs for local authorities and would also ensure more coherence, consistency and public understanding.

National Strategic Highway Network

- 7.2.7 The West Midlands motorways in general are a main source of exceedances for the WMCA area and the M6 is a major source of air quality emissions with the vast majority of traffic undertaking non-local trips. The M6 motorway has sections which carry 130,000 vehicles per day and estimates are that as many as 60% of all these trips are undertaking strategic journeys which either pass through the West Midlands or have a destination outside the West Midlands. Local Highway Authorities have very limited influence to be able to mitigate these emissions and Highways England and the Department for Transport needs to play a stronger role in relation to air quality exceedances on the strategic highway network.



8 Conclusion

- 8.1.1 The impact of poor air quality on health and the need to take action urgently to tackle the problem is becoming increasingly clear. The evidence demonstrates that poor air quality is a major public health issue. In Birmingham, Public Health estimate that poor air quality causes approximately 900 premature deaths a year. It is rapidly becoming clear that exposure to air pollution is associated with a much greater public health risk than had previously been understood and evidence about associated adverse health effects is emerging all the time.
- 8.1.2 There is also growing recognition that air quality is a major cross-cutting issue. It has a wide impact and any effective response to the issue will require a joined-up approach across a number of Council areas of responsibility. It will also necessitate joint working together with communities, businesses and other partners across the city and across the wider West Midlands region with the West Midlands Combined Authority and the West Midlands Mayor.

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

Motion

That the recommendations R01 to R15 be approved, and that the Executive be requested to pursue their implementation.



Appendix: Contributors

The Committee would like to thank all those who have taken the time to contribute to this inquiry.

Contributor	Organisation
Kevin Blacktop	Senior Research and Development Specialist, Network Rail
Kevin Chapman	Chair, West Midlands Campaign for Better Transport
Dr Chris Chiswell	Consultant in Public Health Medicine, Birmingham Children's Hospital NHS Foundation Trust
Nigel Cripps	Member of the public
Alec Dobney	Unit Head, Environmental Hazards & Emergencies Dept., CRCE, Public Health England
Karen Exley	Senior Environmental Public Health Specialist, Air Pollution & Climate Change Unit, CRCE, Public Health England
Jane Harding	Project Manager, Birmingham Trees for Life
David Harris	Transport Policy Manager, Birmingham City Council
Libby Harris	Birmingham Friends of the Earth
Adam Harrison	Senior Policy Officer, Transport for West Midlands
Dr Wayne Harrison	Assistant Director of Public Health, Birmingham City Council
Kris Jeffrey	Occupational Health, Network Rail
Andrea Lee	Healthy Air Campaigner, ClientEarth
Simon Needle	Birmingham Trees for Life
John Newson	Birmingham Friends of the Earth
Paul O'Day	Street Services Manager, Birmingham City Council
Patrick Power	Station Manager, New Street Station, Network Rail
Cllr Victoria Quinn	Birmingham City Council
Anne Shaw	Assistant Director, Transportation & Connectivity, Birmingham City Council
Kath Taylor	Ecosutton
Cllr Lisa Trickett	Lead Cabinet Member for Reducing Air Pollution, Birmingham City Council
Mike Waters	Head of Policy & Strategy, Transport for West Midlands
Cllr Fiona Williams	Birmingham City Council
Mark Wolstencroft	Air Quality Lead in Environmental Protection, Birmingham City Council

BIRMINGHAM CITY COUNCIL

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

23 OCTOBER 2017
LONGBRIDGE

BIRMINGHAM CITY COUNCIL ACT 1990
ESTABLISHMENTS FOR MASSAGE AND/OR SPECIAL TREATMENTS

BIRMINGHAM THAI THERAPY, 1159 BRISTOL ROAD SOUTH, NORTHFIELD,
BIRMINGHAM B31 2SL

GRANT OF LICENCE

1. Summary

- 1.1 Anyone conducting an establishment for treatment by way of massage, solaria, jacuzzi, sauna, steam treatment, aromatherapy and other similar types of treatment is required to be licensed.
- 1.2 Each premises is subject to an inspection by a Licensing Enforcement Officer and there is consultation with the West Midlands Police concerning the suitability of applicants.
- 1.3 An application has been received for the grant of a licence for the provision of massage at Birmingham Thai Therapy, 1159 Bristol Road South, Northfield, Birmingham B31 2SL.
- 1.4 Paragraph 5 of this report outlines the criteria for consideration of a Massage and Special Treatment Licence.

2. Recommendation

- 2.1 That Committee is requested to consider and determine the application for the grant of a Massage & Special Treatment licence in accordance with the provisions of Birmingham City Council Act 1990 and having regard to the options contained in paragraph 6.1 of this report.

Contact officer: David Kennedy, Principal Licensing Officer
Telephone: 0121 303 9896
Email: david.kennedy@birmingham.gov.uk

3. Background

- 3.1 Patricia Ballinger t/a Birmingham Thai Therapy, 1159 Bristol Road South, Northfield, Birmingham B31 2SL applied for the grant of a Massage and Special Treatment Licence to permit the provision of massage at the premises between the hours of 10am and 8pm Monday to Sunday. A copy of the application is attached at Appendix 1.
- 3.2 Representations have been received from a member of the public and a Licensing Enforcement Officer copies of which are attached as Appendices 2 and 3 respectively.
- 3.3 A copy of Birmingham City Council's standard conditions relating to Massage and Special Treatment Licences is attached at Appendix 4.
- 3.4 Ms Ballinger has been invited to attend the Committee meeting in support of her application and to respond to any questions members may have.
- 3.5 The objector and Licensing Enforcement Officer have also been invited to attend the Committee meeting in support of their representations and to respond to any questions members may have.

4. Consultation

- 4.1 The applicant was required to advertise the application by displaying a notice on or near the premises for a period of 21 days and serve notice of their application to the Chief Constable of West Midlands Police.
- 4.2 In addition, upon receipt of an application the Licensing Section consults with the relevant Local Policing Unit, the Licensing Enforcement Team and also notifies the appropriate Ward Councillors.
- 4.3 A representative of West Midlands Police Licensing Team has confirmed that they have no objections to the grant of a licence.

5. Matters for Consideration

- 5.1 The Committee is advised that the Birmingham City Council Act specifies the following grounds for refusal of an application for the grant of a licence in the case of:
 - a) any person under the age of 21;
 - b) any person who has been convicted of an offence under the Sexual Offences Acts 1956 to 1976 or the Street Offences Act 1959 or who may be otherwise unsuitable to hold such a licence;

- c) any premises which are unsuitable for the purposes of an establishment for massage or special treatment or in which the accommodation or provision for such treatment is not reasonably adequate or suitable;
- d) any establishment which has been or is being improperly conducted;
- e) any establishment in which adequate professional, technical or other staff is not available for the administration of such massage or special treatment as may there be provided; or
- f) any establishment which is being carried on in contravention of the provisions of this Act or any byelaw made there under.

5.2 Having considered the application, the representations received and having heard from all parties present at the hearing the Committee is required to determine the application for the grant of a Massage and Special Treatment Licence.

6. Options Available

6.1 The Committee may:

- 6.1.1 Grant the licence subject to compliance with the standard conditions of licence.
- 6.1.2 Grant the licence subject to compliance with the standard conditions of licence and / or the imposition of other terms, conditions or restrictions as the Committee may consider appropriate.
- 6.1.3 Refuse the licence. The Committee may not refuse the application without first giving the applicant an opportunity of appearing before and being heard by a Committee of the Council, and if so required by him, the Council shall within 7 days after their decision give him notice thereof containing a statement of the grounds on which it was based.

7. Right of Appeal

- 7.1 The Act provides that any applicant for the grant, renewal or transfer of a licence has a right of appeal against decisions to refuse to grant, renew or transfer a licence to the Magistrates Court.
- 7.2 The Act also provides that any applicant who is aggrieved by the terms, conditions or restrictions on or subject to which the licence is granted or renewed has a right of appeal to the Magistrates' Court.

- 7.3 Any such appeals to be lodged within 21 days beginning with the date on which they are notified of the decision in writing.

8. Implications for Resources

- 8.1 A fee of £196 is payable for the grant of a Massage and Special Treatment Licence to permit the provision of one treatment.

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

9. Implications for Policy Priorities

- 9.1 The work identified in this report is consistent with our mission statement being locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading City for residents, business and visitors.

10. Public Sector Equality Duty

- 10.1 No specific implications have been identified. Officers have considered the Public Sector Equality Duty in accordance with the provisions of the Equality Act 2010 and determined that there are no Equality and Diversity implications in respect of their report because of the nature of the recommendation.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background papers: nil

MST 1/25

BERMINGHAM CITY COUNCIL ACT 1990

Application for a Licence to use any Premises as an Establishment for Massage and/or Special Treatments

1. Trading Name of Massage/Special Treatment Business:

Birmingham Thai Therapy

Address of Business: 1139 Bristol Road South, Nechells

Birmingham, B51 2SL

Tel No.

2. Is the application being made by an individual: ☒ (go to Q 3)
 or on behalf of a partnership ☐ (go to Q 4)
 or a company? ☐ (go to Q 4)

INDIVIDUAL APPLICANT'S DETAILS

3. Full name of the Applicant: Felicia Gailinger

(Any former names must also be given).

Home Address of the applicant

Date of Birth

National Insurance no. or the EU Member State equivalent

Contact tel. no (during normal office hours)

Address you wish any correspondence to be sent to: FAO - Nicola Stanbury, Harrison Clark Rickards

6 Darnley Way, Walsley, WUL 2JG

COMPANY/PARTNERSHIP APPLICATION DETAILS

4. Name of Company and company registration number (where applicable)

Address

If the applicant is a company, complete the details below in respect of each of the directors, the company secretary or other persons responsible for the management of the company. In the case of a partnership, details of all the partners must be given.

Name	Address	Designation	DCC
			REGISTRATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 24 JUL 2015
			REF NO 000484/000270 INITIALS WJ C/C £196.00

GENERAL DETAILS OF THE APPLICATION

MST 1/25

The following questions are to be answered by all applicants

5. Is this application for a
Grant ☒ or a Renewal ☐ or a Transfer ☐ or to add further treatments ☐
If renewal give the date existing licence is due to expire:
6. For what activities is the licence required?
Massage ☒ Sauna ☐ Sole/sauna bed ☐ Spa/baths etc ☐ Steam treatment ☐
If any other treatment, please give details:
7. Will the massage or special treatment be available specifically for;
Males: ☐ Females: ☐ Both: ☒
8. Give details of the time during which it is proposed that the premises shall be open.
i) Days of the week: Monday to Sunday (Inclusive)
ii) Hours of the day: 10am - 8pm
NB. Treatments shall be permitted only between 6am and 12 midnight on any day
9. Are the whole premises described above to be used for massage/special treatment?
Yes ☒ No ☐
10. If the answer to question 9. above, is 'No', please state:
i) Which part of the premises is to be used for the purposes of the licence?
.....
ii) What are the rest of the premises used for?
.....
11. Are the premises leasehold? Yes ☒ No ☐
Are the premises freehold? Yes ☐ No ☐
Please give the name and address of the landlord or of the freeholder:
T & P Properties, 20 Kent Road, Southmead, Redditch, B97 4PC
.....

12. State the full name(s) and address(es) of the owner(s) of the massage/special treatment business, if different to the applicant.

.....

.....

.....

13. If there is to be a manager responsible for the premises in the absence of the licence holder, please supply the following details:

First Name	Surname	Former Name (if any)	Permanent Address	Date of Birth

14. Please give details of ALL persons who will be administering treatment (whether qualified or not)

Full Name	Address
<p>Singha Wilkink</p> <p>Thip Duth Natchanun Pengseng</p>	

NB - For each person detailed above you must complete a personal details form (document ref MST 6/2) and submit all completed forms with this application

15. Please give details of involvement with any other message or speech treatment establishment and also the nature and extent of such interest, either as:

a) owner or director of such company: None

or

b) employee: None

16. Has the applicant or any persons named of this form any convictions/cautions? Yes ☐ No ☒

If so, please give details below (road traffic convictions/endorsements need not be stated).

Convictions:

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

Cautions:

First Name	Surname	Former Name (if any)	Offence	Date	Where Caution Administered

(If necessary, please continue on a separate sheet)

DECLARATION**To be completed by Applicant:**

I declare that the information given above is true and correct to the best of my knowledge and I understand that if I provide any false information or intentionally withhold any relevant information, I am liable to prosecution.

Signed: Date of Application:/...../.....

Name (PLEASE PRINT)

Job title

ND: If the application is on behalf of a company, the Company Secretary, or Director of the company should sign the above declaration. If any person signs the declaration on behalf of an applicant, please state in what capacity you are signing.

If completed on behalf of an Applicant please complete the following:

I can confirm that the details given on this form are as stated by the applicant and are correct to the best of my knowledge.

Name (Full name) Nickie Stenebe

Organisation Horizon Clark Rickways, 6 Deansway, Wombourne, WYR1 2JG

Relationship to Applicant (eg Solicitor, Employer) Solicitor for the applicant

Signature Date 28/07/2019

Completed Applications should be returned to:

Birmingham City Council
Licensing Section
P.O. Box 17013
Birmingham
B6 8ES
Email: licensing@birmingham.gov.uk

Checklist for Applicants

Have you remembered to:-

Enclose cheque/payment

☐ To pay by credit card

Sign application form

☒

Send Notice of Application to WM Police

☒

Enclose completed Personal details form

for each Person listed in section 14

☒

Display Notice of Application (grant only)

☒

Electrical Certificate (required for grant & renewal)

☐

Message only

Birmingham City Council Act 1990 - Massage and Special Treatments Licence

Personal Details Form

Trading Name and Address of Massage and/or Special Treatment Premises:	BIRMINGHAM TAI THERAPY
Full name of person giving treatment (Please give former names if any):	THIP PUSIN NATCHANIN PENGSENG
Address:	
Postcode:	
Age:	
National Insurance Number:	
Date and Place of Birth:	
Qualifications to give the treatments:	Thai Traditional Massage REN FROM TREATMENT
Name and Address of College/Organisation:	WAT PO TRADITIONAL MEDICAL SCHOOL THAILAND

I consent to the information provided on this form being exchanged with other agencies in the interests of enforcement and protection of public funds

Signature:

Dated: 27/06/17

This form is to be completed for each person providing treatments under the Birmingham City Council Act 1990. It must be signed by the individual named on the form.

Completed Forms should be sent to:

Birmingham City Council
Licensing Section
P.O. Box 17013
Birmingham
B6 9ES

Birmingham City Council Act 1980 - Massage and Special Treatments Licence

Personal Details Form

Trading Name and Address of Massage and/or Special Treatment Premises:	BIRMINGHAM THAI THERAPY
Full name of person giving treatment (Please give former names if any):	Singthip Williams
Address:	
Postcode:	
Age:	
National Insurance Number:	
Date and Place of Birth:	
Qualifications to give the treatment:	Thai massage certificate 150 hr
Name and Address of College/Organisation:	Tekasat College Phanakhan Phanom Thailand

I consent to the information provided on this form being exchanged with other agencies in the interests of enforcement and protection of public funds

Signed:

Dated: 26/6/07

This form is to be completed for each person providing treatments under the Birmingham City Council Act 1980. It must be signed by the individual named on the form.

Completed Forms should be sent to:

Birmingham City Council
Licensing Section
P.O. Box 17013
Birmingham
B6 8E8

BRISTOL RD STM
NORTHFIELD
BIRMINGHAM B31

16.8.17

RE THAI ORIENTAL

Dear Sir/Madam,

I am writing to object to a license being granted to the Thai Oriental at 1159 BRISTOL RD SOUTH NORTHFIELD. My objection is based on the fact that I know that this establishment isn't just offering massage, but also offering sexual favours to men.

It is now common knowledge in the area that this is the type of establishment that it is, and we have had men come into my studio: ^{telling me that} they've had 'bliss' in there. Only men go there, and they park over the road and sleepily enter the premises, and there's frequently a sign stating that all the girls are busy until such a time as stated.

It's lowering the tone of the area, and
P.T.O

bringing what is a nice area down.

Even the lady from the council told me months ago "I know it's a knocking shop, and you know it's a knocking shop, but I can't prove it!"



**Birmingham City Council
Licensing Service**

- Birmingham Thai Therapy, 115B Bristol Road South, Northfield, B31 2SL

Introduction

Patricia Ballinger is the applicant for a Massage and Special Treatment Licence in respect of the above premises. The premises are currently not trading. I met with the applicant on 23rd August 2017 at the premises and we discussed the conditions that are attached to the licence once issued and must be complied with. Ms Ballinger advised me that she is in the process of buying the business from Jayne Wojtasik but didn't want to complete the purchase until she is sure that she would be issued with a licence.

Ms Ballinger has never held a licence or worked within the Massage and Special Treatments sector previously, she states that her friend Wan who she has known for a number of years let her know about the business opportunity and provided her with some details of therapists who she has spoken with and nominated on the application.

Matters For Consideration

Licensing Enforcement have had concerns with the premises previously which ultimately led to the previous applicant withdrawing their application for Massage and Special Treatments following an objection to the application by Licensing Enforcement as we could not be sure that the premises were not being used for illegal or immoral purposes.

I have informed Ms Ballinger of our previous concerns with the premises, she has made assurances that she is in no way connected to the previous applicants and will ensure that unlawful activity will not take place.

Licensing Enforcement Recommendations

If committee are minded to grant the licence we recommend that an unannounced inspection be conducted once the premises are trading to ensure compliance with the conditions.

Sarah Lavender

Licensing Enforcement Officer

Regulation and Enforcement

Licensing Section

P.O. Box 17013

Birmingham

B6 9ES

Tel. 0121 303 9731

sarah.lavender@birmingham.gov.uk



MST 4.7 (01.11.2007)

BIRMINGHAM CITY COUNCIL ACT 1990
CONDITIONS OF LICENCE
MASSAGE AND SPECIAL TREATMENT ESTABLISHMENTS

THE LICENSEE

1. Treatments that are covered by the Birmingham City Council Act 1990 which are not specified on the licence shall not be offered.
2. The establishment shall trade at the address specified in the licence, and in the name specified in the licence.
3. The Licensee shall notify the Council in writing, within 7 days, of any change in the name or private address of the Licensee.
4. The Licensee, if a company, shall notify the Council in writing, within 7 days, of any change in the names of directors of the company.
5. Unless the Licensee has written consent of the Council they shall not:
 - a) employ anyone at the premises whose licence has previously been revoked or who has been refused a licence where they were unsuitable to hold a licence;
 - b) employ anyone at the premises where the Council has previously considered that individual to be unsuitable because of misconduct; or
 - c) permit any such person mentioned in a) or b) above to directly or indirectly have an interest in the business carried on at the premises;
 - d) employ any person in the conduct of the establishment under the age of 17.
6. Treatment shall only be given by persons approved by the Council or under the supervision of a person approved by the Council.
7. The Licensee shall ensure that all persons approved by the Council to offer treatments shall display at the premises all certificates of recognised qualifications in respect of the services permitted by the Licence.
8. The Licensee must display, in a prominent position within the premises, the Licence issued by the Council

9. The Licensee shall at all times exhibit, in a conspicuous position, a complete scale of fees for treatments given at the premises.
10. The Licensee shall notify the Council, within 7 days, any change to the list of persons engaged in the provision of massage or special treatment at the establishment. If the change relates to the addition of a new person then notification must be by completion and submission within 7 days of Document MST6.1.
11. The Licensee shall notify the Council in writing within 7 days of any conviction received by him/her in respect of any offence of dishonesty or immorality.
12. The Licensee shall not permit the establishment to be used for any illegal or immoral purpose.

THE PREMISES

13. The premises and any treatment room or waiting room must be kept clean and maintained in good repair and condition.
14. There shall be adequate lighting and ventilation to any treatment or waiting room, either by natural or artificial means.
15. Readily accessible wash hand basins must be provided for any treatment rooms.
16. There shall be provided for each wash hand basin, hot and cold water, soap, a nail brush and clean hand drying facilities.
17. There shall be provided in every treatment and waiting room suitable and sufficient means for heating and a reasonable room temperature shall be maintained.
18. Suitable and sufficient toilet accommodation must be available for employees and clients.
19. The Licensee shall ensure compliance at all times with the relevant provisions of the Health and Safety at Work Act 1974 and shall at all times take reasonable precautions to ensure the safety of clients whilst in the premises.

CUSTOMER CARE

20. Where it is intended that more than one person shall be treated in the same room, suitable screening shall be provided to maintain privacy.

21. All instruments, towels, materials and equipment used in connection with the establishment shall be thoroughly cleansed prior to use by, or application to any client and there shall be provided proper means for securing the cleansing of all such instruments, towels, materials and equipment.
22. The Licensee shall ensure that all persons present in any part of the establishment are decently and properly dressed at all times, except for those persons receiving treatment in accordance with the conditions of this Licence.
23. Adequate changing accommodation shall be provided.

RECORDS

24. The Licensee shall keep and maintain:
 - a) A record of all persons employed for administering treatment, whether qualified or not, with details of their full name, date of birth, private address, national insurance number, signature and qualifications where applicable.
 - b) A daily register of all staff administering treatment shall be maintained; the register shall record the start and finish time of each therapist.

The above records shall be kept on the premises named on the licence at all times, and shall be immediately available for inspection, by an authorised officer, during opening hours.

No person shall make a false entry into any records required to be kept as a condition of the licence.

CONDUCT OF BUSINESS

25. The Licensee or a responsible person nominated by the Licensee, in writing to the Licensing Section, must be on the premises and in charge of the establishment and immediately contactable by an authorised officer at any time during the permitted hours of opening.
26. The Licensee must ensure that the nominated person is fully aware of the Conditions of Licence, particularly those relating to the maintaining of records.
27. The Manager or other person directly or indirectly responsible for the management of the premises shall be under the same obligation as the Licensee to comply with these conditions.

PERMITTED HOURS

28. The services provided by this establishment shall be permitted only between the hours of 6.00 am and 12.00 midnight on any day. (Please note that the hours permitted by this licence do not override any restrictions imposed by any planning consents for the premises.)

SAFETY OF EQUIPMENT - ELECTRICAL CERTIFICATE

29. The Licensee shall on application for renewal of this Licence submit to the Council a certificate signed by a competent electrician certifying the safety of all electrical installations, equipment and electrical apparatus used within the establishment for the purposes of the Licence.

SPECIFIC CONDITIONS RELATING TO MASSAGE

1. All massage rooms/areas shall contain a suitable massage couch/bench/table. (Four Poster beds, or beds designed for the purpose of sleeping shall not be permitted.)
2. There shall be no advertisement in words or pictures suggesting that there is an erotic element in the treatment provided.

SPECIFIC CONDITIONS FOR SUNBEDS AND SOLARIA

1. See Appendix A attached.

SPECIFIC CONDITIONS FOR SUNBEDS AND SOLARIA

Each premises licensed to provide facilities of ultra violet tanning equipment, sun beds and tanning booths shall ensure compliance with the following conditions:

1. The Licensee shall draw up a schedule of maximum exposure times based on the information supplied by the manufacturer and the operator shall advise clients of suitable exposure levels to avoid over-exposure particularly during initial sessions.

Notice

2. Warning notices and guidance notes issued by the Health and Safety Executive shall be clearly displayed near the machine informing users of the equipment of the danger of over-exposure.

Safety Equipment

3. Suitable goggles for the protection of the eyes of users of the equipment must be provided and each user must be advised of the dangers of failing to properly protect the eyes from ultra violet light. No user of the equipment should be allowed to undertake treatment without such protection.
4. A suitable readily identified emergency device shall be fitted within easy reach of a person using the equipment. The device, when operated, should switch off ultra violet lamps and summon assistance.
5. Equipment must be situated in a suitable room or cubicle and so positioned that adequate ventilation and cooling is provided. The operation of the equipment must not result in the temperature in the treatment room becoming unreasonable.

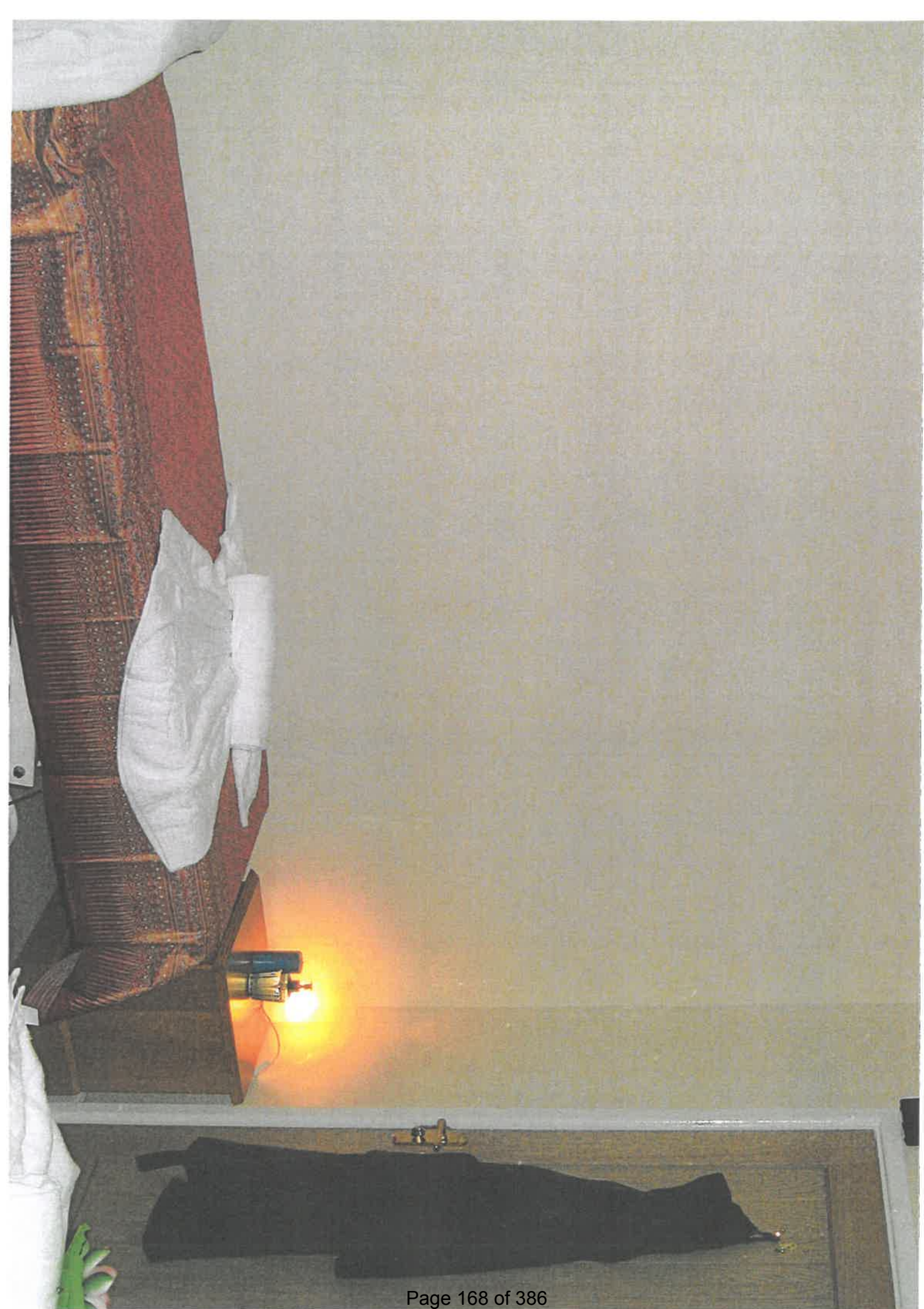
Cleaning

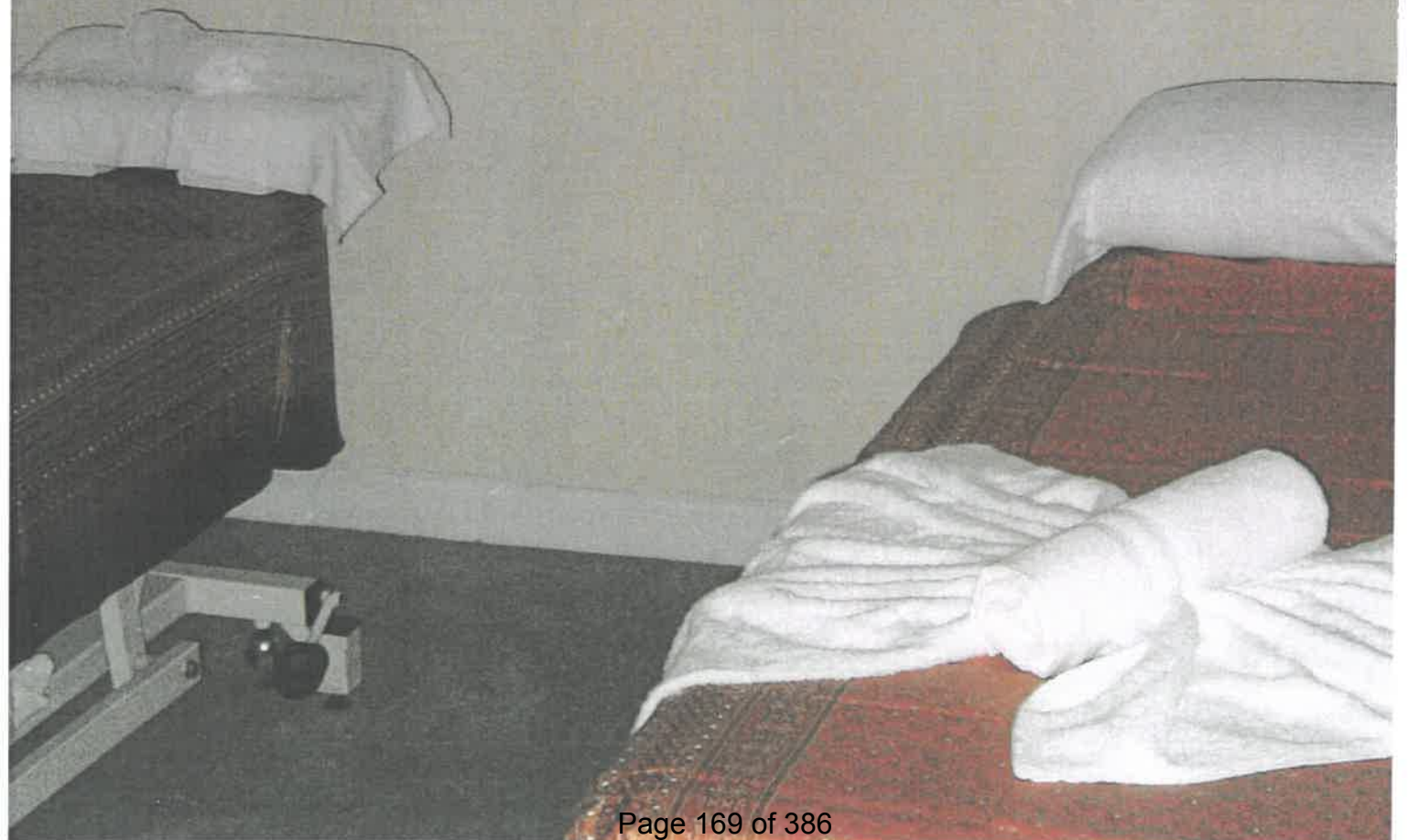
6. The licensee must have procedures in place to ensure that the surface of the bed is cleansed, between each client use, with a suitable cleanser as recommended by the manufacturer of the appliance.

Safety of Users

7. The Licensee must have procedures in place to ensure that prospective users of sun beds are made aware, on each visit, that certain medical conditions or medicines that are combined with exposure to UV light can have an adverse effect on the health and safety of the user.
8. The Licensee must have procedures in place to ensure that prospective users of sun beds are provided with clear and concise information for:-
 - Guidelines on how to identify individual skin types
 - Safe limits for using a sun bed without burning, to include an understanding that there must be 48 hours between tanning sessions and not to exceed more than 20 tanning sessions per year
 - Informing users whenever the lamps have been changed in the previous 2 weeks, thus making the sun bed more powerful.





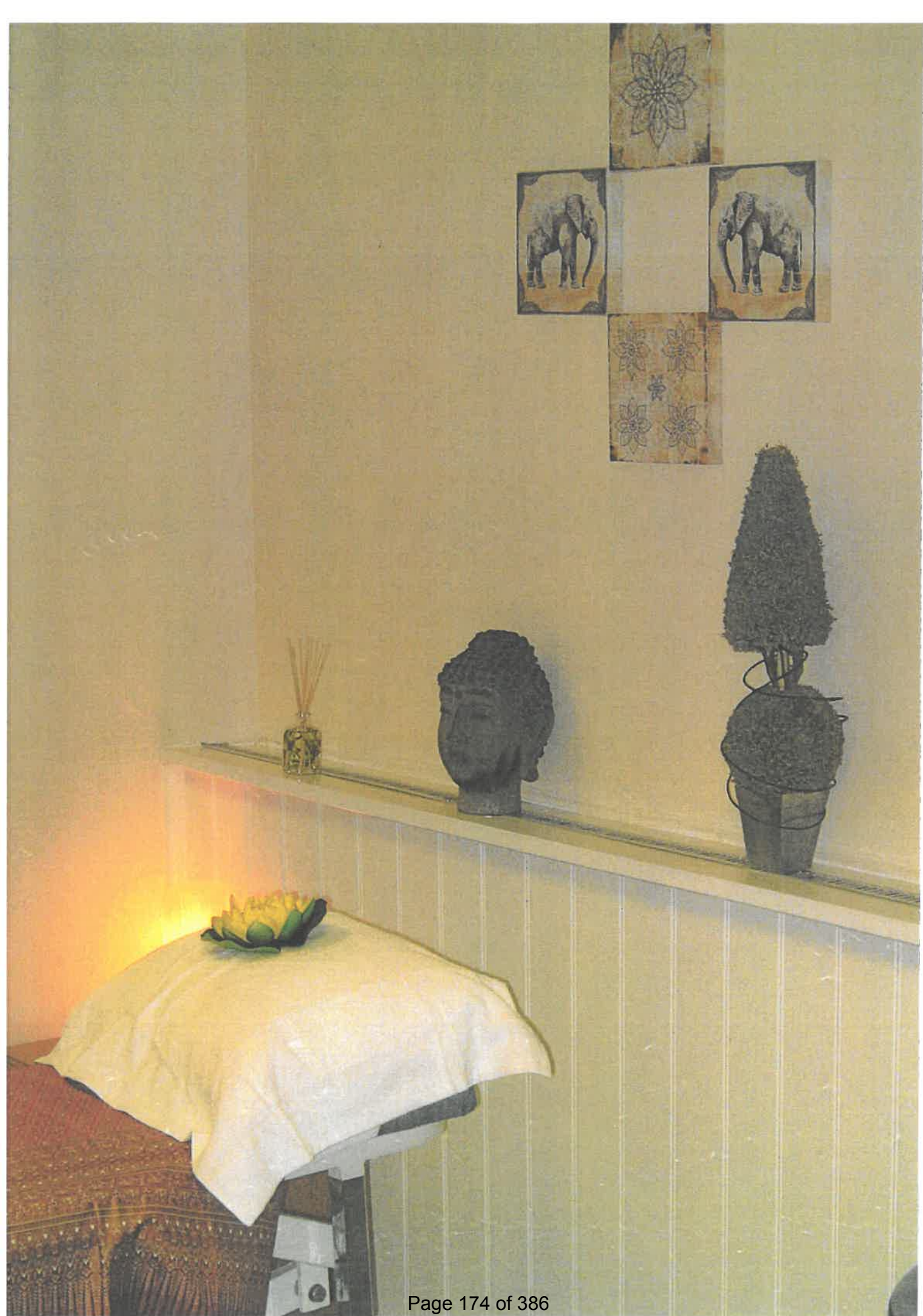




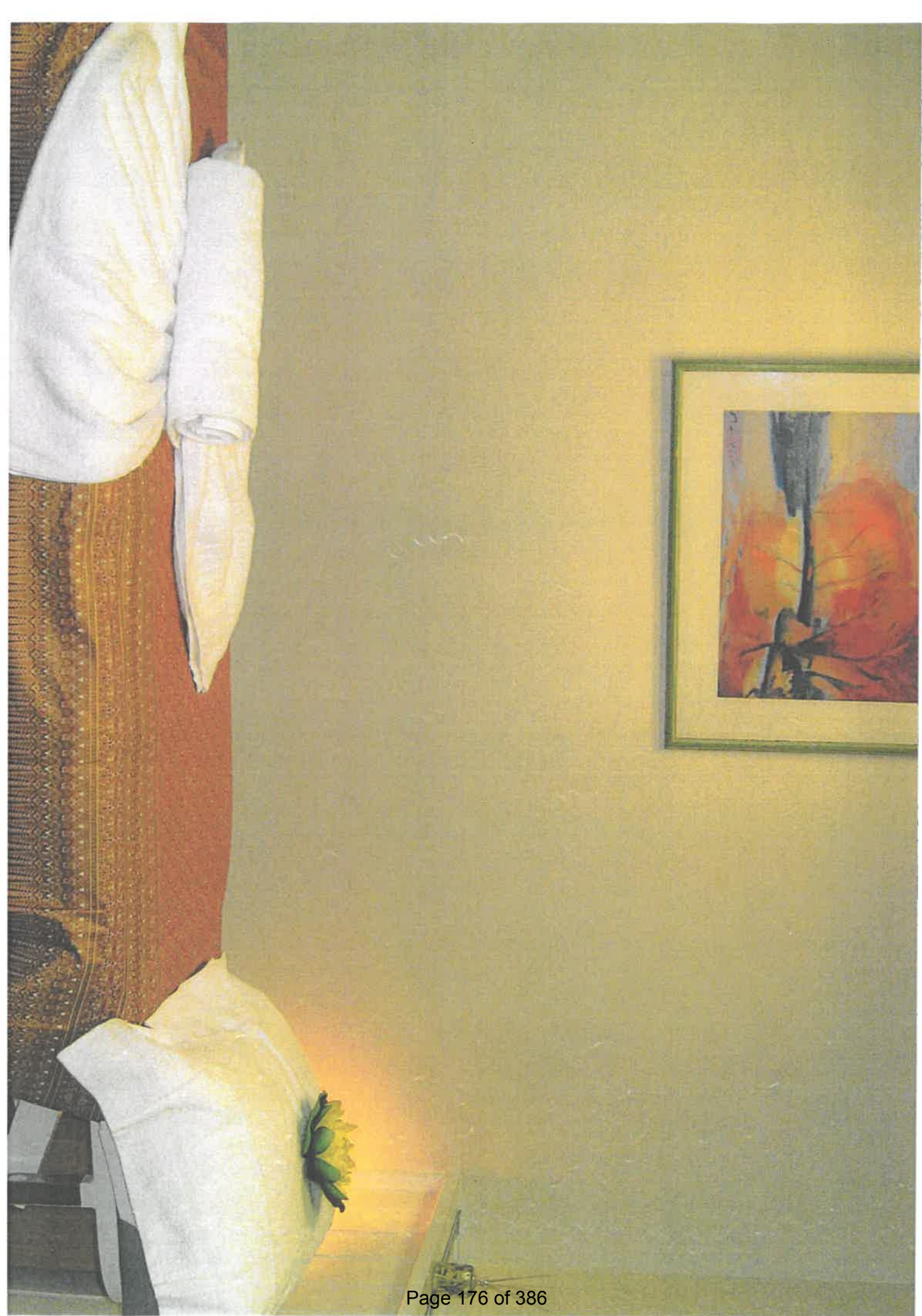


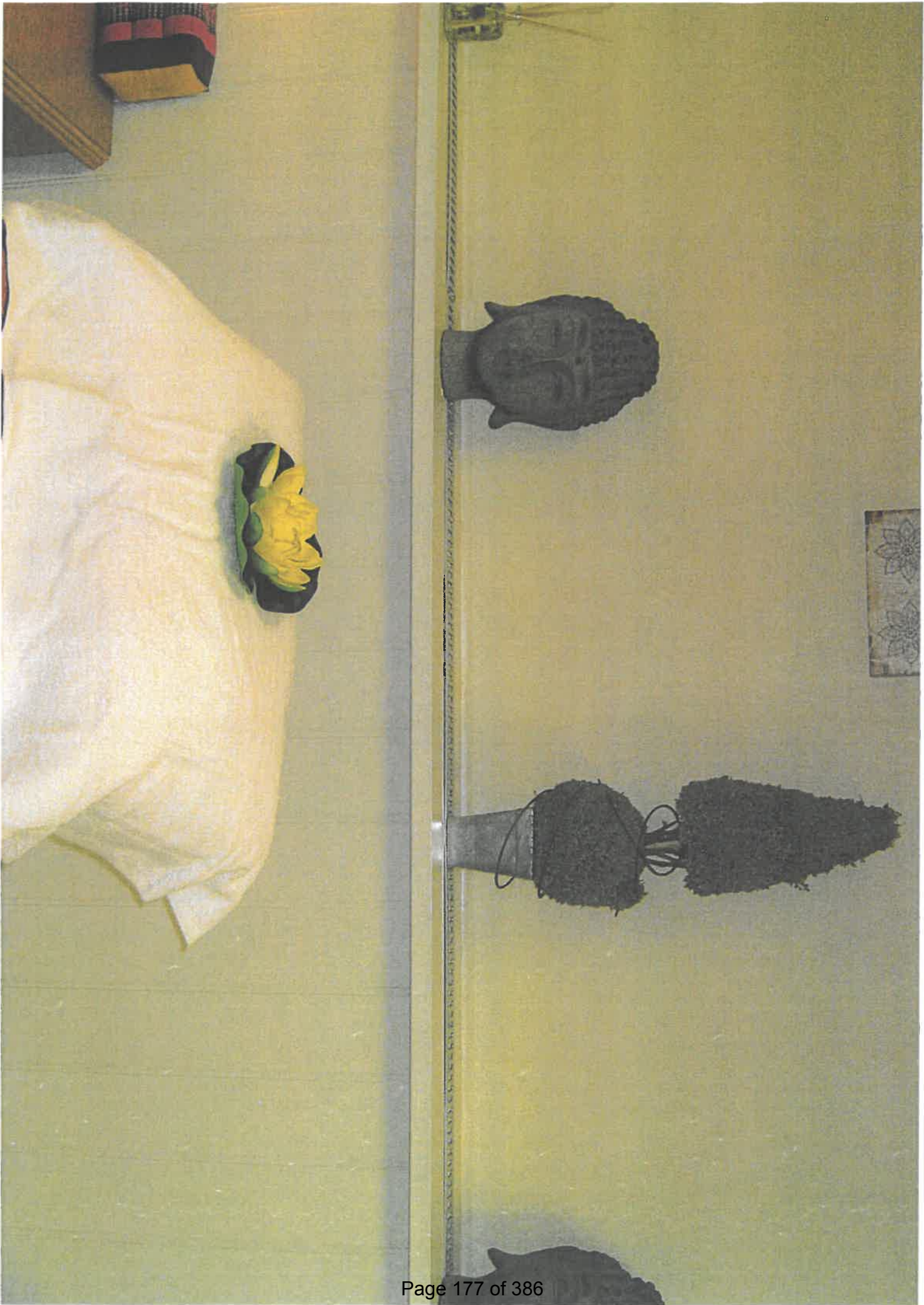


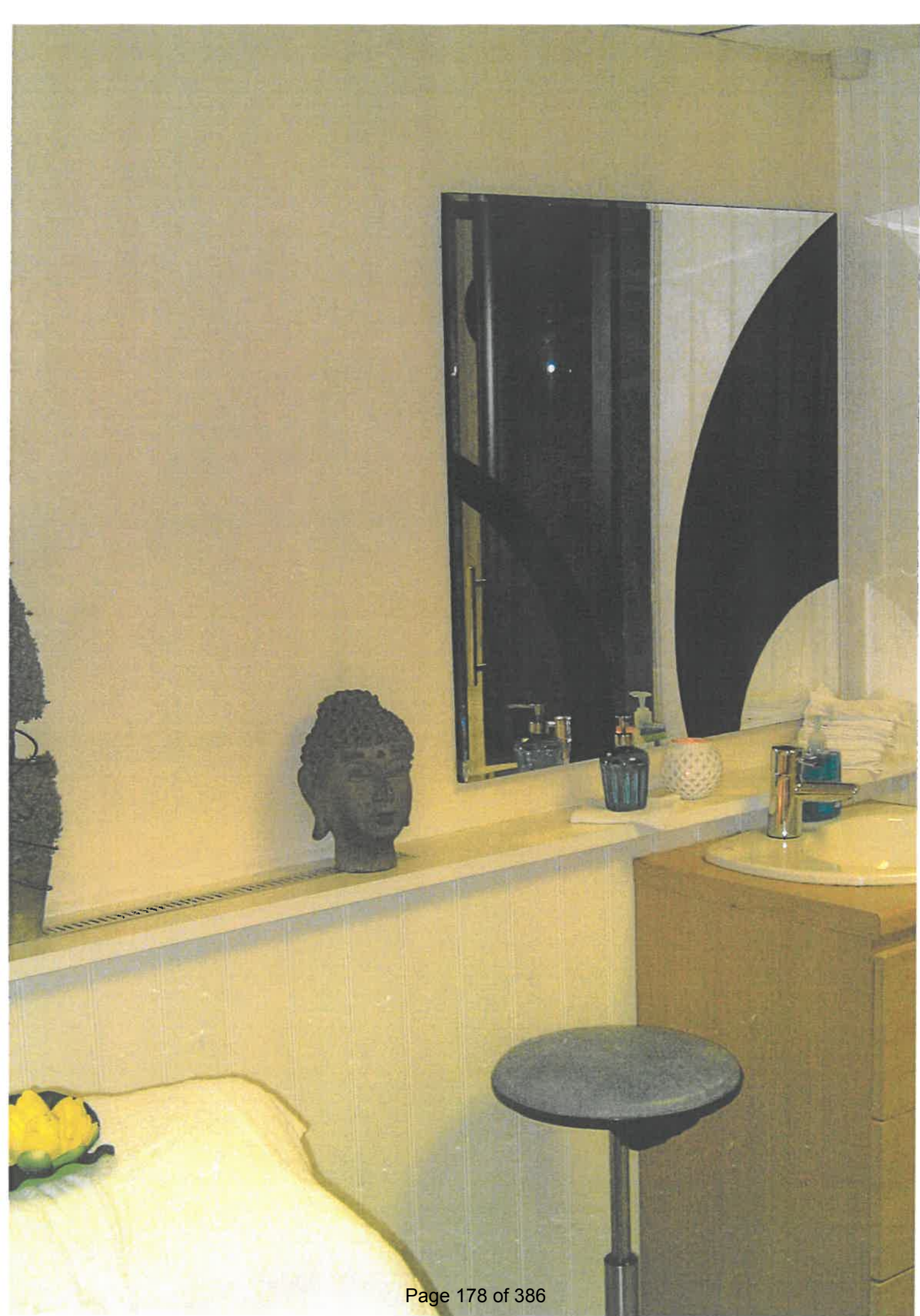


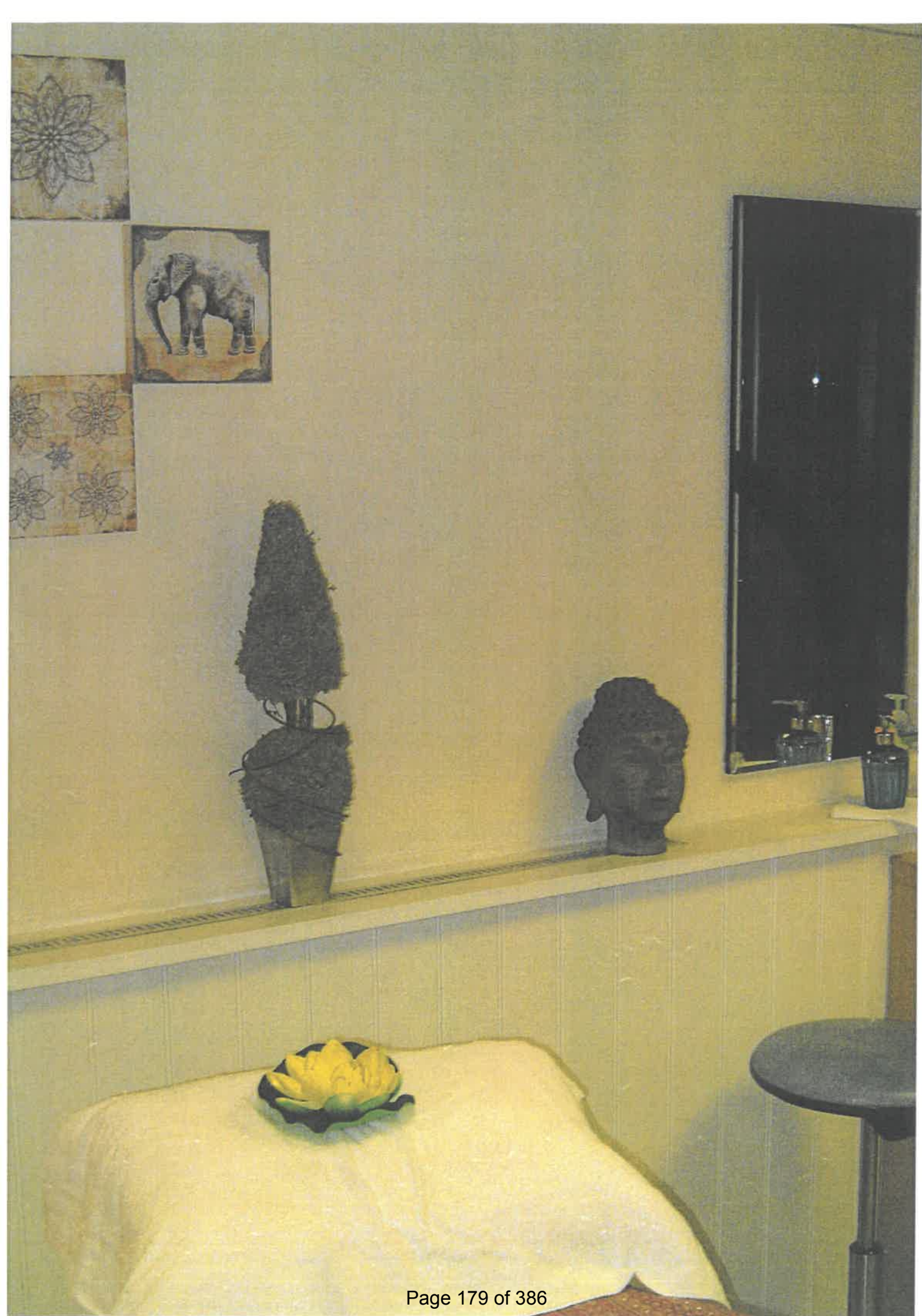










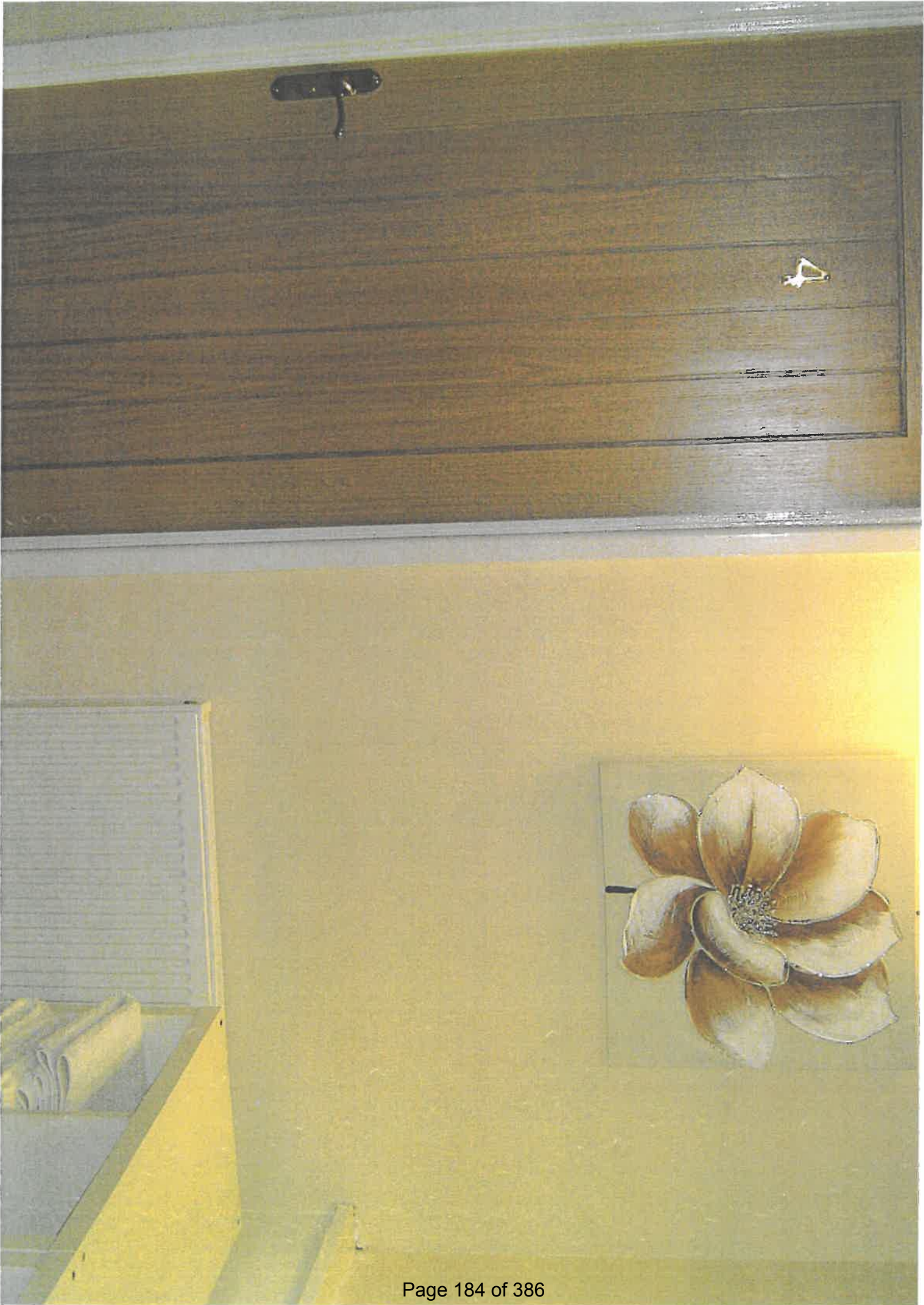


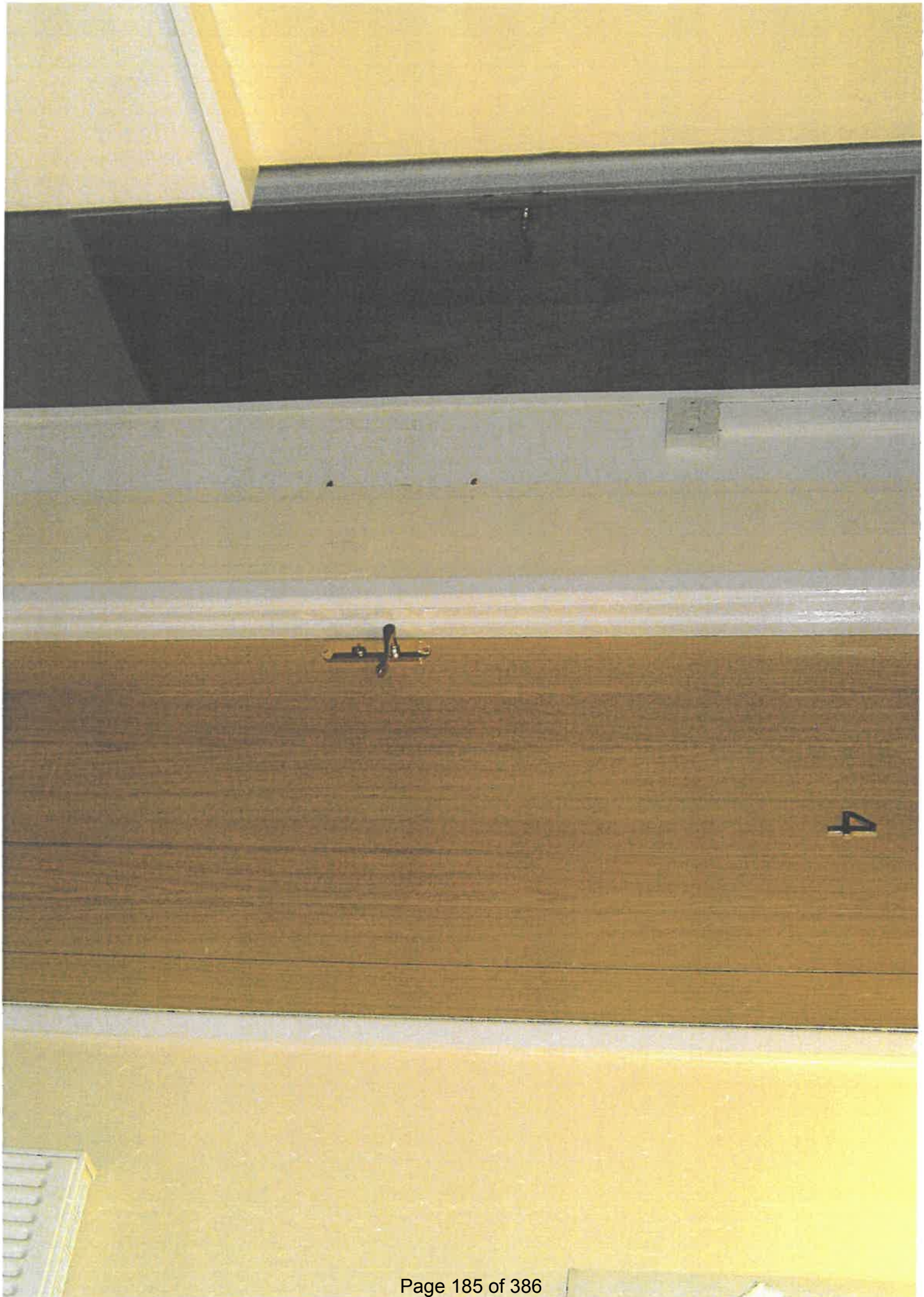




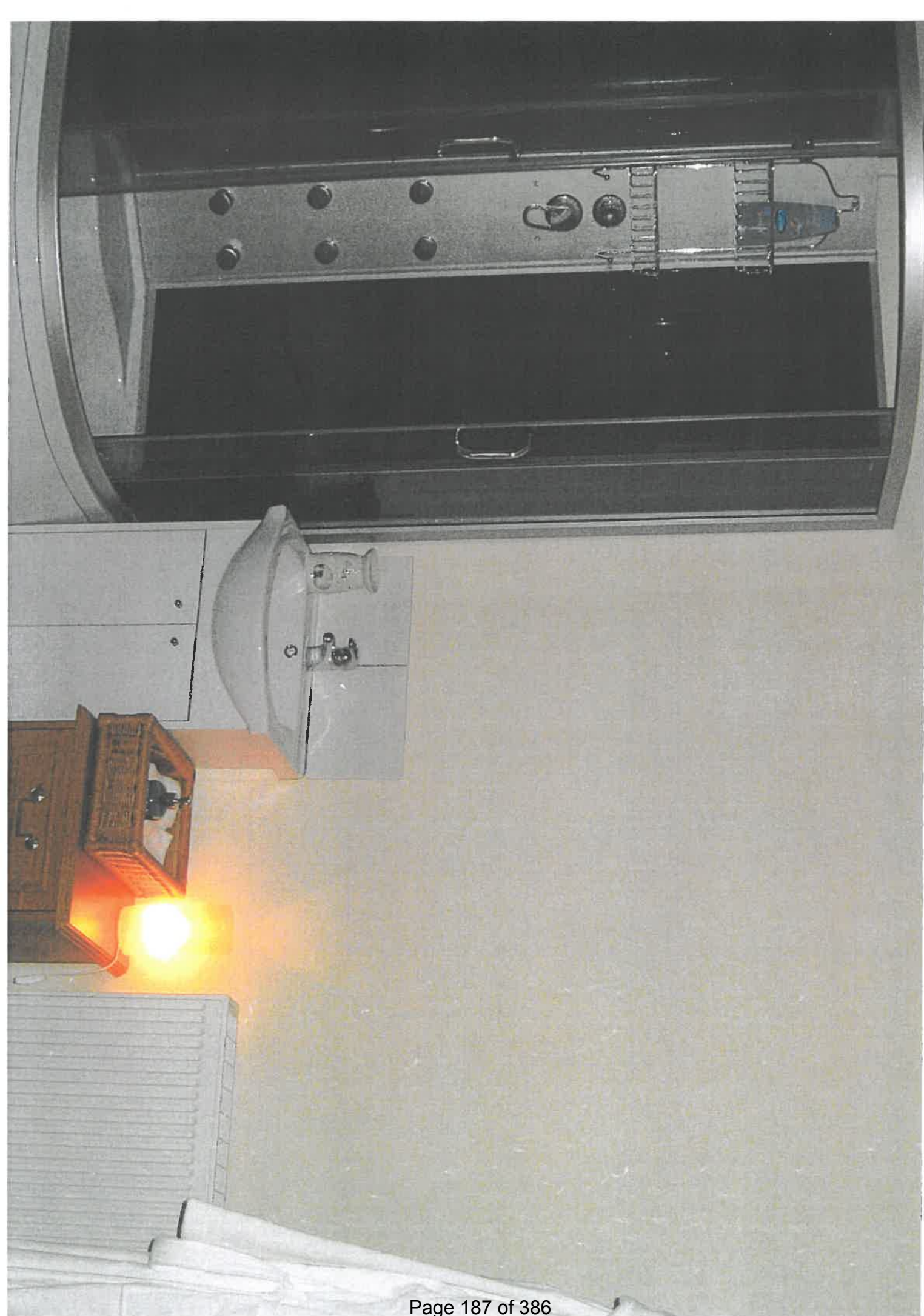


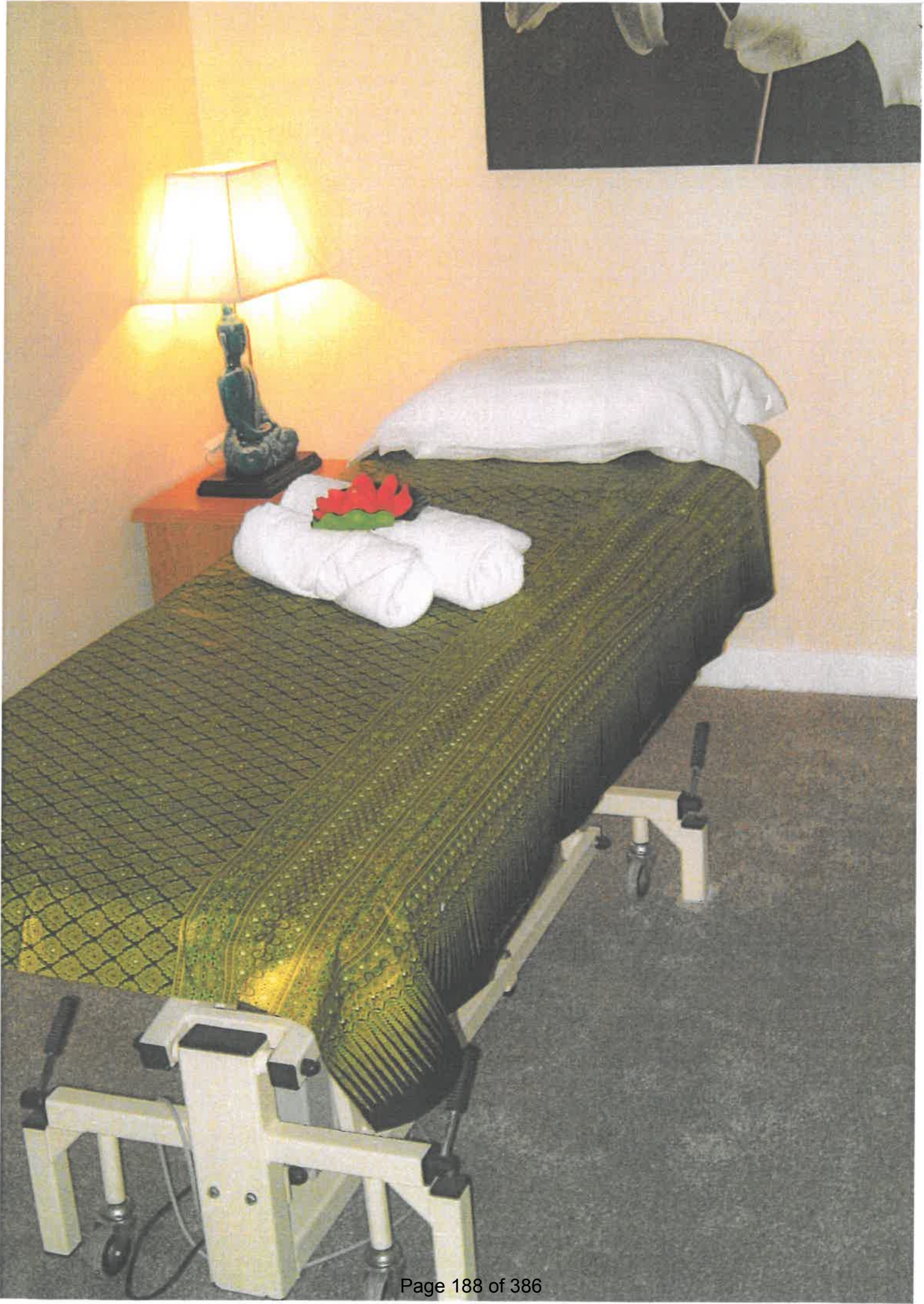














**Birmingham Thai Massage
Therapy
1159 Bristol Road South
Northfield Birmingham B31 2SL**

Tel: 0121 477 5700

About Us

We have staff experienced and qualified in Thai Massage techniques. If you have never experienced a Thai Massage you are in for a treat.

Thai massage is not just to help you relax but makes you feel alive. If you have any strains or aches and pains our therapists can help you but using strong massage techniques and stretching, to get to the problem areas, making your whole body feel looser and better.

If you just want to relax and forget about the outside world for a while, our therapists can give a calming massage, you will certainly sleep better!

Thai massage looks like a cross between acupuncture, yoga, and zen shiatsu and is inspired by Buddhist teachings. The actual **massage** consists of slow, rhythmic compressions and stretches along the body's energy lines, also called sen in Thai.





Birmingham Thai Massage Therapy

Our Treatments

Classic Thai Massage

Good for releasing tension and making you whole
body relax

1 Hour £40.00

30 minutes £25.00

Thai Deep Tissue Massage

A deep tissue massage, to get into the muscles,
similar to a sports massage, ideal for recovery from
injuries or tired muscles

1 hour £45.00

30 minutes £28.00

Full Body Scrub

Using a mixture of sea salt and oil to remove the
outer layer of dead skin, making you whole body feel
alive

30 minute salt body scrub followed by a 1 hour
massage to relax you

£75.00

**We are open Monday to Saturday
10am until 8pm**

To book telephone 0121 477 5700

**email: thaitherapy@outlook.com
www.birminghamthaitherapy.com**

BIRMINGHAM CITY COUNCIL

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

23 OCTOBER 2017
ALL WARDS

BIRMINGHAM TAXI DEMAND SURVEY REPORT

1. Summary

- 1.1 In 2008, the Licensing Committee introduced a moratorium on the issuing of new Hackney Carriage Licences, using the provisions of the Transport Act 1985 (s16).
- 1.2 The Department for Transport Best Practice Guidance recommends regular review, ideally every three years, of any such limitation of hackney carriage numbers by way of a demand study, the last was undertaken during 2014.
- 1.3 A further Birmingham Taxi Demand Survey Report has recently been undertaken on behalf of The Licensing Service by Ian Millership of CTS Traffic & Transportation Ltd.
- 1.4 The main survey conclusion from taxi rank observations is there is no evidence of significant unmet demand.

2. Recommendations

- 2.1 That the report be noted.
- 2.2 That the moratorium on the issue of any new hackney carriage vehicle licences continues for up to 3 years, subject to a further survey to establish demand within that period.

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

3. Background

- 3.1 Birmingham has 1,219 licensed hackney carriage vehicles (black cabs) servicing a variety of 24 hour and part time ranks across the City and suburbs. In addition there are approximately 4,100 Birmingham Licensed Private Hire Vehicles operating within the City.
- 3.2 The last taxi demand study in Birmingham was presented to this Committee on 17 September 2014, at which time the consultant advised there was no evidence of significant unmet demand. As a consequence, the Licensing and Public Protection Committee confirmed they would continue the moratorium on issuing of new hackney carriage vehicle licences with the proviso a further unmet demand survey should be completed during 2017 in line with best practice guidance.
- 3.3 Historically licensing authorities had unrestricted powers to limit the number of hackney carriage vehicles they could license. The introduction of the Transport Act 1985 principally removed this power; section 16 of the Act provides that the grant of a taxi licence may be refused for the purpose of limiting the number of hackney carriage vehicles on the basis that:
- ‘if, but only if, the local licensing authority is satisfied that there is no significant demands for the services of Hackney Carriages, within the area to which the licence would apply, which is unmet’.*
- 3.4 In 2003, the Office of Fair Trading recommended the removal of Hackney Carriage Vehicle restrictions in its report *‘The regulation of licensed taxi and Private Hire Vehicles services in the UK’*.
- 3.5 In response to the Office of Fair Trading report and following a period of consultation, the Department for Transport issued *‘Taxi and Private Hire Vehicle Licensing Best Practice Guidance’* in October 2007. This was updated in February 2010 and includes a section relating to Quantity Restrictions of Taxi Licences outside London. Although the Department for Transport regards it as best practice not to impose quantity restrictions, it directs that if quantity restrictions are being considered and currently in place, then the Local Authority must establish that it is satisfied that there is *‘no significant unmet demand’*. The recognised method of establishing demand is through the use of a survey which should be repeated at least every 3 years.

4. Conclusion of the Report

- 4.1 The consultants appointed to undertake the recent survey, CTS Traffic & Transportation Ltd, carried out a thorough survey and produced a full and detailed report in August 2017.
- 4.2 The survey concludes there is no significant unmet demand for taxis in Birmingham.

- 4.3 The Executive Summary can be found at appendix 1 and the full text of the report is available at appendix 2, which can be downloaded from <https://www.birmingham.gov.uk/taxi-unmet-survey>.

5. Consultation

- 5.1 Over 260 hours of rank observation were undertaken, as well as consultation with the public, the trade, and other stakeholders such as disability groups, hotels, supermarkets, nightclubs, hospitals, restaurants etc. The results of this consultation are detailed within the Survey Report.
- 5.2 Trade representatives had the opportunity to meet with Ian Millership and discuss the initial findings of the survey, an opportunity which was enthusiastically taken up and resulted in a useful and well attended meeting.

6. Implications for Resources

- 6.1 The cost of commissioning and funding the survey has been met from fees collected in connection with the licensing of hackney carriage drivers and vehicles and maintained within budgets available to your Committee.

7. Implications for Policy Priorities

- 7.1 Establishing levels of unmet demand contributes to the aim of promoting improvements in the standards of services provided by licence holders and is compatible with our mission statement: Locally accountable and responsive fair regulation for all – achieving a safe healthy, clean, green and fair trading city for residents, business and visitors.

8. Public Sector Equality Duty

- 8.1 The actions described and recommendations made in this report are required to comply with Best Practice Guidance issued by Department for Transport. Whether the Committee decides to maintain or remove the moratorium, the decision will not have an adverse impact on the protected characteristics of licensed drivers or their customers. Consequently an Equality Analysis has not been completed in respect of this decision.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

From CTS Traffic and Transportation Unmet Demand Survey 2017

Executive Summary

This Hackney carriage unmet demand survey has been undertaken on behalf of Birmingham City Council following the guidance of the April 2010 DfT Best Practice Guidance document, and all relevant case history. This executive summary draws together the key points to allow the Committee to determine its view regarding retention, or otherwise, of the current moratorium on hackney carriage plate issue. It is not meant to replace consideration of the full main document.

The latest review of the moratorium policy was undertaken from March to August 2017. The moratorium was applied in 2008, since when hackney carriage plates on issue have reduced from 1,466 to 1,219, a 17% reduction with most occurring in the past year. Private hire vehicle numbers, which cannot legally be limited, have only grown marginally since the last survey whilst driver numbers have fallen only showing increase in the very latest year. Operator numbers have generally also fallen again until the latest year.

A robust sample of 263 hours of rank operation were observed by video methods. This also included observing any abuse of ranks by private cars or other licensed vehicles. It found two people using wheel chairs to access hackney carriages at ranks, with 14 others who appeared to have disabilities not needing a wheel chair. Overall hackney carriage demand has reduced 6% at ranks since the last survey. This is in spite of significant increases of use between the two station ranks – seeing increase more than double the increased level of rail passengers. The two station related ranks between them take 45% of all estimated passengers in a typical week. Broad Street is next largest with 8% of passengers. There are 26 active ranks in total (excluding the Airport), most of which enjoy good, very good or excellent service to those using them.

On the busiest day, demand was met by around 21% of the fleet active. Allowing for other factors, it still suggests the fleet could be 25% smaller and still retain spare capacity for expected growth.

291 on-street interviews suggested increased overall usage of licensed vehicles including hackney carriages in total. However, there were very clear changes even in private hire company fortunes, with many new entrants or many that had reacted to new demand positively, and others that had very clearly lost their market share. Hackney carriages are very visible across the city, but remain less used by people. Rank knowledge is good, but could benefit from better information and publicity. Latent demand was not particularly high.

Key stakeholders as is typical around the country mainly used private hire or phoned for services, but many were aware of ranks. A key police concern was continued reduction of out of town vehicle activity and need for an all-trade rank review. The view from those with disabilities was positive.

Hackney carriage unmet demand survey ii

The trade survey and trade consultation found high support for retaining the moratorium, even from private hire elements of the trade. The hackney carriage trade had retained its high level of access by phone, but still obtained a high proportion of work from ranks.

Neither with industry standard use of the “index of significance of unmet demand” tool, nor from any other evidence gathered, is there any unmet demand for hackney carriages which can be counted significant in terms of the 1985 Transport Act Section 16. The survey therefore supports the conclusion that the moratorium can be retained and defended if necessary.

The City of Birmingham retains an active fleet of hackney carriages across the city and at ranks, by hailing and by phone. Despite overall increases in usage of licensed vehicles, rank usage is down since the last survey, as is demand for some private hire companies, although others have clearly grown or entered the market and achieved good levels of growth. Birmingham has not seen reduced off-peak service as many other areas have, partly due to the long term existence of the radio aspect of the hackney carriage trade which remains competitive in that part of the market.



Birmingham City Council
August 2017
Hackney Carriage Unmet Demand Survey

Executive Summary

This Hackney carriage unmet demand survey has been undertaken on behalf of Birmingham City Council following the guidance of the April 2010 DfT Best Practice Guidance document, and all relevant case history in regard to unmet demand. This executive summary draws together the key points to allow the Committee to determine its view regarding retention, or otherwise, of the current moratorium on hackney carriage plate issue. This summary is not meant to replace consideration of the full main document.

The latest review of the moratorium policy covers the period from March 2017 when we were appointed to the date of this presentation to committee. It is in the context of the moratorium having been applied in 2008, since when hackney carriage plates on issue have reduced from 1,466 to 1,219, a 17% reduction with most occurring in the past year. Private hire vehicle numbers, which cannot legally be limited, have only grown marginally since the last survey whilst driver numbers have fallen only showing increase in the very latest year. Operator numbers have generally also fallen again until the latest year.

A robust sample of 263 hours of rank operation were observed by video methods. This also included observing any abuse of ranks by private cars or other licensed vehicles. It found two people using wheel chairs to access hackney carriages at ranks, with 14 others who appeared to have disabilities not needing a wheel chair.

Demand focussed on a few key ranks and on night demand, although a good number of other ranks are active, including in the suburbs. One informal rank location in the city centre remains very important to the local economy and to provision of overall passengers to hackney carriages.

Overall hackney carriage demand has reduced 6% at ranks since the last survey. This is in spite of significant increases of use between the two station ranks – seeing a rank patronage increase more than double the increased level of rail passengers observed by national rail statistics between the two surveys. The private and the Navigation Street ranks between them take 45% of all estimated passengers in a typical week. Broad Street is next largest with 8% of passengers. There are 26 active ranks in total (excluding the Airport), most of which enjoy good, very good or excellent service to those using them.

On the busiest day, demand was met by around 21% of the fleet active. Allowing for other factors, it still suggests the fleet could be 25% smaller and still retain spare capacity for expected growth.

291 on-street interviews suggested increased overall usage of licensed vehicles including hackney carriages in total. However, there were very clear changes even in private hire company fortunes, with many new entrants or many that had reacted to new demand positively, and others that had very clearly lost their

market share. Hackney carriages are very visible across the city, but remain less used by people.

Rank knowledge is good, but could benefit from better information and publicity. Latent demand was not particularly high.

As is normal, key stakeholders mainly used private hire or phoned for services, but there were many aware of ranks. A key police concern was continued reduction of out of town vehicle activity and an all-trade rank review. The view from those with disabilities was positive.

The trade survey and trade consultation found high support for retaining the moratorium, even from private hire elements of the trade. The hackney carriage trade had retained its high level of access by phone, but still obtained a high proportion of work from ranks.

The industry standard tool testing significance of the observed unmet demand found it a long way from levels that would be considered significant. This element of the survey therefore supports the conclusion that the moratorium can be retained and defended if necessary.

The City of Birmingham retains an active fleet of hackney carriages across the city and at ranks, by hailing and by phone. Despite overall increases in usage of licensed vehicles, rank usage is down since the last survey, as is demand for some private hire companies, although others have clearly grown or entered the market and achieved good levels of growth. Birmingham has not see reduced off-peak service as many other areas have, partly due to the long term existence of the radio aspect of the hackney carriage trade.

As already noted above, there is no evidence, either from a latent or a patent point of view, which suggests there is any unmet demand for hackney carriages across the City of Birmingham at this time which is significant in terms of Section 16 of the 1985 Transport Act. This makes it possible for the committee to retain the moratorium if it so chooses.

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Executive Summary i

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1 General introduction and background

Birmingham City Council is responsible for the licensing of hackney carriage and private hire vehicles operating within the Council area and is the licensing authority for this complete area. It retains a limit on the number of hackney carriage vehicles licensed. This is the only part of licensing where such a stipulation occurs and there is no legal means by which either private hire vehicle numbers, private hire or hackney carriage driver numbers, or the number of private hire operators can be limited. After removal of the limit, a moratorium on new plates was put in place in 2008. Prior to this survey, previous tests of the validity of the limit and its level were undertaken in 2014 and 2010.

This review of current policy is based on the Best Practice Guidance produced by the Department for Transport in April 2010 (BPG). It seeks to provide information to the licensing authority to meet section 16 of the Transport Act 1985 “that the grant of a hackney carriage vehicle licence may be refused if, but only if, the licensing authority is satisfied that there is no significant demand for the services of hackney carriages within its local area, which is unmet.” This terminology is typically shortened to “no SUD”.

Current hackney carriage, private hire and operator licensing is undertaken within the legal frameworks set by the Town Police Clause Act 1847. This has been amended by various following legislation including the Transport Act 1985, Section 16 in regard to hackney carriage vehicle limits, and by the Local Government Miscellaneous Provisions Act 1976 with reference to private hire vehicles and operations. Many of the aspects of these laws have been tested and refined by other more recent legislation and more importantly through case law. Beyond legislation, the experience of the person in the street tends to see both hackney carriage and private hire vehicles both as ‘taxis’ – a term we will try for the sake of clarity to use only in its generic sense within the report. We will use the term ‘licensed vehicles’ to refer to both hackney carriage and private hire.

The legislation around licensed vehicles and drivers has been the subject of many attempts at review. The limiting of hackney carriage vehicle numbers has been a particular concern as it is often considered to be a restrictive practice and against natural economic trends. The three most recent reviews were by the Office of Fair Trading in 2003, through the production of the BPG in 2010, and the Law Commission review which published its results in 2014. None of these resulted in any material change to the legislation involved in licensing.

The upshot of all these reviews in respect of the principal subject of this survey is that local authorities retain the right to restrict the number of hackney carriage vehicle licenses. The Law Commission conclusion included retention of the power to limit hackney carriage vehicle numbers but utilizing a public interest test determined by the Secretary of State. It also suggested the three- year horizon also be used for rank reviews and accessibility reviews.

After introduction of the 1985 Transport Act, Leeds University Institute for Transport Studies developed a tool by which unmet demand could be evaluated and a determination made if this was significant or not. The tool was taken forward and developed as more studies were undertaken. Over time this 'index of significance of unmet demand' (ISUD) became accepted as an industry standard tool to be used for this purpose. Some revisions have been made following the few but specific court cases where various parties have challenged the policy of retaining a limit. Some of the application has differed between Scottish and English authorities due to some court cases in Scotland taking interpretation of the duty of the licensing authority further than is usual in England and Wales.

The DfT asked in writing in 2004 for all licensing authorities with quantity restrictions to review them, publish their justification by March 2005, and then review at least every three years since then. In due course, this led to a summary of the government guidance which was last updated in England and Wales in 2010 (but more recently in Scotland).

The BPG in 2010 also provided additional suggestions of how these surveys should be undertaken, albeit in general but fairly extensive terms. A key encouragement within the BPG is that "an interval of three years is commonly regarded as the maximum reasonable period between surveys". BPG suggests key points in consideration are passenger waiting times at ranks, for street hailings and telephone bookings, latent and peaked demand, wide consultation and publication of "all the evidence gathered".

The most recent changes in legislation regarding licensed vehicles have been enactment of the parts of the Equality Act related to guidance dogs (sections 168 to 171, enacted in October 2010), the two clauses of the Deregulation Act which were successful in proceeding, relating to length of period each license covers and to allowing operators to transfer work across borders (enacted in October 2015), and most recently enactment of Sections 165 and 167 of the Equality Act, albeit on a permissive basis (see below).

In November 2016, the DfT undertook a consultation regarding enacting Sections 167 and 165 of the Equality Act. These allow for all vehicles capable of carrying a wheel chair to be placed on a list by the local council (section 167). Any driver using a vehicle on this list then has a duty under section 165 to:

- Carry the passenger while in the wheel chair
- Not make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheel chair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

This enactment was from April 2017. There remains no confirmation of any timetable for instigating either the remainder of the Equality Act or the Law Commission recommendations, or for the update of the BPG.

In respect to case law impinging on unmet demand, the two most recent cases were in 1987 and 2002. The first case (R v Great Yarmouth) concluded authorities must consider the view of significant unmet demand as a whole, not condescending to detailed consideration of the position in every limited area, i.e. to consider significance of unmet demand over the area as a whole.

R v Castle Point considered the issue of latent, or preferably termed, suppressed demand consideration. This clarified that this element relates only to the element which is measurable. Measurable suppressed demand includes inappropriately met demand (taken by private hire vehicles in situations legally hackney carriage opportunities) or those forced to use less satisfactory methods to get home (principally walking, i.e. those observed to walk away from rank locations).

In general, the determination of conclusions about significance of unmet demand must take into account the practicability of improving the standard of service through the increase of supply of vehicles. It is also important to have consistent treatment of authorities as well as for the same authority over time.

In conclusion, the present legislation in England and Wales sees public fare-paying passenger carrying vehicles firstly split by passenger capacity. All vehicles able to carry nine or more passengers are dealt with under national public service vehicle licensing. Local licensing authorities only have jurisdiction over vehicles carrying eight or less passengers.

These are split between hackney carriages which are alone able to wait at ranks or pick up people in the streets without a booking, and private hire who can only be used with a booking made through an operator. If any passenger uses a private hire vehicle without such a properly made booking, they are not insured for their journey.

2 Local background and context

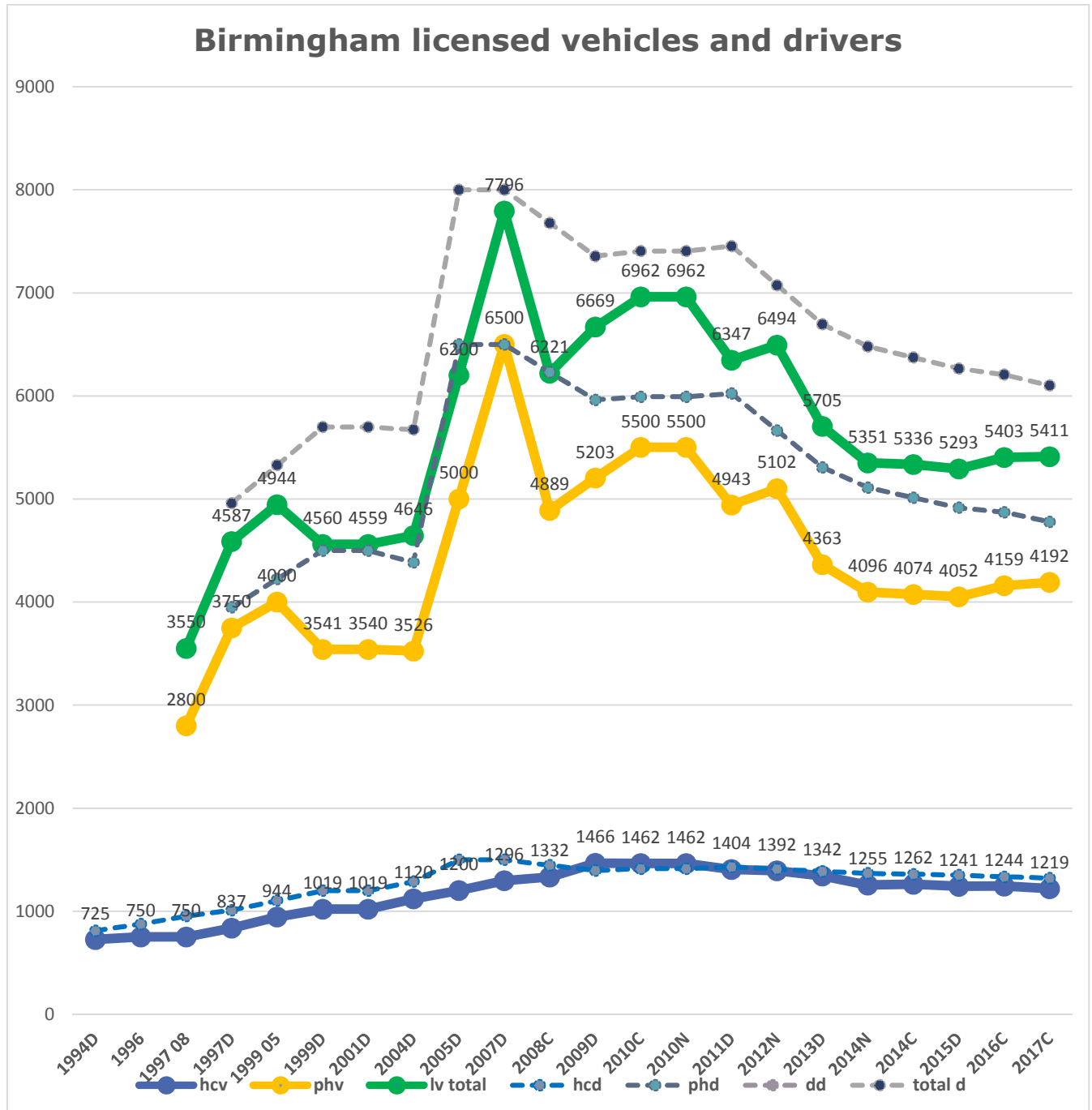
Key dates for this Hackney carriage unmet demand survey for Birmingham City Council are:

- appointed LVSA – a joint trading name of CTS Traffic and Transportation and Vector Transport Consultancy on 21st March 2017
- in accordance with our proposal of January 2017
- as confirmed during the inception meeting for the survey held on 6th April 2017
- this survey was carried out between mid-March 2017 and July 2017
- On street pedestrian survey work occurred in April 2017
- the video rank observations occurred in March 2017
- Licensed vehicle driver opinions and operating practices were canvassed by a survey sent out by the Council during April 2017
- Key stakeholders were consulted throughout the period of the survey
- A draft of this Final Report was reviewed by the client during July 2017
- and reported to the appropriate Council committee in early Autumn 2017

Birmingham City Council is a unitary authority. The authority has a current population of 883,200 using the 2017 estimates currently available from the 2011 census.

In terms of background council policy, Birmingham City Council has full control over all planning, highways and transport aspects, including provision of the ranks for the area (albeit within a separate section of the Council). Birmingham City Council has chosen to utilize its power to limit hackney carriage vehicle numbers, albeit with a moratorium on issue of any new plates from 2008 onwards.

By drawing together published statistics from both the Department for Transport (D) and the National Private Hire Association (N), supplemented by private information from the licensing authority records (C), recent trends in vehicle, driver and operator numbers can be observed. The detailed numbers supporting the picture below are provided in Appendix 1. Due to the comparative size, the operator figures are shown in the second picture.

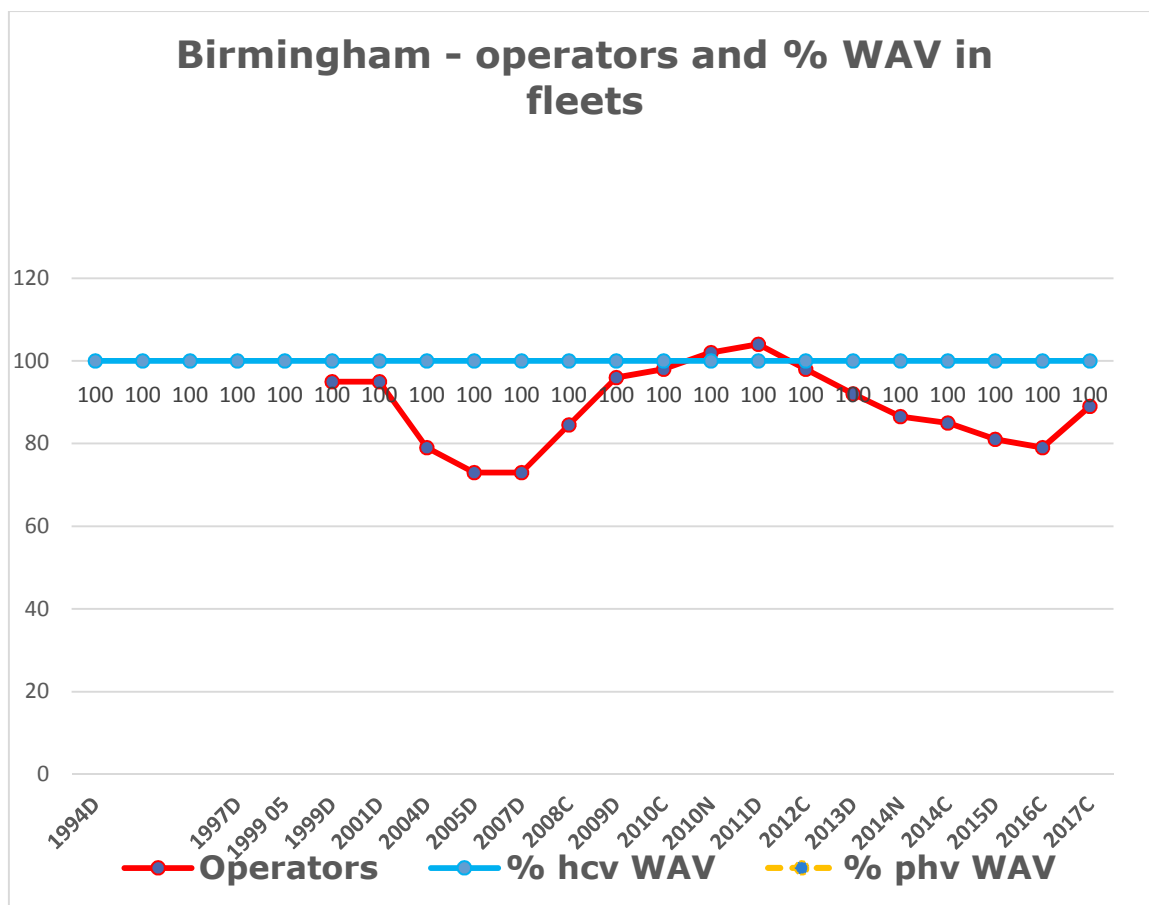


Licensing Statistics from 1994 to date

The graph firstly shows the disparity between hackney carriage and private hire vehicle numbers, although it also shows how this has reduced significantly since the peak of 2005. Hackney carriage peak numbers were 1,466 in 2009 once all the applications under way at the time of the moratorium had gone through. The current level of hackney carriages is now 17% lower than the peak level. The number of drivers is very similar, showing very little sharing of vehicles at all. The latest year has seen the largest recent reduction in vehicles.

In terms of private hire, the drop in numbers from 2005 onwards continued to a plateau around the last survey, but has shown some marginal growth in the last two years. Driver numbers however have continued to fall such that the number is now much closer to one per vehicle than it ever has been.

Information is also available from these sources to show how the level of wheel chair accessible vehicles (WAV) has varied. It must be noted that in most cases the values for the private hire side tend to be much more approximate than those on the hackney carriage side, as there is no option to mandate for private hire being wheel chair accessible. In some areas, to strengthen the ability of the public to differentiate between the two parts of the licensed vehicle trade, licensing authorities might not allow any WAV in the private hire fleet at all.



Operator numbers and levels of WAV provision in the fleet

The full WAV nature of the Birmingham hackney carriage fleet means there are no WAV in the private hire fleet at all despite its size and the fact many companies operate in the suburbs where there is less likelihood of obtaining hackney carriages. Operator numbers have reversed their downward trend in this last year, although there are still many less than the peak of 2011.

Birmingham City Council undertakes regular review of its policy to limit hackney carriage vehicle numbers in line with the BPG. The previous surveys were in 2014 and 2010.

3 Patent demand measurement (rank surveys)

As already recorded in Chapter 2, control of provision of on-street ranks in Birmingham City Council is fully under the auspices of the City, albeit via the highways section of the Council.

Our methodology involves a current review both in advance of submitting our proposal to undertake this Hackney carriage unmet demand survey and at the study inception meeting, together with site visits where considered necessary. This provides a valid and appropriate sample of rank coverage which is important to feed the numeric evaluation of the level of unmet demand, and its significance (see discussion in Chapter 7). The detailed specification of the hours included in the sample is provided in Appendix 2. A review of rank usage and issues at ranks was also undertaken with the licensing section of the local police force, with the dedicated staff member allocated (giving them a unique overview of hackney carriage, private hire and out of town operations across the City).

Since the last survey, there have been several major changes in the City Centre. New Street station refurbishment was completed and a new purpose built, but Network Rail operated (private) rank introduced effectively in the same location as before the refurbishment began. However, the Navigation Street rank remains and still sees significant use.

The tram system is now fully open through the city centre as far as New Street station. This has meant revision of the triangle of roads near to the Navigation Street rank meaning that the flow of vehicles on this section is reversed, with a feeder rank provided on this section, but never used. Feeders for Navigation Street now tend to be from the Mailbox direction with the changes in traffic flows from the Smallbrook Queensway direction. The former waiting area for the station is now built on, and the new station rank has on street feeders very similar to the situation before the station changed.

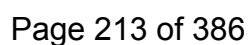
The other main revisions relate to the demolition of the Library in the centre of Paradise Circus. Road revisions have meant the former night rank in Summer Row has gone. The former Snobs rank remains, but is not used as the club has moved to another location.

Overview of rank observations

During the course of our observations of ranks, a total of 13,434 vehicle arrivals and departures were identified at or near ranks in the City. Of these, 10% were private cars at or near ranks, 10% were private hire vehicles, 1% were goods vehicles with the remaining 79% hackney carriage vehicles. A detailed review of rank abuse is provided at the end of this Chapter.

There were no issues with equipment or road works during the course of this survey, with the full planned survey taking place resulting in the expected number of hours being obtained.

To provide a general overview of demand, the actual observed passenger numbers from the survey were produced in graphical format. This is shown below. However, this has to be seen in the context that, with the large number of ranks to cover, only two were covered on both days, so the comparison needs to be between ranks on the day they were covered rather than across both days.



The graph does demonstrate that usage of hackney carriages tends to be focussed on a few key ranks, and on late evening demand, but that there are also a very good number of other ranks which are used, some over longer periods of time compared to the busier night ranks. There is also at least one key location which is not formally a rank but which is making a very clear contribution to people getting hackney carriages in the city centre.

However, the late evening peaks tend to be over sustained numbers of hours rather than being at one hour such that the overall profile of demand in Birmingham no longer appears to be heavily peaked. Friday and Saturday late evenings also appear only to be slightly different in total usage terms.

Average weekly demand

The individual estimates by rank and day were used to obtain a typical weekly estimate of demand by rank. The table below lists ranks in order of estimated weekly usage, and provides comparison to the information from the previous survey. Estimated locations are shown in *italic*.

Rank	2017		2014	
	Passengers	%	Passengers	%
New Street Station, private rank	10,110	23	N/A	
Navigation St	9,503	22	13,611	30
Broad St (super rank)	3,660	8	4,102	9
Colmore Row East, Cathedral	1,866	4	2,093	5
Oozells St	1,479	3	1,614	3
Dale End	1,412	3	2,686	6
<i>Other night locations</i>	<i>1,356</i>	<i>3</i>	<i>2,457</i>	<i>5</i>
Tesco, informal, New St	1,327	3		
Colmore Row West, Snow Hill Stn	1,287	3	1,716	4
Moor St	1,221	3	1,558	3
Coach Station	1,014	2	1,607	3
Hurst St (super rank)	898	2	1,449	3
OOT – Moseley	891	2	502	1
Snobs	858	2	1,971	4
<i>Other Broad St, night</i>	<i>732</i>	<i>2</i>	<i>820</i>	<i>2</i>
<i>Edgbaston St Markets</i>	<i>706</i>	<i>2</i>	<i>1,343</i>	<i>3</i>
OOT – Erdington	684	2	534	1
<i>OOT – Northfield</i>	<i>684</i>	<i>2</i>	<i>534</i>	<i>1</i>
<i>Other ranks Colmore Row / New St</i>	<i>657</i>	<i>2</i>	<i>792</i>	<i>2</i>
St Paul's Square	498	1	486	1
Aston Street, University	443	1	248	1
<i>Other Broad St daytime</i>	<i>370</i>	<i>1</i>	<i>403</i>	<i>1</i>
OOT – Harborne	363	1	431	1
<i>OOT – Kings Heath</i>	<i>363</i>	<i>1</i>	<i>332</i>	<i>1</i>
<i>Debenhams</i>	<i>282</i>	<i>1</i>	<i>537</i>	<i>1</i>
OOT – Sutton Coldfield	216	1	552	1
<i>Direct hirings from radio ranks</i>	<i>148</i>	<i>0.0</i>	<i>161</i>	<i>0.5</i>

<i>Woodcock Street, Aston University</i>	<i>111</i>			
OOT – Warstone Lane	79	0.0	431	1
Tesco Ladywood	ignored		46	0.0
Mailbox (informal)	Gone		898	2
Summer Row	Gone		855	2
Mailbox	0	0	838	2
TOTAL	43,218		45,778	
Compared to 2014	-6%			

The table above shows that usage of hackney carriages at ranks in the City of Birmingham is currently dominated by the two ranks serving New Street Station. The two ranks see almost equal levels of usage but take 45% of observed demand between them.

The next largest rank takes just 8% of total demand. This is the Broad Street night only super-rank. The Colmore Row East, Cathedral rank is fourth with around 4% of passengers. There are then six locations each with about 3% of passenger flows and the next nine all have around 2% of flows. There are then a final seven ranks with around 1%, and two others with lesser amounts. Overall, this suggests a wide range of active locations although none of these are busy in comparison to the top two ranks. However, many of these ranks actually see more demand than some locations in other towns and cities.

Comparing flows to 2014, overall demand appears to have reduced by around 6%. This generally appears to be an overall decline at most locations although there are exceptions. Total flow at the two station ranks is about 44% up – possibly with the completion of the works at the station and overall growth there arising from the new shops within the station complex. National rail statistics suggest growth there from 32,090,346 entries and exits in the year ending March 2013 compared to 39,077,018 for year ending March 2016 (the latest information available), a growth of 22% in a similar period to the two surveys being compared. This suggests the settling down of the construction impact (and the new shops introduced) has stimulated demand for hackney carriages here as well as from actual passenger growth.

Dale End has seen a more significant decline in usage as has the coach station rank, the Snobs rank and the super rank at Hurst Street. However, other than these ranks generally remain in the same order of importance. The out of town rank locations remain important to the hackney carriage economy of the City.

Detailed rank discussion

The following section discusses each rank in turn, again taking these in order of the busiest first, and the quietest last. Statistics such as total observed flow per day, vehicle occupancy, empty departure levels, passenger waits and vehicle waiting for passengers are presented. If a rank, or group of ranks have been estimated further detail is provided of which ranks this refers to and how they have been estimated. Details of full rank observations are in Appendix 3.

Where appropriate, we have included a qualitative appreciation of the performance of the rank over the observations made:

- Poor – major issues with service with regular passenger queues
- Fair – rank deals well with high volumes albeit with some passenger queues
- Good – service only rarely sees queues
- Excellent – very high turnover, very rare queues, other good operational practices noted such as drivers helping passengers, clearly a well established rank
- Developing – a rank which appears to be growing in usage but at a developmental stage rather than established

New St Station, private rank

This rank has been reinstated since the last survey. It was closed when the refurbishment of New Street station closed the front entrance and has been completely rebuilt albeit on the same line as before. It is formed of a two-lane road with a turning loop. Exit is using a barrier by which payment for the use of the location is taken. This requires the driver to have the appropriate card and also to have pre-payment on this activation card. Network Rail also apply supplementary conditions to those using this rank in terms of standards of driver and vehicle. Once within the loop, it is not easy to exit without passing through the full length of the rank.

The rank is fed, as before, from a range of council provided feeder ranks mainly along Smallbrook Queensway but also including Theatre Approach, Hinckley Street and Dudley Street. These in total provide a significant level of feeder spaces generally away from locations that could cause traffic congestion. The rank was observed on Friday 31st March starting at 08:00 and ending at 03:59 in the early hours of Saturday morning, 1st April 2017.]

The day saw a total of 1,414 passengers leaving this rank. They left in some 1,072 hackney carriage departures, a low average occupancy of 1.3 per vehicle. Just 3% of vehicles left the area empty without taking passengers. A quarter of these left in the midnight hour. Despite the high volumes, no passenger ever arrived without a vehicle being there for immediate hire.

Most hourly flows were between 58 and 128, with the peak at 18:00 with 128. There were two other hours with over 100 passengers, 20:00 with 112 and 09:00 with 102. The 01:00 hour saw just 12 and the 02:00 hour just one passenger, and there were no passengers (but two vehicles) in the 03:00 hour. The last train was due to arrive at 01:40 (from London).

General vehicle waits for passengers were between eight and 23 minutes, although mornings saw longer waits with lower flows.

Overall service here is **excellent**.

Navigation St

In essence, this rank and its initial feeder are exactly as they were in 2014. However, some of the detail and other feeders have changed. The triangle of roads formed of Navigation Street, Stephenson Street and Pinfold Street have had their flow reversed to protect tram movements along Stephenson Street (the current stub end terminus of the route). In the past, vehicles were able to wait in Stephenson Street to feed the rank, but this ceased with work on the tram route. There is a rank in Pinfold Street which could be used as a feeder but is rarely used. Other private hire vehicles tend to use this loop as a drop off point for the station, as do some hackney carriages.

The main feeder location for this rank is now across Hill Street in Navigation Street and then up Brunel Street towards the Suffolk Street Queensway. Former waiting along Hill Street towards Station Street is no longer encouraged and was impossible for a long period due to road works. The former parking area off Hill Street provided when this was the main station provision is now an active building.

Access to vehicles is from the passenger side, although driver side loading would be possible. The head of the rank is furthest away from the station exit meaning passengers have to walk past a long line of vehicles to get to the head of the queue. In reality, vehicles u-turn from the feeder on the other side of the road to join the main queue, although with other vehicle movements here this can be an issue.

Observations here covered Friday 31st March 2017 beginning at 08:00 and running until 03:59 in the early hours of Saturday morning. During these hours, 731 passengers left in 706 vehicles, a very low occupancy of just one per vehicle. Some 20% of vehicles arriving left without passengers. One person, in the midnight hour, arrived and had to wait a minute for a vehicle to arrive.

Most passenger flows in an hour were between 20 and 44, although the 20:00 hour saw 62, with flows of 56 and 54 in the hours either side of this. The 02:00 hour saw 14 passengers whilst the 03:00 saw just eight. Vehicles tended to wait between two and 15 minutes for passengers, though in the later hours this increased as flows reduced.

Overall service here is **very good** but suffers from issues arising from the layout that prevent service being at a higher level.

Broad St (super rank)

This rank is located near to the Centenary Square exit from Symphony Hall, and very close to many of the night venues in Broad Street. It is made up of several separate sections of legal markings and has marshals. Its principal use is night time and is fed from several other locations along and off Broad Street. Some of these have their own day and / or night existence in addition. Loading is from the passenger side of the vehicle. Even with changed traffic exit arrangements on Broad Street, driver side entry would still be very risky given the high levels of other traffic, including significant volumes of buses (although some are removed on busy nights).

This rank was observed on Friday 31st March 2017 from 20:00 until 05:59 the next morning, and Saturday 1st April 2017, from 23:00 until 06:59 the next morning.

Friday observations

During the course of the Friday, 1,091 passengers left this rank in 554 vehicles, a relatively high occupancy of two people per vehicle. Just 2% of all vehicles arriving left this location without passengers. During the course of our observations, two people arrived and had to wait a minute for a vehicle to arrive, although this was in the earliest hour of observation.

Passenger flows began in the 20:00 hour with just 28, but then rose quickly to reach the peak of 215 in the 23:00 hour, with the area becoming quiet in the 05:00 hour. There were six hours when flows were never less than 114, but just six in the 04:00 hour.

Vehicle waits for fares were between four and 16 minutes, with the longer waits in the periods towards the end of observations. At the start and end there were some vehicles observed waiting up to half an hour for fares.

Saturday observations

The Saturday saw marginally more passengers, 1,127 leaving in 558 vehicles, again a relatively high occupancy of two per vehicle. Again, the first hour saw two people arrive and have to wait a minute for a vehicle to arrive to take them. A slightly higher 3% of vehicles left without passengers.

Passenger flows in the four key hours were higher, always over 240 in any hour, although the numbers were fairly consistently high with the peak being 254 in the midnight hour. The 03:00 hour saw 133, 04:00 just ten and 05:00 just one, with the 06:00 hour completely quiet.

Vehicle waits were much less, just two to seven minutes, with no vehicle wait recorded of more than 12 minutes.

Summary

Service to this rank is **excellent** with some very high flows serviced without any real passenger waits arising from any vehicle shortages. This site is clearly a 'super rank' in terms of volumes using it, albeit over short periods.

Colmore Row East, Cathedral

This rank is on Colmore Row but on the opposite side of the road from the bus stops and Cathedral (and most shops). Passengers therefore load from the driver side of the vehicle and entry from the passenger side could be dangerous given the very high volumes of adjacent and passing buses. Redevelopment work which was under way near this rank in 2014 is now completed and the location can function without hindrance. Observations occurred on the Friday 31st March 2017 from 08:00 until 19:59 in the early evening.

During the observations, 205 people used the rank in 146 hackney carriages, a low occupancy of 1.4 passengers per vehicle. A further 15% of vehicle left the area without passengers. No passenger ever arrived to find no vehicle waiting to take them immediately.

Flows were generally between six and 15 between the 08:00 and the 15:00 hours, rising to between 21 and 40 for the next four hours, with the peak being in the 17:00 hour. Vehicle waits were between seven and 25 minutes for fares, with most tending to be on the longer side. The longest recorded vehicle wait was some 43 minutes.

Overall service here is **good** and similarly to Navigation Street restraints on better service relate to the rank layout.

Oozells St

Oozell's Street is now a short stub of road just off Broad Street which provides loading for goods vehicles servicing some of the Brindley Place development. The right hand side of this road provides space for up to five hackney carriages and is marked as a 24-hour rank. It sees its main use in the daytime for people in Brindley Place and along Broad Street. This rank was observed on Friday 31st March 2017 from 09:00 until 23:59.

Our observations saw 175 people leave the rank in 104 vehicles, a moderate occupancy of 1.7 per vehicle. 21% of arriving vehicles left without passengers. Just one passenger arrived in the 20:00 hour and had to wait a minute for a vehicle to arrive.

Flows were not particularly high, ranging from three to 21, but with a peak of 31 in the 18:00 hour. Flows were generally higher in the afternoon than the morning or in the evenings. Vehicle waits varied, with many waiting over half an hour to get a fare on average, with a longest observed wait for a vehicle of some 45 minutes.

Service here is **good**.

Dale End

This set of ranks are located on the edge of the main shopping area, near The Square shopping centre. There are two main parts to the rank, each of which takes five vehicles. Loading is from the passenger side, although driver side loading would be relatively safe albeit affected by some passing traffic including buses. The head of the rank faces the out of town direction although new traffic arrangements would now allow vehicles to leave from the Bull Street end, although most vehicles tend to leave along Dale End through to the main James Watt Queensway. There are further feeder ranks located along Dale End but these are rarely used. The area is principally daytime shopping.

Observations at this location covered Saturday operation on 31st March 2017 starting at 10:00 and ending at 21:59 that night. During the observations, 214 passengers left in 130 vehicles, a moderate occupancy of 1.6 per vehicle. There were no occasions when passengers arrived to find no vehicle ready for immediate hire.

Flows were variable, with eight in the 10:00 hour, 33 in the 11:00 and 15:00 hours, 35 in the 13:00, 13 in the 12:00 and a peak of 69 in the 14:00 hour. There were no passengers in the 16:00 to 19:00 hours at all, though vehicles continued to service the location, all leaving empty. Vehicle wait times here were often up to 26 minutes, and much longer in the evening period when there were some passengers.

Overall service here is **good**.

Other night locations (est)

There are several other ranks provided to serve specific clubs or other key generators of hackney carriage traffic. Those included in this set tend to be part time, though many are designated as 24-hour, and are those not included in other specific lists within this write-up. Most only see use related to the specific generator near by, and most have not changed since the previous survey, although their usage can change immediately if the nearby generator closes or changes its operation, which can occur randomly.

Examples are Lower Essex Street / Kent Street, King Edwards Road NIA, Lionel Street, Livery Street and Heath Mill Lane. An estimate was made assuming they provide about the same as our observations at Snobs and at St Paul's Square.

Tesco, informal, New Street

Before the works for the tram system closed and revised the central area road network, there was a key rank in Stephenson Place, at the heart of the New Street / Corporation Street shopping axis. Since closure of that rank, more shops have opened in New Street and streets off New Street, in particular the Tesco Metro in Temple Street. Some access for vehicles is provided by a loop of Temple Street, New Street and Bennett's Hill, mainly for delivery vehicles. However, hackney carriages have established an informal rank in agreement with most interested parties on the corner of Temple Street and New Street. This location is highly visible from along New Street and is directly outside the Tesco Express store. Feeder spaces are formed back up Temple Street, with waiting vehicles using the Tesco loading bay and other parking bays and moving when required. This does not seem to cause any significant issues for these other users.

This location was observed on Saturday 1st April 2017 from 10:00 until 17:59 during key shopping hours. In that period 201 people left in 93 vehicles, a relatively high occupancy of 2.2 per vehicle, amongst the highest seen, and very good for a daytime rank. Just 6% of vehicles left empty.

No passenger ever arrived to find no vehicle available. Morning flows were lower, one in the first hour observed and 11 in the 11:00 hour. Flows were then between 24 and 33 apart from the peak of 50 in the 14:00 hour. Typical vehicle waits for passenger were low, between five and nine minutes.

Service here is **very good**.

Colmore Row West, Snow Hill Station

This rank is located in a small lay-by near to the pedestrian entrance to Snow Hill station. In 2014, this was also the exit from the Midland Metro tram route terminus, but in 2017 the tram had been extended through to New Street station and this terminus had become disused. The tram related road works affecting access have now ended. Loading is from the passenger side of the vehicle, again with relatively safe driver side entry possible albeit with relatively heavy traffic, albeit slow moving given the nearby traffic control measures related to the tram route.

This rank was observed on Saturday 1st April 2017 from 12:00 until 19:59 that evening. During the course of these observations, 132 passengers used 65 hackney carriages to leave this rank, a relatively high occupancy of two passengers per vehicle. 24% of arriving vehicles left empty.

No passenger ever arrived without a vehicle being available for immediate hire. Flows ranged from three to seven, although there was a peak of 14 in the 14:00 hour, and flows were 25 and 30 in the 18:00 and 19:00 hours respectively. Vehicle waits were at times up to 40 minutes, though 15 to 30 minutes were more typical.

Service to this rank is **good**.

Moor St

This rank is on the Moor Street station side of Moor Street dual carriageway. It has space for seven vehicles and is in a separate layby although to the rear of the rank is a loading bay. Steps lead down to this rank from the platforms at Moor Street. It is on the other side of the road from an exit from the main Bull Ring shopping centre. Passengers enter from the passenger side and driver side loading would not be safe given the high volumes of buses and other traffic at this location.

This rank was observed from 09:00 on Saturday 1st April 2017 until 23:59 that evening. During these hours, 185 people left the rank in 111 vehicles, a moderate occupancy of 1.7 per vehicle. Just 4% of the vehicles arriving left without passengers. There were two passengers in the 12:00 hour who arrived and had to wait for a vehicle to arrive, but for just under two minutes only.

Passenger flows here were just one in each of the 09:00 and 10:00 hours, but were then between eight and 22 in most of the remaining hours, apart from there being just five in the 13:00 hour. The peak hour was 22 people in the 15:00 hour. Vehicle waits varied but were longer in quieter hours.

Overall service here is **good**.

Coach Station

This set of ranks service the Coach Station in Digbeth. Mill Lane provides an excellent pick up location directly outside the main exit from the coach station. Whilst other traffic can use this one-way street, in practice it is almost exclusively used by hackney carriages. Private car parking servicing the coach station is located at the other end of the station, and most of the road which is not marked as hackney carriage ranks is double yellow lines. The head of the rank is on the opposite side of the road, but loading from any door is relatively easy and safe due to the nature of the road here.

This set of ranks was observed on Friday 31st March 2017 from 09:00 until 23:59 that night. A total of 130 passengers used this rank, leaving in some 80 hackney carriages, a moderate occupancy of 1.6 per vehicle. No passenger arrived without a vehicle being at the rank. However, a further 26% of vehicles arrived and left without passengers.

Passenger flows were two to nine in the hours from 09:00 to 13:00. After this flows were between 10 and 20 in each hour up to and including the 20:00. The peak was 20 people in the 14:00 hour. The final hour active was the 21:00 with eight passengers, after which there were no vehicles or passengers.

Typical vehicle waits here could be long, with over 40 minutes average typical even when there were higher flows. Several vehicles waited here for over an hour, particularly in the morning period.

Service here is **good**.

Hurst St (super rank)

This is the other of the two super-ranks with marshal provision. This location services the China Town area and several clubs and theatres. Since the last survey, redevelopment has begun in this location and access to and from the rank is more restricted. The former little used rank actually in Hurst Street is now much more the header, with vehicles feeding from Ladywell Walk. The previous exit direct to Smallbrook Queensway is now closed. There is also the new Snobs club rank on Smallbrook Queensway itself which gives better egress for some passengers compared to this rank.

For both sections of this rank, loading is from the passenger side, although driver side loading would be safer than in the past given the reduced level and potential speed of other traffic with the rearranged flows. It was observed on Friday 31st March 2017 from 22:00 until 05:59 in the early hours of Saturday, and again from 23:00 on Saturday 1st April 2017 until 06:59 on Sunday morning.

Friday observations

During the Friday we observed 268 people leaving the location in 191 vehicles, a low occupancy of 1.4 per vehicle. 10% of all vehicles arriving left without passengers. There were no passengers ever arriving without a vehicle being there to take them immediately.

The peak flow here was in the first hour, with 72 passengers for the 22:00 hour. Flows then reduced to 59 and then between 17 and 32 in each hour until the 05:00 hour which saw just seven passengers, and the 06:00 hour seeing just a single passenger.

Vehicle waits on average for fares varied from two minutes up to 24 minutes, with some vehicles observed waiting nearly 33 minutes, albeit later in the operating period.

Saturday observations

Similarly to the Broad Street night super rank, flows on the Saturday were very similar to those on the Friday. 276 people left in 178 vehicles, although this was a moderate occupancy of 1.6 per vehicle. Again, there were no passengers arriving when vehicles were absent. 21% of arriving vehicles left without passengers.

Flows on this night peaked at 60 in the midnight hour, and then reduced although the rank still saw a single passenger in the 06:00 hour. Vehicle waits for passengers were generally five to nine minutes, fairly short, although the 05:00 hour saw longer waits, and the longest maximum observed wait of nearly 24 minutes by a vehicle.

Summary

Service to this rank is **very good**.

Out of town - Moseley

This rank is located on St Mary's Row in the one way section leading from Alcester Road towards Wake Green Road. This area is a key pedestrian focus at this junction. The all-hour section of rank is in a lay-by, but this does imply driver side loading, but there is a feeder section operating part time on the opposite side of this section of road. Observations here ran from 10:00 on Saturday 1st April until 21:59 that evening.

During the observed period, 135 people left the rank using 67 hackney carriages, a relatively high occupancy of two per vehicle. A further 12% of vehicles left without passengers. There were ten people who arrived without a vehicle being there for immediate hire. The longest wait was two minutes. Averaged over all passengers using the rank, the typical expected wait was just seven seconds.

There were hours during the morning and early afternoon when there were no vehicles or passengers, particularly the 12:00 hour, whilst 14:00 saw vehicles but not passengers. Typical flows were just one to four, with numbers then rising to five in the 20:00 hour, 24 in the 21:00, 37 in the 22:00 and the peak of 50 in the 23:00 hour. Vehicle waits were long when the flows were lower, but these reduced from 21:00 onwards with increased patronage – between three and eight minutes.

Overall service here is **fair**.

Snobs

This club has moved since the last survey, and is now located on the corner of Hurst Street and Smallbrook Queensway. A rank now exists directly outside on Smallbrook Queensway. It provides passenger side loading directly from outside the club exit. This rank was observed on the Saturday night, 1st April 2017, starting at 23:00 and ending at 04:59 in the early hours of Sunday morning, 2nd April 2017.

During these observations, 286 passengers used 185 hackney carriages to leave this rank, a moderate occupancy of 1.5 per vehicle. A further 7% of vehicles left without passengers. There were five passengers who had to wait for a vehicle to arrive in the 04:00 hour. However, shared over all passengers, the typical wait was just two seconds.

Passenger flows were four in the 23:00 hour, rising to a peak of 72 in the 02:00 hour, then dropping to 68 and 51 before the end of our observations. Vehicle waits in the busier hours were relatively high, 16 to 18 minutes, with longest waits observed of nearly 27 minutes

Overall service here is **fair**.

Other Broad St night ranks

There are several other ranks provided along Broad Street and in some of the side roads off Broad Street. Our overall estimate of average weekly demand adds a further 20% of the volume from the Broad Street super rank to allow for usage of the myriad of other ranks which sometimes feed the main rank, and sometimes have their own usage.

Edgbaston St Markets

Edgbaston Street is now mainly pedestrianised. However, the first section off Dudley Street has been retained as a loop rank and delivery access. It provides a reasonable number of spaces for vehicles, and is used in the daytime although with relatively awkward access and egress tends to see less usage than other locations. We have allowed an estimate of 50% of the volume of passengers observed at Dale End for this location.

Out of town – Erdington

This rank is located directly outside the Parish Church on Erdington High Street, and services the busy local shopping centre here. Loading is from the passenger side of vehicles. The rank here was observed from 10:00 until 18:59 on Friday 31st March 2017.

Some 114 passengers used this rank during our observations, leaving in 80 hackney carriage movements. This is a low occupancy of 1.4 per vehicle. No passenger ever arrived without there being a vehicle available for immediate hire. Flows ranged from one to 24 with the peak in the 15:00 hour. The area became quiet in the 18:00 hour. Typical vehicle waits for fares were six to 21 minutes.

Overall service here is **excellent**.

Out of town – Northfield (estimated)

This rank is located in Rochester Road, just off the main shopping street of Northfield. Passenger side loading occurs, with driver side loading possible with care. Usage of this rank was estimated to be similar to the Erdington location, given the similar nature of the two centres.

Other ranks, Colmore Row / New St area (estimated)

Within the large number of streets around the Cathedral area, there are a number of ranks which see irregular usage, both sides of Colmore Row and near to specific night locations. We estimated that these might see in the order of 20% of the usage from the lesser used of the two Colmore Row ranks.

St Paul's Square

This rank is located outside the Jam House in the St Paul's Square area of the City. It mainly services the night life here. There is also a high level of private hire pick-ups in Ludgate Hill nearby. Observations of the hackney carriage activity here occurred on Friday 31st March 2017 between 22:00 and 03:59. 166 passengers used 100 hackney carriages to leave this rank, a moderate occupancy of 1.7 per vehicle. A further 13% of vehicles left without passengers. None ever arrived without a vehicle being there to take them away directly.

Flows rose from 16 up to a peak of 69 in the 01:00 hour before dropping to 23 and the area then becoming quiet. Vehicles waited between three and 14 minutes for a fare, but longer in the last hour.

Overall service here is **good**.

Aston Street, University

This rank is located in what is now a dead end road in the centre of the University. Vehicles loop round the roundabout with principally passenger side loading, although the area is generally only for vehicles turning round having set down or picked up in the general parking spaces further back towards the main road. The rank here was observed from 09:00 until 16:59 on Friday 31st March 2017.

During that period, 62 passengers left the rank in 44 vehicles, a low occupancy of 1.4 per vehicle. A further 30% of vehicles left without passengers. No passenger arrived and found they had to wait for a vehicle to arrive.

Passenger flows were between two and 15, with the peak in the 12:00 hour. Vehicle waits were variable and could be long, although the longest average wait was in the hour before the busiest hour, so this could have been drivers working towards the expected peak.

Overall service here is **good**.

Other Broad St daytime (estimated)

Whilst we observed some of the daytime Broad Street ranks, in a similar manner to the night provision, there are many other ranks which often see some usage. The estimated patronage of these was based on 25% of the observed passengers at the Oozells Street location.

Out of town- Harborne

This rank is located just off the main road through Harborne, and very near to a major supermarket, albeit over the road from the rank. Loading is from the passenger side of vehicles. Observations at this rank occurred on Friday 31st March 2017 from 10:00 until 18:59.

The rank saw 43 passengers leaving in 32 hackney carriages, a low occupancy of 1.3 per vehicle. Some 58% of vehicles left empty, suggesting this rank may also be a radio rank where vehicles wait for bookings. This is highly likely as the main radio rank network has its main base not far away.

Passenger flows were generally very low, between one and five in most hours. The 16:00 hour saw seven, the 17:00 a peak of 12 passengers whilst the 18:00 hour then reduced to just four people. There were three passengers who arrived when no vehicles were available, though their wait was never more than one minute. Over all passengers, this was an average typical delay of six seconds.

Vehicle waits were two to 25 minutes, not that long given the low flows, again suggesting the use as a radio rank which people take advantage of when passing by. The longest observed vehicle wait was 34 minutes.

Overall service is **good** although demand is relatively low.

Out of town – King's Heath (estimated)

This rank is located in Institute Road, just off the main High Street, with flows estimated to be very similar to those observed at the Harborne rank.

Debenhams (estimated)

This small rank is on the opposite side of Smallbrook Queensway from the feeder rank for the private New Street station location. It sees limited levels of usage, and we estimated this to be 20% of the flows at Dale End rank.

Out of town – Sutton Coldfield

The rank here is located on the northern part of the roundabout at the southern end of the pedestrianised shopping area. Whilst little used in the daytime, it is at the heart of several late night venues and tends to be well used at night. Loading can be awkward being on a roundabout, but is from the passenger side. This rank was observed from 14:00 on Saturday 1st April 2017 until 03:59 in the early hours of Sunday 2nd April 2017.

72 people used this rank, leaving in 39 vehicles, a high average occupancy of 1.8 per vehicle. Three people arrived and had to wait up to just over a minute for a vehicle to arrive. 24% of arriving vehicles actually left without taking fares.

Whilst there were some vehicles in the 14:00, 17:00, 19:00 and 20:00 hours, there was just one passenger in the 18:00 hour. This changed in the 22:00 hour when there were 10 passengers, followed by 24, 15, 12 and 10 in the succeeding hours, with the area becoming quiet in the 03:00 hour. The peak was around formal pub closing times at 23:00. Typical vehicle waits for fares ranged from four to 15 minutes.

Overall service here is **good**.

Direct hiring from radio ranks (estimated)

There are two ranks in the Broad Street / Five Ways area which are principally used as locations where hackney carriages wait to respond to radio network calls. One is on the Harborne Road approach to the Five Ways island, with the other located at the Broad Street end of Bridge Street. We have allowed for some direct hirings by passengers from these locations, assuming they would be around 10% of the level observed from Oozells Street.

Out of Town – Warstone Lane, Jewellery Quarter

This rank is located near the main junction in the Jewellery Quarter in a very busy traffic environment. Observations at this rank ran from 08:00 on Friday 31st March 2017 until 02:59 in the early hours of Saturday morning.

In the period observed, just 13 people left the rank using eight vehicles, a moderate occupancy of 1.6 per vehicle. A very high 81% of vehicles left the rank empty, suggesting some use of the rank as a possible radio waiting location.

The rank only ever saw between one and three passengers, but vehicles were nearly always there up till the 22:00 hour, and again in the midnight hour. Passengers used the rank in the 09:00, 10:00, 11:00, 15:00, 17:00, 20:00, 21:00 and 22:00 hours. Vehicle waits for fares, however, were usually towards half an hour.

Service here is **good**.

Tesco Ladywood

There is a very small rank directly outside one exit from this store. It has a bus stop directly behind. Since the last survey, this supermarket has closed, and so there is no longer any demand at this point and no observations were therefore required.

Mailbox (informal)

During the last survey, road works were under way near the main Mailbox rank, and there was refurbishment of the Mailbox that meant the main exit could not be used. This meant there was an informal location for hackney carriages which is no longer needed given the end of the refurbishment.

Summer Row

This location is no longer a rank given road revisions related to the Paradise Circus redevelopment, although many night venues still exist here, and some pick-ups are therefore likely.

Mailbox

This rank is located directly outside the main exit from the Mailbox shopping centre and offices. Observations here were undertaken on Friday 31st March 2017, running from 10:00 through to 21:59 that evening. During that period, though five vehicles arrived, no passengers used this location at all.

Berkley Street

This rank is one of the smaller ranks located just off Broad Street. This rank was observed from 20:00 on Saturday 1st April 2017 until 01:59 in the early hours of Sunday morning, 2nd April 2017. There was just one vehicle that used the rank, and no passengers during this period.

Airport

We are aware that there a reasonable number of hackney carriages who principally service the shared rank at Birmingham Airport (joint with Solihull hackney carriages). Given that this is a private rank, we have not made any estimates of the level of passengers at this location.

Summary

Birmingham has a large number of active ranks, all of which see generally good to excellent service from the fleet of vehicles, irrespective of if the rank is central or in the suburbs, daytime or at night, high or low flow.

Fleet utilisation

A sample of vehicle plate numbers were recorded for nine sample hours in seven different sets covering five different key locations in the city centre. This test was undertaken on the Saturday which was expected to be when most vehicles might be active. 449 different observations were obtained.

The observations found 260 different hackney carriages active, just 21% of the total fleet. The highest number of recordings of one vehicle was six times. Considering the locations covered, 73% of all vehicles seen were only seen at one of the locations, 23% at two and 4% at three. There was just one vehicle seen in four of the sites. This suggests many vehicles focus on working one location.

In terms of total vehicle observations, the busiest time was 18:30 to 20:00 near New Street station entrance. 26% of all our sampled plate observations were here. 15:30 to 16:30 at the same location identified 20%. The approach to Colmore Row saw 16% in the hour 14:00 to 15:00.

In terms of individual plates numbers, the same order applied, with New Street 18:30 to 20:00 seeing the highest level, 7% of all plates, 6% in the previous session there, and 4% at the approach to Colmore Row, as well as for both of the observations in Broad Street. Dale End and Hurst Street observations had just 2% of the fleet serving them in the periods covered.

Using the above information, and considering other ranks which would need proportions of the fleet, we would expect around half the fleet was likely to have been active during the Saturday of the survey. We estimate the top three ranks of New Street station, Navigation Street and Broad Street would take a quarter of the total on the Saturday, and the other ranks the other quarter, including around 5% of this for the Airport (although we are aware some of these also work nights in town). There are also a good proportion of vehicles that effectively work most of their time as private hire on a major hackney carriage radio circuit.

This suggests there remains a significant level of spare capacity in the hackney carriage fleet at this time. Even with allowances for those who choose just to work specific days, or who might be not working, the City could currently still meet observed demand with up to 25% less vehicles than are currently in place.

Rank abuse

For each location observed, all vehicles operating at or near the rank were recorded (see earlier). This section considers the levels of abuse by other vehicles by rank.

The overall level of abuse on average is not high, with just 10% of movements being private cars, 10% private hire, 1% goods vehicles and only a very small number of emergency vehicles at or near ranks. This leaves 79% of our recorded movements as hackney carriages at ranks.

However, this masks a wide range of variation. The best rank in terms of operation purity was that at Erdington, with just 1% of all movements anything other than hackney carriages. This is more remarkable given the tight location of the rank in an area under high parking pressures.

The next two ranks seeing very low abuse (in both cases 1% of vehicles were private hire and 1% were private cars) are the Broad Street super-rank and the New Street station private rank. In the latter case, all the abuse related to vehicles seen in the non-private feeder rank outside the restricted rank area within the station confines.

At the opposite end of the spectrum, there were three ranks where the level of abuse by private cars was 45% or more of all movements. The worst location was Berkley Street in the Broad Street area, where 62% of movements were cars, 3% were goods vehicles, 32% were private hire vehicles and just 4% were hackney carriages. However, this recording was undertaken at a period when this rank was not really used by hackney carriages, and the local pressure on parking potentially meant people were just taking advantage of available space, although this would then deny the availability to hackney carriages. 32% of those movements observed here were private hire, suggesting it is a place people are advised to wait for booked fares.

Sutton Coldfield rank is a very unusual location. Whilst it is a very good spot for people to obtain hackney carriages at night, it is on a busy roundabout and the factors which make the spot great for hackney carriages to pick up also makes it attractive to the high volume of cars which pick up here. It is also a common spot for private hire vehicles to obtain their passengers.

The principal issue is that the roundabout provides a place for vehicles arriving to turn round to return where they have come from. The rank layout is also such that people are channelled towards the head of the rank with pedestrian railing preventing access at other points. Other nearby potential pick up locations tend to be parked on, or where stopping causes more issue to passing traffic.

At this site, there were 10% of all movements which were hackney carriage, 40% were private hire and 47% were private cars. This clearly caused some issue with ability of the hackney carriages to service the location and there would be value in trying to further enforce the place of the rank, although this may be difficult as most activity is later at night and significant attempts have already been made to show it is a hackney carriage rank and to restrict pedestrian access to the area.

For some reason during this survey, the mailbox rank was not used as much as it was in the previous survey, even with the road and refurbishment works now completed. However, the location was a key point for both private car pick-ups as well as those by private hire vehicles, so there remains demand here.

The Snow Hill station rank also saw 31% of movements private cars and 34% private hire vehicles, which is very difficult for a relatively small rank. The principal issue here is lack of other realistic locations for these other vehicles to drop off and pick up their passengers legitimately, given there is very high pedestrian flow at this location, from the station and the new office blocks, as well as from some of the nearby shops. This area has remained busy despite loss of the tram passengers to the extended route into the city centre.

The coach station rank suffers similarly to the Snow Hill rank. For access reasons, the road with the rank cannot be purely hackney carriage only, but this does mean that private cars and private hire vehicles setting down for the coach station can be tempted to pull up either on the double yellow lines, or on the rank, if there is space, or even if not, as for many there is no clear alternative. This could be reduced by better signing at the start of this section of road pointing those dropping off or expecting to pick up coach passengers to the formal provision at the opposite end of the coach station, which is often relatively free for use. This should particularly be true for private hire vehicles who do not really have any excuse for not using the provided facilities, or even dropping at the far end entrance (albeit on double yellow lines) in any event.

The Aston Street rank can see mainly private car abuse because it is the furthest point that private vehicles can get towards the University main building and other buildings before having to return. There is plenty of parking nearby and such abuse could and should be reduced.

The Tesco informal rank sees other vehicles setting down and picking up nearby – but their usage is almost as legitimate as that for the hackney carriages given that this rank is not formally in place. Again, this arises from the pressure on parking and pick-ups arising from the very good location it provides near to all the shopping. It can also provide an entry to New Street Station. However, when formalisation of this rank occurs, there will be need to remember the parking pressure that exists here.

Other locations see 14% or less abuse by private cars and relatively low levels of private hire issues, apart from private hire near Snobs (19%) and near St Paul's Square ranks (15%). In the latter location, there is an informal location just round the corner typically used by private hire to pick up. Both of these locations would have legitimate private hire pick-ups from bookings so it is hard to see how much negative impact this actually has.

Further discussions in regard to proper provision for private hire pick-ups and set down occur in the synthesis and recommendation chapters.

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4 General public views

It is very important that the views of people within the area are obtained about the service provided by hackney carriage and private hire. A key element which these surveys seek to discover is specifically if people have given up waiting for hackney carriages at ranks (the most readily available measure of latent demand). However, the opportunity is also taken with these surveys to identify the overall usage and views of hackney carriage and private hire vehicles within the study area, and to give chance for people to identify current issues and factors which may encourage them to use licensed vehicles more.

Such surveys can also be key in identifying variation of demand for licensed vehicles across an area, particularly if there are significant areas of potential demand without ranks, albeit in the context that many areas do not have places apart from their central area with sufficient demand to justify hackney carriages waiting at ranks.

These surveys tend to be undertaken during the daytime period when more people are available, and when survey staff safety can be guaranteed. Further, interviews with groups of people or with those affected by alcohol consumption may not necessarily provide accurate responses, despite the potential value in speaking with people more likely to use hackney carriages at times of higher demand and then more likely unmet demand. Where possible, extension of interviews to the early evening may capture some of this group, as well as some studies where careful choice of night samples can be undertaken.

Our basic methodology requires a sample size of at least 200 to ensure stable responses. Trained and experienced interviewers are also important as this ensures respondents are guided through the questions carefully and consistently. A minimum sample of 50 interviews is generally possible by a trained interviewer in a day meaning that sample sizes are best incremented by 50, usually if there is targeting of a specific area or group (eg of students, or a sub-centre), although conclusions from these separate samples can only be indicative taken alone.

It is normal practice to compare the resulting gender and age structure to the latest available local and national census proportions to identify if the sample has become biased in any way.

More recently, general public views have been enlisted from the use of council citizens' panels although the issue with these is that return numbers cannot be guaranteed. The other issue is that the structure of the sample responding cannot be guaranteed either, and it is also true that those on the panel have

chosen to be there such that they may tend to be people willing to have stronger opinions than the general public randomly approached.

Finally, some recent surveys have placed an electronic copy of the questionnaire on their web site to allow interested persons to respond, although again there needs to be an element of care with such results as people choosing to take part may have a vested interest. For this survey, a total of 291 people were interviewed in the streets across the Birmingham council area. 50 were interviewed in each of Moseley and Sutton Coldfield, and the balance of 191 in the city centre area. Further details are in Appendix 4.

64% of those interviewed said they had used a licensed vehicle in the last three months, a much higher level than the 43% in the last survey. This was mainly dominated by higher levels of stated usage in the two outer areas, which is almost certain to be principally private hire. Most of those interviewed told us how often they used licensed vehicles. This produced an estimate of 3.8 trips per person per vehicle per month, again an increase from the estimated 1.6 in the previous survey. The city centre sample had the lowest level, 2.6 trips whilst Sutton Coldfield had a very high usage of 8.2, not necessarily surprising given this is one of the higher income areas.

Overall, 83% said they obtained licensed vehicles by phone methods of some kind, with 51% phoning a company, very similar to the last survey. Mobile or smart phone use had increased to 28% whilst rank usage levels stated are down from 23% to 16%, with hailing significantly reduced from 6% to just 1%, closer to the national average. This latter element has probably been worst hit by introduction of app based methods of obtaining vehicles (see below).

When asked the companies they contacted, there were some 56 different companies named, compared to 42 in the previous survey. There are currently 89 listed Birmingham City council private hire operators. Some are duplicates.

70% of those interviewed named at least one company they would phone. Of these, 11% named three companies (3% in the last survey), 24% named two (21%) and 65% named just one (down from 76%). This suggests there is now more choice and that people are a little less tied to one company, though the level of single company quotes is much higher than in many other similar surveys.

The main change has been a new entrant who now takes 17% of all the quotes regarding companies. The hackney carriage network which formerly had 16% of quotes has now reduced to 9%, but is still the top of the list apart

from the new entrant. Whereas in the previous report, an out of town company obtained nearly as many quotes at the hackney carriage phone network, that company now has a Birmingham base but has lost share from 14% to 4%. Many other companies from the last survey have also lost market share in the quotes from those interviewed.

The top four Birmingham based private hire companies, apart from the new entrant already mentioned, have 9%, 7%, 5% and 5% of the share between them and all have increased share from the last survey, so the news is not all downwards. These are clearly companies that appear to have fought to increase their share. Four others have 4% each. The level of out of town vehicles and companies has also clearly increased, with a focus on those from north of Birmingham, allied presumably to another recent influx from another licensing authority. However, although there are more names (13 compared to 11 excluding four companies not readily traceable), their impact from quoted usage is no more than 6% of the total mentions cumulatively. Many former out of town operators have also chosen to have Birmingham bases now.

It is clear that the impact of the new Birmingham entrant, with a different style of obtaining bookings, has been significant on the phone bookings of the hackney carriage radio company, and on several of the previously larger private hire companies in the area. There has also been a depression in the level of hailing of cabs in the responses, which may also be an impact. Out of town companies have also chipped away and gained favour from those using licensed vehicles in the area.

People were asked how often they used hackney carriages. The resulting value, 1.4 trips per person per month, was higher than the 0.5 from last time, and highest in the city centre (2.5), but lowest in Sutton (0.4). Similarly to the previous survey, hackney carriages are very visible across the City and just 1% said they could not remember seeing a hackney carriage in the City. The proportion not remembering when they last used a hackney carriage had increased marginally from 39% to 42%, not significant but notable.

An interesting point is that the overall market for licensed vehicle services does appear to have grown from the results of the on-street surveys. The proportion of usage quoted as hackney carriage has also increased from 31% to 37%, so the increased market size has actually appeared to increase overall usage despite the change downwards in market share. This is a known phenomenon at the present time (as recently mentioned at the Private Hire and Taxi Monthly exhibition in May 2017).

38 different rank locations were named, although some were slightly different or colloquial names, such as "Marks and Spencer's" or "Bull Ring". Several of

the suburban ranks were named, as well as some lesser used locations and some which were unclear (eg Five Ways station, Deritend, Hill Street). New Street station got the most mentions, with 35%, dominating the list by some way. The next highest share was 8% for Snow Hill Station (with a further 7% for Colmore Row, which may be the Cathedral rank or the station rank). A further 7% named Broad Street, 7% Moseley Village (all those were from the sample collected there), 4% Navigation Street and 4% for the Airport rank. This suggests an overall good knowledge of ranks across the city, although there would also clearly still be benefit from providing a clear map of all ranks and ensuring somehow each location was provided with an advertised name.

Half of all those interviewed told us at least one rank location. 5% of these named four ranks, 17% three, 31% two and 47% just one, again confirming relatively good knowledge of ranks by people.

However, of all the ranks quoted, 73% of the mentions were not actually used by those who quoted them. Just 13% of those in Sutton Coldfield used the ranks they named, although a much higher 34% said they used the ones they named in the Moseley interviewees.

People were asked if they felt new ranks were needed. There were just 16 responses, very low, and suggesting general satisfaction with ranks currently provided. No-one in the Moseley sample suggested any new locations. All suggestions were for the city centre, apart from a suggestion of ranks needed at the NEC and the Airport (one mention each). The highest suggestion, by four people, was a rank at New Street station which already has several different locations provided. Three said High Street and two just said in the city centre. None are significant.

People were asked about issues they had with the current hackney carriage service. 15% of people responded to say they had issues, not a high volume. 25% of these had two problems, none quoted more. In total, there were 56 issues, with the largest proportion, 34% being delay getting a hackney carriage, though these figures were dominated by those from the two outer areas. Position of ranks was second with 21%, all for the city centre respondents, followed by cleanliness and driver issues both with 16%.

As is normal, a higher number of responses were obtained regarding matters which may encourage people to use hackney carriages more, some 182 suggestions. Suggestions were dominated by people suggesting 'other' factors. As is normal, the top one of these was 'cheaper fares' – being 62% of all the suggestions made. The next highest value of 9% related to better located ranks, then better drivers or vehicles (8% each), then more hackney carriages to phone for (5%) and finally more hackney carriages at ranks

(4%). Other, very minor, suggestions were OAP fares, card machines and reliability, but none of these obtained more than one or two mentions.

Overall, it suggests there is little which can be done to increase hackney carriage usage, apart from trying to teach people about their true cost.

Most people responded to the question if they needed, or knew anyone who needed adapted hackney carriage or other licensed vehicles to travel. A very moderate 80% said they did not – this value is often 90% or more, suggesting a higher population of those needing adapted vehicles. This is an increase from the previous survey results which were more typical. The response this time was also much more complete.

Most of those needing an adapted vehicle said the WAV style was what they needed. Interestingly, those who said they needed some other form of adaptation mostly said they needed an access ramp to get into a vehicle, but did not give more information. One said a larger vehicle and another a lower chassis.

People were asked if they had ever given up waiting for a hackney carriage anywhere in Birmingham. 22 people, or 8% of those responding said they had. They mentioned 13 different locations, of which three were not recognisable as ranks. This implies a measurable latent demand factor of 6.5%, slightly higher than the previous survey, but not peculiarly high. 18% of responses were people giving up waiting in Broad Street, 18% at New Street station and 14% in Colmore Row (though which rank is not mentioned).

49% had regular access to a car and 80% lived in the area (with higher values for the two outer areas).

In terms of comparison to the latest available census proportions, the survey interviewed a higher proportion of men (52% compared to 49%), but got the split on age almost correct, with the under 30's slightly over-represented (30% compared to 27%), 31-55 marginally under-represented (34% compared to 36%) and the over 55's very slightly under-represented (36% compared to 37%). There were variations between the areas, with Sutton dominated by the older group and Moseley by the mid group.

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5 Key stakeholder consultation

The following key stakeholders were contacted in line with the recommendations of the BPG:

- Supermarkets
- Hotels
- Pubwatch / individual pubs / night clubs
- Other entertainment venues
- Restaurants
- Hospitals
- Police
- Disability representatives
- Rail operators
- Other council contacts within all relevant local councils

Comments received have been aggregated below to provide an overall appreciation of the situation at the time of this survey. In some cases there are very specific comments from one stakeholder but we have tried to maintain their confidentiality as far as is possible. The comments provided in the remainder of this Chapter are the views of those consulted, and not that of the authors of this report.

Our information was obtained by telephone, email, letter or face to face meeting as appropriate. The list contacted includes those suggested by the Council, those drawn from previous similar surveys, and from general internet trawls for information. Our target stakeholders are as far as possible drawn from across the entire licensing area to ensure the review covers the full area and not just specific parts or areas.

For the sake of clarity, we cover key stakeholders from the public side separately to those from the licensed vehicle trade element, whose views are summarized separately in the following Chapter.

Where the statistical analyses in Chapter 2 demonstrate low levels of wheelchair accessible vehicle (WAV) provision, an increased emphasis will be given to the issue in terms of the focus of stakeholders but also in specific efforts to contact disabled users and their representatives.

Appendix 5 presents details of those consulted and levels of response.

Supermarkets

Three supermarkets in various suburbs of the City responded, all saying that their customers did use licensed vehicles. All had a Freephone facility, with one saying its staff would call vehicles if requested. Two were aware of the (active) ranks nearby them. Two had never received any complaints about the service, whilst one had customers suggest vehicles were occasionally late when phoned for.

Two central Birmingham supermarkets were contacted. These are smaller convenience type outlets more recently established given the increase in people living in central Birmingham accommodation over recent years. One location is near to a highway loop road which allows an informal hackney carriage rank to operate whilst the other is in the centre of the pedestrianised city core shopping area and some distance from any available road options. The location with nearby highway access and an active although informal rank said its customers do use hackney carriages regularly from the rank which they allow to occur within their loading access. The other location, whose nearest public transport is a tram stop and one of the new interchange points (but also the Dale End taxi rank), told us that their customers do not use licensed vehicles at all. This is not surprising given the location.

Hotels

Six hotels told us their customers did use licensed vehicles. Three said reception would call for a vehicle, one said staff would do this, and the other two said that either reception would call or people would make their own arrangements to get licensed vehicles. Three were aware of ranks nearby, whilst one gave a company name as the nearest available licensed vehicle option. Two others were not aware of any nearby ranks. None had ever received any complaints about the service from their customers.

Public houses

Five public houses responded, one saying their customers did not use licensed vehicles. The other four said customers did use them. One said bar staff would phone, another two said staff would call or customers often made their own arrangements, one said staff would phone. None had received any complaints about the service provided, and all were aware of ranks nearby, apart from one in the suburbs that named a private hire operator.

Night clubs

The night club that responded said their customers used licensed vehicles and used them from ranks in Broad Street. Their customers had no issues with the service provided.

Other entertainment venues

The Mac Arts complex told us their customers did use licensed vehicles. Their sales and information desk would obtain a vehicle if needed, from one private hire company. There were no complaints they were aware of having been made.

Restaurants

One restaurant said their customers did use licensed vehicles, but only rarely. When needed, people usually contacted companies themselves, but staff would also call if needed. They were aware of the Snow Hill Station active rank. No complaints had been received.

Hospitals

There was no comment from the hospital contacted.

Police

Birmingham is relatively unique in having a police officer assigned to the licensing section to deal with issues related to licensed vehicles in the area. They also provide regular feedback about ranks and the impact of policy and other changes. Their main concern was the impact of out of town vehicles and the difference in standards this implied in terms of driver behaviour and knowledge about the area. There were no issues with any shortage of hackney carriages or private hire.

Ranks needed urgent review. Many are not used and many are not worth servicing. They felt that this could be undertaken with active hackney carriage drivers and the Council, with unused rank spaces swapped for space at locations where more spaces were needed to allow for high demand levels at current active ranks.

Disability

Contact was made with the local representatives for Guide Dogs for the Blind. They were generally happy with the service provided, and felt that the City dealt with any issues arising promptly and effectively, particularly in regard to issues when poor service was received.

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6 Trade stakeholder views

The BPG encourages all studies to include 'all those involved in the trade'. There are a number of different ways felt to be valid in meeting this requirement, partly dependent on what the licensing authority feel is reasonable and possible given the specifics of those involved in the trade in their area.

The most direct and least costly route is to obtain comment from trade representatives. This can be undertaken by email, phone call or face to face meeting by the consultant undertaking the study. In some cases to ensure validity of the work being undertaken it may be best for the consultation to occur after the main work has been undertaken. This avoids anyone being able to claim that the survey work was influenced by any change in behavior.

Most current studies tend to issue a letter and questionnaire to all hackney carriage and private hire owners, drivers and operators. This is best issued by the council on behalf of the independent consultant. Usual return is now using an on-line form of the questionnaire, with the option of postal return still being provided, albeit in some cases without use of a freepost return. Returns can be encouraged by email or direct contact via representatives. Some authorities cover private hire by issuing the letter and questionnaire to operators seeking they pass them on when drivers book on or off, or via vehicle data head communications.

In all cases, we believe it is essential we document the method used clearly and measure response levels. For this survey, a printed letter and questionnaire was produced for the Council to issue to all involved in the trade. This was undertaken including tweeting of the electronic link to the questionnaire to all those linked to the police licensing officer. An email was also sent to all registered trade representatives advising them of the issue and the link. It was distributed to drivers attending the office. Finally, responses were encouraged at a Trade Liaison Group meeting, and a meeting then held on Wednesday 12th July 2017 with all trade representatives who chose to respond to the invitation to the meeting. Apologies were received from some unable to make that meeting. Further notes of that meeting and responses following it are provided after the results of the all-driver survey. However, a planned inclusion on a postcard sent to all drivers for other reasons may not have happened as intended.

There were 64 responses to the all-driver survey. 78% were from hackney carriage drivers and 22% from private hire. This was a 4% response for the hackney carriage drivers and 0.3% for private hire, relatively low, with the overall value 1% across all drivers. However, the numbers were such that the results should be robust for the purposes of this evaluation.

Further comment was made (see later) by representatives about if they considered this to be sufficient or not.

For the full survey, the average number of years of service was 19, with the longest responding driver having been a Birmingham licensed vehicle driver for some 43 years. This is a high level of expertise, and higher than in most other locations recently surveyed.

Respondents told us how long they had worked in the week before they completed the survey. 38% had worked six days, 24% five days and 21% seven days. There were people contributing to the survey who had worked less, 9% said four days, 7% three and 2% two days. None had worked just a single day. They said their average number of days was five, with average hours 39, but a maximum found of some 80 hours. These are relatively typical hours worked.

Many suggested factors that influenced when they worked. The top score of 24% was given equally to working at busy times, and avoiding times when traffic was heavy. 18% said they worked when they preferred to, 15% simply said 'other reasons' whilst 12% admitted they avoided times when there were drunken, violent or abusive customers. 6% worked around family commitments and the final 3% said they worked when they had promised to work according to commitments to customers.

A high 90% said they owned their own vehicle. 97% said that no-one else drove their vehicle, suggesting a high level of vehicle ownership by drivers, and very little double-shifting of vehicles. This implies a high level of spare capacity in the fleet were it required. However, this is partially reduced by the moderate level of hours worked (with the maximum being nearly half the available hours in a week).

36% of the hackney carriage respondents said they worked for a radio circuit, with most of these being for the main hackney carriage company. Of all those naming companies, three quarters were hackney carriages. Six other private hire companies were named, each by one person. One of these was a hackney carriage working for a private hire company. This suggests the hackney carriage fleet is accessible by phone, but principally through hackney carriage networks with a small number available via private hire circuits.

People told us the ranks they used. 23 different locations were named including several suburban ranks. However, only New Street Station was mentioned by more than a few – 23% named this location. 11% said 'all' and 10% said 'city centre'. Broad Street obtained 8% of mentions, with Colmore Row 7%. Harborne, High Street and Navigation Street each got 5%. Selly Oak, China Town and Five Ways got 3% each.

Some of the locations mentioned were not totally clear, such as High Street, Selly Oak and 'Grand Central' as they could refer to several locations.

When asked if there were issues with ranks 41% felt there were too few ranks or spaces available. 16% were concerned about private hire abusing ranks, 10% were concerned about out of town vehicles using them. 14% just said ranks were not in the right place. 8% were concerned about over-ranking and 8% felt stewards were needed on busy nights to help rank operation. 2% were concerned about private vehicles using ranks to park on.

For all those responding, 69% said rank pick-ups were their main way of getting fares. 20% said phone bookings, 7% private contracts, 3% hailing and 2% school contracts. Several hackney carriages said they got most work from phone bookings. One private hire said their main work was from hailing, a regular misunderstanding given by app-based drivers (not just from this survey).

All gave a view if the moratorium should continue. Of the total, 63%, the majority said it should. 37% said not. Split between hackney carriage and private hire, 32% of hackney carriages did not agree the moratorium should continue. However, 43% of private hire felt that it should. Overall this does suggest a good level of support for retaining the moratorium.

People were asked why the limit should remain, and how it benefitted the public. This was a free-format questions, making summary more difficult, but effectively 45% said it ensured vehicles were always available at ranks, 24% said it reduced pollution and congestion and 10% said it kept public safety high. 7% said it encouraged clean, safe and well-maintained vehicles.

Many made additional comments, most being concern over the low levels of work and a major concern about out of town vehicles appearing to blatantly take work many felt should be theirs. Many other and varied views were provided.

Trade representative feed back

The trade meeting held as part of the study saw nearly 20 members turn up to listen to the results of the survey and provide their feedback. The unanimous view of those present was that the current demand for hackney carriages was low and that the number of vehicles remained well beyond the numbers needed for present demand. Many of the views of the individual drivers presented in the survey were reiterated.

For all the hackney carriage drivers, three organisations claim to represent in total about 90% of all hackney carriage drivers. Many drivers belong to two of the three organisations, given that each organisation has a slightly different focus. Numbers of members were provided which exceeded the number of drivers confirming this occurrence of dual memberships.

All three hackney carriage organisations supported continuation of the moratorium on the basis of no unmet demand being found that could be considered to be significant. All confirmed that members tended to trust their organisation to respond for them, rather than spend time providing individual inputs driver by driver. They all agreed that the level of response to the driver survey was sufficient and would adequately cover the current views of the industry in Birmingham at this time. This was confirmed at the meeting by a clear vote that no further driver consultation was needed, and that all present supported the retention of the moratorium.

The secretary of the RMT Union confirmed in writing that they believe the report is a fair representation of the situation on the ground and that there is no demand for any new licences to be issued.

A response was received in writing from one of the largest traditional private hire operators in the City. They felt there were more than enough hackney carriages to service ranks in the City from their observations. They raised concerns about need for proper provision for private hire vehicle pick-ups, particularly near to New Street station, and also mentioned concern about the Clean Air Zone introduction implications for service. They were also concerned about out of town vehicles providing service to City residents.

In conclusion, whilst there are a range of views within the trade, the overall view is that the present moratorium policy remains valid and appropriate, and that the observations of continuing reduction in usage of hackney carriages from ranks is correct. Though there are opportunities to grow the level of demand across the industry, there remain plenty of hackney carriage vehicles able to meet foreseeable demand.

7 Evaluation of unmet demand and its significance

It is first important to define our specific view about what constitutes unmet demand. Our definition is when a person turns up at a hackney carriage rank and finds there is no vehicle there available for immediate hire. This normally leads to a queue of people building up, some of who may walk off (taken to be latent demand), whilst others will wait till a vehicle collects them. Later passengers may well arrive when there are vehicles there, but because of the queue will not obtain a vehicle immediately.

There are other instances where queues of passengers can be observed at hackney carriage ranks. This can occur when the level of demand is such that it takes longer for vehicles to move up to waiting passengers than passengers can board and move away. This often occurs at railway stations, but can also occur at other ranks where high levels of passenger arrivals occur. We do not consider this is unmet demand, but geometric delay and although we note this, it is not counted towards unmet demand being significant.

The industry standard index of the significance of unmet demand (ISUD) was initiated at the time of the introduction of section 16 of the 1985 Transport Act as a numeric and consistent way of evaluating unmet demand and its significance. The ISUD methodology was initially developed by a university and then adopted by one of the leading consultant groups undertaking the surveys made necessary to enable authorities to retain their limit on hackney carriage vehicle numbers. The index has been developed and deepened over time to take into account various court challenges. It has now become accepted as the industry standard test of if identified unmet demand is significant.

The index is a statistical guide derived to evaluate if observed unmet demand is in fact significant. However, its basis is that early tests using first principles identified based on a moderate sample suggested that the level of index of 80 was the cut-off above which the index was in fact significant, and that unmet demand therefore was such that action was needed in terms of additional issue of plates to reduce the demand below this level, or a complete change of policy if it was felt appropriate. This level has been accepted as part of the industry standard. However, the index is not a strict determinant and care is needed in providing the input samples as well as interpreting the result provided. However, the index has various components which can also be used to understand what is happening in the rank-based and overall licensed vehicle market.

ISUD draws from several different parts of the study data. Each separate component of the index is designed to capture a part of the operation of the demand for hackney carriages and reflect this numerically. Whilst the principal inputs are from the rank surveys, the measure of latent demand comes from the public on-street surveys, and any final decision about if identified unmet demand is significant, or in fact about the value of continuing the current policy of restricting vehicle numbers, must be taken fully in the context of a careful balance of all the evidence gathered during the survey process.

The present ISUD calculation has two components which both could be zero. In the case that either are zero, the overall index result is zero, which means they clearly demonstrate there is no unmet demand which is significant, even if other values are high.

The first component which can be zero is the proportion of daytime hours where people are observed to have to wait for a hackney carriage to arrive. The level of wait used is ANY average wait at all within any hour. The industry definition of these hours varies, the main index user counts from 10:00 to 18:00 (i.e. eight hours ending at 17:59). The present index is clear that unmet demand cannot be significant if there are no such hours. The only rider on this component is that the sample of hours collected must include a fair element of such hours, and that if the value is non-zero, review of the potential effect of a wider sample needs to be considered.

The other component which could be zero is the test identifying the proportion of passengers which are travelling in any hour when the average passenger wait in that hour is greater than one minute.

If both of these components are non-zero, then the remaining components of the index come into play. These are the peakiness factor, the seasonality factor, average passenger delay, and the latent demand factor.

Average passenger delay is the total amount of time waited by all passengers in the sample, divided by the total number of passengers observed who entered hackney carriages.

The seasonality factor allows for the undertaking of rank survey work in periods which are not typical, although guidance is that such periods should normally be avoided if possible particularly as the impact of seasons may not just be on the level of passenger demand, but may also impact on the level of supply. This is particularly true in regard to if surveys are undertaken when schools are active or not.

Periods when schools are not active can lead to more hackney carriage vehicles being available whilst they are not required for school contract work. Such periods can also reduce hackney carriage demand with people away on holiday from the area. Generally, use of hackney carriages is higher in December in the run-up to Christmas, but much lower in January, February and the parts of July and August when more people are likely to be on holiday. The factor tends to range from 0.8 for December to 1.2 for January / February.

There can be special cases where summer demand needs to be covered, although high peaks for tourist traffic use of hackney carriages tend not to be so dominant at the current time, apart from in a few key tourist authorities.

The peakiness factor is generally either 1 (level demand generally) or 0.5 (demand has a high peak at one point during the week). This is used to allow for the difficulty of any transport system being able to meet high levels of peaking. It is rarely possible or practicable for example for any public transport system, or any road capacity, to be provided to cover a few hours a week.

The latent demand factor was added following a court case. It comes from asking people in the on-street questionnaires if they have ever given up waiting for a hackney carriage at a rank in any part of the area. This factor generally only affects the level of the index as it only ranges from 1.0 (no-one has given up) to 2.0 (everyone says they have). It is also important to check that people are quoting legitimate hackney carriage rank waits as some, despite careful questioning, quote giving up waiting at home, which must be for a private hire vehicle (even if in hackney carriage guise as there are few private homes with taxi ranks outside).

The ISUD index is the result of multiplying each of the components together and benchmarking this against the cut-off value of 80. Changes in the individual components of the index can also be illustrative. For example, the growth of daytime hour queueing can be an earlier sign of unmet demand developing than might be apparent from the proportion of people experiencing a queue particularly as the former element is based on any wait and not just that averaging over a minute. The change to a peaky demand profile can tend towards reducing the potential for unmet demand to be significant.

Finally, any ISUD value must be interpreted in the light of the sample used to feed it, as well as completely in the context of all other information gathered. Generally, the guide of the index will tend not to be overturned in regard to significant unmet demand being identified, but this cannot be assumed to be the case – the index is a guide and a part of the evidence.

For this current survey, the average passenger waiting time over all passengers is almost zero. The proportion of off peak hours in which there was any queue at all was just 2.53%. The proportion of people travelling in hours when there was a queue over a minute was just 0.01% (there was just one such hour, only affecting one person).

The rank data was collected in a neutral period, so the seasonal factor is 1.0. In terms of latent demand from those saying they have given up waiting for a hackney carriage at a rank in Birmingham, this value from the on-street questionnaires is 6.9%, a moderate level. The area does not tend to show peaky demand, so this factor is 1.0. That provides an estimate of the significance of unmet demand observed to be negligible but not zero.

Compared to previous surveys, the level of off peak hours where people find queues has reduced, as has the average passenger delay. The proportion of people travelling in hours with average queues a minute or more has increased as has the latent demand factor. However, none of these changes have been at a level of any real significance.

The committee can therefore be clear that, though there is a small amount of unmet demand, it is a very long way from levels that would be considered to be significant, and at a level that is very unlikely to become significant particularly quickly.

8 Summary, synthesis and study conclusions

This Hackney carriage unmet demand survey on behalf of Birmingham City Council has been undertaken following the guidance of the BPG and other recent case history regarding unmet demand and its significance. This chapter first provides a summary chapter by chapter. It then compares and contrasts the separate results into a synthesis of the current picture of demand and supply for hackney carriages and their passengers. Finally, a summary is provided to lay the foundations for the recommendations in the final Chapter.

Background and context

Our appointment began on 21st March 2017 in line with our proposal of January 2017. The survey included rank observations in March 2017, on street interviews in April 2017, canvassing of key stakeholders through the period to July and a wide trade review including a meeting with representatives at the end of the period.

Birmingham introduced a moratorium on the issue of new hackney carriage vehicle plates in 2008 after a period of no limit on vehicle numbers. However, the fleet has long had a requirement to be fully wheel chair accessible. The moratorium implies that any plates not renewed are not replaced. The current situation is that vehicle numbers reduced from the peak of 1,466 to 1,219 at the time of the rank work being undertaken. This is a 17% reduction in vehicle numbers with the past year seeing the largest reduction.

Private hire vehicle numbers have grown marginally since the last survey, but driver numbers continue to fall towards the level of a driver per vehicle. Operator numbers have also only shown increase in the last year, after a long period of declining numbers.

We are also well aware of the city attracting large numbers of out of town vehicles some of whom are understood to be acting under the present understanding of the recent Deregulation Act permitting service of demand by seconding of work to other area vehicles on the private hire side (as well as with out of town hackney carriages operating on local private hire circuits).

Rank observations

Rank observations based on those undertaken in the previous survey, plus addition of observations at the new New Street station private rank and some transfer of locations arising from road network changes, provided 263 hours of observed usage of ranks across the City.

During the observations, 13,434 vehicle arrivals and departures were identified, of which 10% were private cars at or near ranks. 10% were local private hire vehicles and 1% were goods vehicles. Some ranks saw little abuse at all, surprisingly the Erdington rank being the best performer in terms of lack of abuse. At the other end of the spectrum some 24-hour ranks generally used by hackney carriages at specific times are badly abused when less hackney carriages are using them. The worst case of abuse by other vehicles when active is the Sutton Coldfield rank, despite significant attempts to resolve this. The informal central Birmingham rank would need significant care to keep the level of abuse down were it formally introduced, as at present many different users are observed here.

Some of the 'abuse' was identified as relating to potentially legitimate access needed by private hire vehicles to their booked customers, but other was related to out of town vehicle operations.

Two people were observed using wheel chairs to access hackney carriages at ranks in this survey, more than the none observed in the previous survey. 14 other people appeared to have disabilities, with most of these being at the out of town Erdington rank.

An overview of the results demonstrates demand focussed on a few key ranks and on late night demand, but with a very good number of other ranks which are used, some over longer periods of time, albeit at lower levels compared to the main ranks. One informal location continues to make a significant contribution to people getting hackney carriages in the center of the City. The overall view of demand has a profile which is not heavily peaked given the long periods over which high demand is sustained.

Total weekly estimated demand appears to be 6% down since the 2014 survey. The top two ranks take 45% of observed demand between them (the private New Street station rank and its former replacement location, Navigation Street). Interestingly, the combined level of patronage from these two ranks is 44% more than it was in 2014, twice the level of growth of passengers at the station in the similar period.

The Broad Street super rank is the next largest with 8% of estimated overall demand. Colmore Row East, Cathedral sees 4% followed by six locations with around 3% each, and nine with 2%. The final seven ranks each have around 1% of demand providing some 26 active ranks in and around the City – a very good level of spread of demand for hackney carriages.

This – and the total numbers of passengers – specifically exclude the joint rank operated at Birmingham International Airport between Birmingham and Solihull vehicles – a private operation with its own characteristics.

Further, our individual rank reviews found that the bulk of operating ranks see good, very good or excellent levels of service, with just a small number of ranks only seeing 'fair' service for various reasons. None had less than 'fair' service.

Tests of the level of fleet operating on the busiest day at key locations identified just 21% of the fleet with 73% of these seen just at one site (albeit many times). The most active period was the 18:30 to 20:00 period on Saturday night near the private station rank. This suggests – even allowing for the Airport demand – observed peak demand could be met by up to 25% less vehicles than currently exist. This ties in with the continued reduction in vehicle numbers.

On street public views

291 people were interviewed across the City, with two samples in two of the suburbs with active ranks. A higher level of 64% said they had used a licensed vehicle in the last three months compared to the previous survey. The level of overall usage was also more than double at 3.8 licensed vehicle trips per person per month. The level of hackney carriage usage, at 1.4 trips per person per month is also higher than in 2014.

Levels of access to licensed vehicle by direct phone remained similar to the last survey but mobile or smart phone use had increased, whilst hailing had reduced significantly and rank use was down to 16%. A larger number of companies were named in this survey and people seemed to be making use of more choice although the level of single company quotes is higher than in many other places, suggesting loyalty can be high. Last time the hackney carriage phone number was the dominant company phoned as well – now there is another new entrant with a higher level, with the hackney carriage phone network now second. Many other companies from the last survey have also lost their market share now.

However, the next four Birmingham based private hire companies have all increased their shares since the last survey. They have between 9% and 5% of mentions, with four other companies with 4% each. There are clear mentions of out of town operators in the listings.

Our survey found that hackney carriages are very visible right across the City. The level not remembering their last use of a hackney carriage has increased a little, but the overall level at 42% remains good compared to many other places around England.

Overall, we believe the total market for licensed vehicle services has grown, as has the share of hackney carriages of this, although hailing and rank use have suffered from the levels of app and phone competition, giving an overall reduced level of patronage from these sources.

Whilst there is good overall knowledge of ranks, there remains clear benefit from provision of a clear map of all active ranks and possibly ensuring each rank has a clearly advertised name. There were no public requirements for new ranks. Just 15% of people said they had issues with hackney carriages but nothing was really significant. More people said items that would encourage more use, but as is usual the focus was on cost.

The results of the questions on disability suggest a higher level of need of adapted vehicles in the City than in other places. Most needed wheel chair accessible vehicles.

The measurable latent demand level was 6.5%, not particularly high. These were shared almost equally between Broad Street, New Street station and Colmore Row.

Key stakeholder views

Suburban supermarkets had phone links for customers, but some also said customers used nearby active ranks. The city centre sample found one with high use of hackney carriages from the rank and another with no real use of licensed vehicles at all. Hotels also mainly used private hire but were also aware of ranks their customers did use. The same was true for public houses. The only night club responding said their customers used ranks. Restaurants tended to use phone for vehicles.

Main police concerns were regarding the out of town operations which led to many issues. They also felt ranks needed to be reviewed, but by active trade involvement with the Council. A disability representative said that any issues arising were dealt with promptly and well.

Trade views

An all-trade survey saw a 4% response from hackney carriage and 0.3% for private hire, an overall 1%, but from a very large contingent. Results were also shared with all key trade representatives who felt they were a true reflection of the current situation.

The respondents provided a high level of expertise, higher than in many other recently surveyed locations. The highest proportion, 38% had worked six days, with average hours of 39, relatively typical. There were several who worked two to four days. 12% said they avoided times they might encounter drunken, violent or abusive customers. The top two reasons stated – both by 24% of respondents – were working at busy times, and avoiding congested traffic.

There was little evidence of much if any double-shifting of vehicles. A relatively high number of hackney carriages – over a third – worked for one hackney carriage radio company. Six other private hire companies were named by hackney carriages drivers as ones they worked for.

Although many ranks were named including many suburban, only New Street station had a significant level of mention (23%). The next highest mention was Broad Street at 8% and Colmore Row (which one uncertain) 7%. Many felt there were too few ranks or spaces, 16% were concerned about private hire abuse and 10% about out of town vehicle abuse of ranks.

69% of those responding said their main way of getting fares was from ranks. Interestingly an app-based respondent suggesting their main way of getting fares was from 'hailing', although this could have been a result of not having 'via an app' as a specific option.

63% agreed the moratorium should remain, including 43% of private hire respondents. People gave reasons they felt this benefitted the public, with 45% saying it ensured vehicles were always available at ranks, 24% saying it reduced pollution and 10% that it kept public safety high.

A face to face meeting with key trade representatives found support for the findings and detail of the study, with all three organisations confirming their view in writing after. A large private hire operator also responded with a main concern ensuring adequate pick-up facilities for their legitimate operations.

Formal evaluation of significance of unmet demand

Use of the industry standard tool of the index of significance of unmet demand found that the elements of the index, and the overall result, were all very small and a long way from the levels which would imply the small amounts of unmet demand identified were significant in terms of Section 16 of the 1985 Transport Act.

Levels of off peak hours with queues were reduced compared to 2014, as was the average passenger delay. However, latent demand and the proportion of those travelling in hours with average queues over a minute have increased, but only very marginally.

Overall, there is no evidence of any unmet demand being significant using the standard industry tool.

Synthesis

The City of Birmingham retains an active fleet of hackney carriages, servicing not just the City centre but many suburbs, and available to people by phone as well as at ranks and from hailing. There are a high number of active ranks although key activity is focussed at a smaller number, the top two being related to the key New Street railway station.

Introduction of the new, purpose built private provision at the Station appears to have increased usage there by more than the increase in numbers of passengers using the station. The previous provision at Navigation Street continues to see passengers however, probably related to the number of exits which are close to this rank and the general trend of direction people wish to head when they leave the station (i.e. towards the financial and pleasure areas of the City).

Discussion with the public suggests that the overall market for licensed vehicles, and overall levels of usage of both private hire and hackney carriage have increased, although the impact of 'apps' seems to have reduced usage of ranks, hailing and some less go-ahead private hire companies, whilst others have benefitted by using technology. The rank-based level of demand is, however, down 6% compared to 2014, consistent with a continuing fall in the number of vehicles active.

Reduced demand has meant an improved service for those remaining with using ranks, and two components of the industry standard index of significance of unmet demand reflect this. Other elements remain insignificant.

The trend seen in many other studies where off peak service has deteriorated as hackney carriages increase their operation on private hire or hackney radio networks sees the opposite effect in Birmingham – the fleet has always had high levels of linkage to phone bookings such that the hackney carriage fleet still provides the second highest way of getting licensed vehicles by phone in the City. Its top place has only been surpassed by a company using ‘apps’.

Despite the falling rank demand, the service provided to those using ranks has remained between good and excellent at nearly all locations.

Conclusions

Whilst there are causes for concern in terms of the levels of overall rank demand declining, service levels to customers of hackney carriages have improved and there are some places where demand has in fact increased. Overall licensed vehicle demand is up and there are opportunities for the hackney carriage trade to take advantage of their position to focus on and sell their high levels of customer service to their benefit.

However, it is also very clear that the current moratorium policy remains appropriate and a key factor helping maintain some stability in the present situation. It remains supported by all elements of the licensed vehicle trade and acts in the public interest at the present time.

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9 Recommendations

On the basis of the evidence gathered in this Hackney carriage unmet demand survey for Birmingham City Council, our key conclusion is that there is no evidence of any unmet demand for the services of hackney carriages either patent or latent which is significant at this point in time in the Birmingham City Council licensing area. The committee is therefore able to retain the current policy of a moratorium on issue of new hackney carriage vehicle plates and defend this if necessary.

Marketing, signing and identification of active hackney carriage ranks remains an important way that hackney carriage services could be helped to continue their valuable contribution to the City economy.

There are places where highways enforcement of ranks remains necessary and would help improve the potential for service by hackney carriages.

The current actions being taken to reduce the risk to the public of vehicles operating in the City whose drivers and vehicles are not to the current expected high local standards are important and must be supported and strengthened as far as possible. It is, however, accepted that this may need national action and amendments to legislation which will be very hard to attain without significant joint effort from the council, police and trade.

There do appear to be opportunities for the hackney carriage, and private hire, trades to develop and grow their business by taking advantage of all current and legitimate options to focus on customer safety and service.

Appendix 1 – Statistics of industry**Birmingham City**

Limit removed 1996 and moratorium applied 16 Oct 2008

	hcv	phv	lv total	hcd	phd	dd	total d		Operators	% hcv WAV	% phv WAV
1994D	725			811				1994D		100	
1996	750			<u>877</u>						100	
1997 08	750	2800	3550	<u>953</u>						100	
1997D	837	3750	4587	1010	3950		4960	1997D		100	
1999 05	944	4000	4944	<u>1105</u>	<u>4225</u>		5330	1999 05		100	
1999D	1019	3541	4560	1200	4500		5700	1999D	95	100	
2001D	1019	3540	4559	1200	4500		5700	2001D	95	100	
2004D	1120	3526	4646	1288	4386		5674	2004D	79	100	
2005D	1200	5000	6200	1500	6500		8000	2005D	73	100	
2007D	1296	6500	7796	1500	6500		8000	2007D	73	100	
2008C	1332	4889	6221	1448	6231		7678.5	2008C	85	100	
2009D	1466	5203	6669	1395	5962		7357	2009D	96	100	
2010C	1462	5500	6962	<u>1413</u>	<u>5993</u>		7406	2010C	<u>98</u>	100	
2010N	1462	5500	6962	<u>1413</u>	<u>5993</u>		7406	2010N	<u>102</u>	100	
2011D	1404	4943	6347	1431	6024		7455	2011D	104	100	
2012N	1392	5102	6494	<u>1410</u>	<u>5666</u>		7076	2012C	<u>98</u>	100	
2013D	1342	4363	5705	1388	5308		6696	2013D	92	100	
2014N	1255	<u>4096</u>	<u>5351</u>	<u>1370</u>	<u>5112</u>		6482	2014N	<u>87</u>	100	
2014C	1262	<u>4074</u>	<u>5336</u>	<u>1360</u>	<u>5014</u>		6374	2014C	<u>85</u>	100	
2015D	1241	4052	5293	1351	4916		6267	2015D	81	100	
2016C	1244	4159	5403	1335	4873		6208	2016C	79	100	
2017C	1219	4192	5411	1323	4779		6102	2017C	89	100	

Appendix 2 – Rank observation hours

See separate document

Appendix 3 – Detailed rank observation results

See separate document

Appendix 4 – On street survey results

See separate document

Appendix 5 List of Key Stakeholders consulted

Key consultee	Response
Supermarkets	
Tesco, Hockley	N
Asda, Kings Heath	Y
Central England Co-op, Stirchley	R
Waitrose, High St, Harborne	Y
Sainsbury's, Alcester Road	Y
Tesco, New Street, Central Birmingham	Y
Sainsbury's Union Street, Central Birmingham	Y
Morrison's, Five Ways	R
Hotels	
Hotel La Tour	Y
Hotel du Vin and Bistro, Birmingham	Y
Park Regis, Birmingham	Y
Rowton Hotel, Birmingham	Y
Bloc Hotel	Y
Hyatt Regency, Birmingham City	Y
Restaurants / Cafes	
Adam's Restaurant	R
Cote Brasserie	N
Piccolino	N
Jekyll and Hyde	Y
Viceroy Tandoori	Y
Entertainment	
Odeon, Birmingham	R
Mac Arts Complex, Edgbaston	Y
New Alexandra Theatre	R
Public Houses	
Hello at the Victoria	Y
The Wellington	Y
Bristol Pear	Y
Bacchus Bar	Y
The Rose Villa Tavern	Y
Prince of Wales	R
Night Clubs	
Nightingale Club	R
Sugar Suite / Velvet Music Rooms	Y
Snobs	N
Other key stakeholder groups	
City Hospital	R

Police, Licensing Officer	Y

BIRMINGHAM CITY COUNCIL

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

23 October 2017
ALL WARDS

**PROPOSAL TO INTRODUCE QUALITY RATING SCHEME
FOR PRIVATE HIRE OPERATORS**

1. Summary

- 1.1 Following a report to this Committee in July 2017 to consider the implementation of a Quality Rating Scheme (QRS) for Private Hire Operators it was agreed that further consultation would be held with the trade.
- 1.2 That consultation was opened on the City Council's consultation hub BeHeard on the 11th August 2017 and closed on the 15th September 2017.
- 1.3 This report details the responses to that consultation.
- 1.4 It is proposed that following the outcome of the consultation and subsequent amendments to the scheme the committee has one of two options detailed in recommendations 2.1 and 2.2.

2. Recommendations

- 2.1 To implement a Quality Rating Scheme to coincide with the introduction of the new conditions of Licence based on the scheme at Appendix A, subject to any changes made by the Committee.
- 2.1(a) That the rating of each operator be reviewed annually in line with a programmed Operator Inspection.

OR

- 2.2 Not to implement any such scheme.

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Telephone: 0121 303 6111
Email: chris.neville@birmingham.gov.uk

Originating Officer: Shawn Woodcock, Licensing Operations Manager

3. Background

- 3.1 The background to this scheme has been well documented in reports to this committee in October 2014, July 2016, and July 2017.
- 3.2 It is anticipated that publicising compliance with Private Hire Operator Conditions and the terms of this scheme will increase levels of competition between operators, which will in turn, improve standards of service and safety for members of the public.

4. Proposal

- 4.1 The proposed scheme will cover all licensed Private Hire Operators, within Birmingham, and the scoring of the business will be based on compliance with the indicators listed on the assessment form, attached as Appendix A.
- 4.2 There are 53 items on which each operator will be assessed. One point will be allocated for compliance with all aspects of each item.
- 4.3 There will be 2 types of indicator on which the assessments will be based.
Essential criteria: based on the new proposed conditions attached to each operator licence; and
Bonus criteria: evidence of written policies and procedures to demonstrate best practice, support for their own staff through training and implementing measures to enhance the consumer experience and safety.
- 4.4 There are 27 Essential criteria and 26 Bonus items.
- 4.5 The final score will be a percentage score based on the number of points available for each operator. For example some operators will have exemptions from certain conditions and not all bonus points will be relevant to particular operators; these points will not be included in the total available for that particular operator.
- 4.5 Each operator will then be allocated a percentage quality rating based on their score:
- <50% – Un-Rated.
 - 50 – 70% – Bronze.
 - 70 – 80% – Silver.
 - 80 – 93% – Gold.
 - >93% – Platinum.
- 4.6 It is anticipated that assessments will be on an annual basis, conducted during routine inspections. If an operator wishes to make improvements and apply for a secondary inspection, they may do so on payment of a fee.
- 4.7 Any operator that fails their annual inspection will automatically be classified as Un-Rated until they have achieved the minimum requirements to pass their annual inspection.

4.9 In effect bonus points will not be awarded if the essential criteria are not met allowing for any exemptions each individual operator might have.

4.10 The results of the quality rating will be published on the City Council website and individual operators will be able to advertise their own score to promote their company; although advertising on vehicles will not be allowed.

5. Consultation

5.1 The proposal to introduce a rating scheme was put on to the City Councils consultation page at <https://www.birminghambeheard.org.uk/place/pho-qrs-consult/> on the 11th August 2017. The questionnaire and background information is attached at Appendix 2.

5.2 All current licensed private hire operators were written to on the 14th August advising them that the consultation had begun and inviting them to respond either via the website, email or in writing.

5.3 Emails were sent to those that regularly attend trade meeting also informing them that the consultation had begun.

5.4 The closing date for the consultation was the 15th September 2017 giving approximately five weeks for responses to be made.

5.5 22 responses were received although one of these appears to be a duplicate and four were anonymous and these are attached at Appendix 3.

5.6 Of the 22 responses seven declared themselves as Licensed Operators and 14 as members of the public; one didn't answer the question.

5.7 Responses from the consultation were generally in favour of a scheme, with 15 respondents indicating that they either support the introduction or that they thought it would help drive up standards; however some more detailed responses indicated that the scoring system needed amending if the aim of the scheme to drive up standards were to be achieved.

5.8 Concerns were also raised regarding the deduction of points for drivers plying for hire. It is suggested that as drivers can work for more than one operator it would be necessary to establish who they were working for when caught plying for hire. As they are operating illegally then they cannot be working for any operator at the specific time.

5.9 It was suggested that the proposal to deduct points would act as a disincentive to operators informing Licensing about any of their drivers who they suspected had plied for hire.

5.10 As a result this deduction in points has been removed and instead a bonus added for those operators assisting fully in investigations against drivers and regularly reminding their drivers that they should not ply for hire.

5.11 Concern was also raised regarding the points needed to achieve a particular

rating.

- 5.12 For example, an operator achieving compliance with an inspection and so meeting the Essential criteria would have previously been rated Silver; and with minimal effort, (3 bonus points) could be rated as Gold. It was suggested that this therefore did not provide a stimulus for the trade to go above and beyond their basic conditions of licence.
- 5.12 The rating levels have therefore been amended to reflect this, such that only a Bronze rating can be achieved by meeting all the essential criteria.

6. Implications for Resources

- 6.1 At this stage there are no implications for resources; assessments would be conducted alongside routine operator inspections requiring minimal extra time. Current licensing fees cover the costs of these inspections.

7. Implications for Policy Priorities

- 7.1 The activity described in this report contributes to the key aim of your Committee to improve standards of licensed people, premises and vehicles in the City.
- 7.2 In addition to helping to drive up private hire operator standards in Birmingham, the quality rating scheme allows members of the public to make informed choices about which businesses they wish to give their custom to.
- 7.3 The scheme is consistent with the Regulation and Enforcement Mission Statement - locally accountable and responsive fair regulation for all – achieving a safe healthy, clean, green and fair trading city for residents, business and visitors.

8. Public Sector Equality Duty

- 8.1 Under the Duty we must have regard to the need to:
- Eliminate unlawful discrimination, harassment, and victimisation and other conduct prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic and those who do not.
- 8.2 The Quality Rating Scheme will relate to managerial processes at each private hire operator business, not to individual people and every operator will be subject to it. To that extent an Equality Assessment is not necessary for the recommendations in this report.

- 8.3 The scheme recommended in this report helps to eliminate unlawful discrimination and advance equality of opportunity for disabled people by encouraging private hire operators to train drivers and their employees on taking passengers with assistance dogs, taking passengers in wheelchairs and awarding an additional point for operators that have at least one wheelchair accessible vehicle in their fleet.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil

Scoring System

E – Essential criteria B – Bonus criteria

SECTION & CONDITION NUMBER OR BONUS POINT	INDICATOR	TICK TO AWARD POINT	E or B
STAFF			
12	Nominated Responsible Person on site		E
13	Responsible Person fully aware of conditions of licence		E
11	Staff Register		E
11	Supporting documents		E
B	Is there a documented Management rota? (if 'yes' award point)		B
B	Documented Staff Training in respect of how to answer calls and dealing with complaints		B
B	Written staff disciplinary procedure		B
DRIVERS & VEHICLES			
B if No	Uses out of town Hackney Carriage Vehicles to carry out pre-booked jobs?	NB – only one point is available	B
If Yes, are	Checks made with relevant licensing authority and insurance companies to verify documentation & advising them that vehicle is operating within Birmingham. This must be evidenced by way of letter/e-mail from insurer and local authority.		
B	Routine, documented, vehicle checks conducted (inc. price lists displayed prominently)		B
B	Receipts issued on request to customers identifying driver		B
B	Alternative methods of payment accepted		B
B	Written contract between operator and driver outlining dress code, code of conduct, issue of receipts		B
B	Written driver disciplinary procedure		B
RECORD OF BOOKINGS			
30	Able to print out records from computer system at all times		E
31 (ai) or (aii)	Name & Signature or Code of person making record		E
31b	Time & date of booking		E
31c	Name of Hirer (not 'see staff' or 'as directed')		E
31d	Time & pick up point		E
31e	Place of destination (not 'as directed' or 'local')		E
31f	Time vehicle allocated to booking		E
31g	Driver call sign or registration number of vehicle allocated to booking		E
31i	If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.		E
35	Records kept for 12 months and readily available for inspection		E
DOCUMENTS TO BE KEPT BY THE OPERATOR			
6, 7, 8	Copy of licence on display or available for inspection		E
36	Up to date driver & vehicle list with all required information (inc start & finish dates)		E
4	List forwarded to Licensing Monthly		E
37a	No PHD licences missing		E
37b	No PHV licences missing		E
37c	No MOT missing		E
37d	No insurance missing		E
38	Documents kept for 12 months and available for inspection		E

E – Essential criteria B – Bonus criteria

SECTION & CONDITION NUMBER OR BONUS POINT	INDICATOR	TICK TO AWARD POINT	E or B
ASSISTANCE DOGS			
B	Documented driver training on carrying assistance dogs		B
B	Documented staff training on carrying assistance dogs		B
WHEELCHAIR USERS			
B	Documented driver training on carrying wheelchair passengers		B
B	Documented staff training on carrying wheelchair passengers		B
B	Wheelchair accessible vehicle(s) on fleet		B
COMPLAINTS			
39	Evidence of a complaints procedure		E
39a	Name, contact details of complainant and date received		E
39b	Date, time and details/nature of complaint		E
39c	Name of driver (and badge number) or member of staff, to which the complaint relates		E
39d	Details of action taken		E
B	Is complaints procedure documented?		B
41	Records kept for 12 months and available for inspection		E
B	Documented staff training on procedure		B
EXTRAS			
B	Customer informed of type of vehicle being despatched to booking		B
B	Basic 'ring back' that vehicle arrived		B
B	Driver uniform/Dress code		B
B	Lost Property Register		B
B	First Aid Training for drivers		B
B	Cooperation with Licensing Enforcement on Plying for hire investigations		B
B	Provides regular updates to drivers regarding plying for hire		B
B	Documented training on how to deal with driver emergencies		B
B	Customer service training for Staff		B
B	Customer service training for Drivers		B
Total Essential Points (a)			
Total Bonus Points (b)			
Maximum Points Available (c)			
FINAL SCORE			

$$\text{Final Score} = \frac{a+b}{c} \times 100$$

PRIVATE HIRE OPERATORS CONDITIONS OF LICENCE

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

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

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

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

CONDITIONS

INFORMATION TO BE REPORTED TO THE LICENSING OFFICE

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

3. When notifying the Licensing Office of any matters required by Condition 2. You must provide full details of any such matter and if asked, provide any further information that might reasonably be asked for by an authorised officer.
4. You must provide the Licensing Office an updated Driver and Vehicle List on the first of every month. This list should include **all** drivers and vehicles operated by you for the purposes of private hire and their call signs.
5. When supplying information to the Licensing Office this **MUST** be in writing but can be provided by post, in person or via email.

DISPLAY OR PROVISION OF A COPY OF THE LICENCE

6. If the public have access to your premises your licence and the conditions attached to it must be prominently displayed in a position that is clearly visible.
7. If the public do not have access to your premises then upon request you must either provide a copy or permit any member of the public to view a copy of your licence and conditions attached to it.
8. If you have a website a copy of your licence and conditions attached to it must be available on your website.
9. In respect of these copies of your licence either on display, on request or online you may redact your personal address if shown on the licence.

STAFF

10. No person other than a director, partner, employee or contractor shall be engaged in any aspect of the business.
11. You must keep and maintain at the licensed premises a register of all such persons, which shall include
 - (a) their full name
 - (b) date of birth
 - (c) home address
 - (d) national insurance number
 - (e) contact telephone number
 - (f) any call sign/codes they are allocated
 - (g) the dates their employment commenced/terminated
 - (h) documentary proof of identification
 - (i) documentary proof that each has been registered with HMRC as an employee
 - (j) documentary proof of their right to work in the UK
12. Either you or a Responsible Person over the age of 18 and notified by you in writing to the Licensing Office pursuant to Condition 1 must be in charge of the operation and immediately contactable by an authorised officer or police constable at any time during the hours of operation.
13. You must ensure that any Responsible Person left in charge of the premises in your absence is fully aware of these conditions of licence, the need to comply with them and be able to produce the records to an authorised officer or police constable on request.

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

STATIONERY & ADVERTISEMENTS

15. You must not advertise your private hire business or use stationery
- (a) with a trading name that is not included in your Private Hire Operator's licence
 - (b) showing your trading name in a different style/format of letters, numbers or logos
 - (c) which includes any references or information which may be misleading to the public
- without obtaining the prior written approval of the Licensing Office
16. You must not advertise your private hire business in a manner which gives rise to confusion with another private hire operator licensed by this Council or any other neighbouring council.
17. No notice, sign or advertisement seeking to advertise or promote your business of a private hire operator, wherever it is displayed, shall consist of or include the words "TAXI" or "CAB" or "For Hire" whether in the singular or plural, or any words or devices which give any indication that the service to which the notice, sign or advertisement relates is that which can only be provided by a licensed Hackney Carriage.
18. You must ensure that staff answering your private hire telephone number(s) does so by using your trading name only.
19. If you do not issue an electronic receipt to the customer, you must provide drivers with stationery that they can use for issuing receipts. Electronic receipts shall include your trading name, details of the driver, the journey and fare paid. Stationery shall include your trading name and have spaces for the driver's call sign, details of the journey and fare paid to be recorded.

DRIVERS AND VEHICLES

20. Private Hire Operators in the City of Birmingham shall only operate with vehicles and drivers licensed by the Birmingham City Council and shall operate only from premises within the City boundary.
21. Mobile phones or smart phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, passing or accepting bookings for that vehicle.
- The only exception to this is where a smart phone is installed specifically to host an app. designed for the acceptance of bookings from you.
22. Should a taximeter be fitted to any private hire vehicle operated by you, you must ensure that it has been tested, sealed and certified to have been calibrated and set to your tariff(s) before it can be used for calculating fares for passengers.
23. If technology is provided by the operator to enable route planning and fare calculation they should ensure that drivers proceed to the destination by shortest possible route,

through the programming of any technology provided by the operator, which is designed to assist drivers in route planning and calculation of fares.

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

VEHICLE IDENTITY PLATES & SIGNAGE

24. You must ensure that every private hire vehicle operated by you is issued with such operator signs and notices as may be required for the vehicle to be compliant with the requirements of the City Councils Vehicle Signage Policy and approved in writing by the Licensing Office. No other signage is permitted.
25. You must not change the design of your operator signs without obtaining the prior written approval from the Licensing Office.
26. Only one approved door sign design is to be in use at any one time. All previous versions must be removed from circulation within 14 Days of a new approved sign being introduced.

RECORDS OF BOOKINGS

27. You must keep a record of every private hire booking either in writing in a suitable hard back book which has consecutive page numbers or a proprietary computerised booking and dispatch system.
28. If you use a book you must ensure the entries are clearly and easily legible, with no line spaces or blank pages.
29. Should you wish to use change your computerised system, then you must first notify, in writing, the Licensing Office.
30. If you have a computerised booking system, you must ensure it is able to produce a print out of any records requested by an authorised officer or police constable at all times.
31. At the time of accepting each booking an entry shall be made in the record book or computerised booking and dispatch system that shall include:
 - ai) The name and signature of the person making the record and the radio operator for each period of duty - Record Book only
 - aii) The code for the person making the record - Computerised system only
 - b) The date on which the booking is made and, if different, the date of the proposed journey
 - c) The name of the person for whom the booking is made or, if more than one person, the name of one of them
 - d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first place of collection
 - e) The destination
 - f) The time a vehicle was allocated to the booking
 - g) The driver's call sign or registration number of the vehicle allocated the booking
 - h) The fare agreed for the journey (where appropriate)
 - i) If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.

32. Recording destinations - The very minimum you should record is the street and postal area of the main destination (e.g. Stratford Road, Hall Green) or the place (e.g. The Robin Hood, Stratford Road). At best it should be the full postal address (e.g. 1456 Stratford Road, Hall Green, B28 9ES). It is not sufficient to record just the postal area (e.g. Hall Green) as that would cover too wide an area. However where you know the full postcode (e.g. B28 9ES) that will suffice, as it would identify the street destination.
33. When allocating a booking to a driver, you must provide them with all of the following details:
- a) the name of the person for whom the booking is made
 - b) the agreed time and place of collection
 - c) the destination
 - d) the fare agreed (if applicable).
34. You must not accept or record details of any booking passed to you by a driver.
35. Your records of all private hire bookings, whether retained in a book or on a computerised system, must be kept at your licensed premises for at least 12 months and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

DRIVER AND VEHICLE RECORDS AND DOCUMENTS

36. You must keep and maintain an up to date record of **all** the drivers and vehicles operated by you for the purposes of private hire on a Driver and Vehicle List, which must include:
- a) the call sign allocated to the driver/vehicle
 - b) the driver's name and private hire badge number
 - c) the vehicle's registration and private hire plate numbers
 - d) the date the driver joined you and, if applicable, ceased working for you.
37. You must obtain and retain the following documentation in respect of every vehicle and driver you operate prior to allocating them any bookings, namely:
- a) a copy of the driver's current private hire driver's licence or badge
 - b) a copy of the vehicle's current private hire vehicle licence or front identity plate
 - c) a copy of the vehicle's current MOT certificate
 - d) a copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
 - e) a copy of the Taximeter Calibration Certificate, where appropriate
38. The above documentation relating to vehicles and drivers must be retained at your licensed premises for at least 12 months after a vehicle or driver ceases to undertake work for you and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

COMPLAINTS

39. You must establish a complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:
- a) the name, contact details of complainant and date complaint received

- b) the date, time and details/nature of the complaint
- c) the name of the driver (and Badge number) or member of staff, to which the complaint relates
- d) details of the investigation carried out and any action taken.

40. Upon receiving a complaint or allegation concerning:

- a) sexual misconduct, sexual harassment or inappropriate sexual attention
- b) racist behaviour
- c) violence
- d) dishonesty such as overcharging, theft or retention of lost property
- e) breach of equality legislation, such as refusing to carry an assistance dog

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

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

Passenger Service Vehicles

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

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

Private Hire Operator Quality Rating Scheme Consultation

The City Council is proposing to introduce a Quality Rating Scheme (QRS) in respect of private hire operators. This QRS would score Private Hire Operators on their level of compliance with licence conditions and hopefully provide positive encouragement to improve standards.

It is proposed that a quality rating, similar to that of FHRS from the Food Standards Agency, to be published on the Birmingham City Council website allowing members of the public to make informed choices about who they use.

The aim of the scheme is to promote the private hire trade within Birmingham and attempt to drive up service standards; making operators more accountable for the actions of their drivers.

It is anticipated that by publicising the rating of operators assessed under the scheme would give greater customer confidence in their choice of operator, hence increasing competition and driving up standards across the trade.

The Food Hygiene Rating Schemes is operated by over 300 Local Authorities in England and evidence suggests that publicising food hygiene scores has brought about improvement in levels of hygiene.

It is anticipated that publicising compliance with Private Hire Operator Conditions would increase compliance and, in turn, increase safety standards for members of the public.

Proposal

The proposed scheme will cover all licensed Private Hire Operators, within Birmingham, and the scoring of the business will be based on compliance with the indicators listed on the assessment form, attached as Appendix 1.

There are currently 47 items on which each operator will be assessed. One point will be allocated for compliance with all aspects of each item.

These 47 items however are not definite and may be subject to amendment removal completely or new items introduced depending on the outcome of this consultation.

In an attempt to make operators more accountable for their drivers, 5 points will be deducted if a driver representing their company is cautioned or prosecuted for plying for hire.

There will be 2 types of indicator on which the assessments will be based.

Essential criteria: based on the new proposed conditions attached to each operator licence; and

Bonus criteria: evidence of written policies and procedures to demonstrate best practice, support of their own staff through training and implementing measures to enhance consumer experience and safety.

There are currently 28 Essential criteria and 19 Bonus items.

Each operator will then be allocated a quality rating based on their score:

- <10 points– Licensed.
- 11 - 20 points – Bronze.
- 21 - 30 points – Silver.
- 30 - 45 points – Gold.
- >45 – Platinum.

It is anticipated that assessments will be on an annual basis, conducted during routine inspections. If an operator wishes to make improvements and apply for a secondary inspection, they may do so on payment of a fee.

The results of the quality rating scheme will be published on City Council Licensing web pages.

1. Are you a
LICENSED OPERATOR/DRIVER/VEHICLE OWNER/MEMBER OF THE PUBLIC?
2. If you are a Private Hire Operator, do you think the introduction of a published QRS will aid to grow your business from a marketing view point?
YES/NO/NA
3. If you are a member of the public, would a published QRS influence your choice when ordering a vehicle to take you out/home?
YES/NO/NA
4. If you are a driver, would a published QRS influence who you chose to work for?
YES/NO/NA
5. Do you think the introduction of a QRS will help drive up operator standards in Birmingham?
YES/NO
- 5.a If you answered no to Q5 please can you explain why not?

6. Are there any specific scoring points you would like to see added?

7. Are there any specific scoring points you think should be removed?

8. Are there any specific scoring points you think should be amended?

A large, empty rectangular box with a thin black border, intended for the user to provide a response to question 8.

9. Do you have any further comments you wish to make in regard to the proposed introduction of a published QRS for Private Hire Operators?

A large, empty rectangular box with a thin black border, intended for the user to provide a response to question 9.

We want to know who uses our services to help us provide a fair and equal service to everyone in Birmingham. Please would you complete the following questions about you?

9. Please tick one box only

How old are you?

0-17 18-19 20-24 25-29 30-34 35-39 40-44 45-49 50-54 55-59 60-64 65-69 70-74 75-79 80-84 85+ Prefer not to say
☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

10. Please tick one box only

What is your sex? Female Male
☐ ☐

11. Please tick one box only

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

Yes No Prefer not to say
☐ ☐ ☐

12. Please tick one box only

What is your ethnic group?

White (English/
Welsh/Scottish/
Northern Irish/
British) Any other
White
background Mixed/multiple
ethnic groups Asian/Asian
British Black
African/
Caribbean/
Black British Other ethnic
group
☐ ☐ ☐ ☐ ☐ ☐

13. What is your sexual orientation?

- ☐ Bisexual
☐ Gay or Lesbian
☐ Heterosexual or Straight
☐ Other
☐ Prefer not to say

14. What is your religion or belief?

- ☐ No religion
- ☐ Christian (including Church of England, Catholic, Protestant and other Christian denominations)
- ☐ Buddhist
- ☐ Hindu
- ☐ Jewish
- ☐ Muslim
- ☐ Sikh
- ☐ Any other religion



Private Hire Operator Quality Rating Scheme Consultation: Summary report

This report was created on Monday 18 September 2017 at 15:12.

The consultation ran from 11/08/2017 to 15/09/2017.

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Question 1: What is your name?

Name

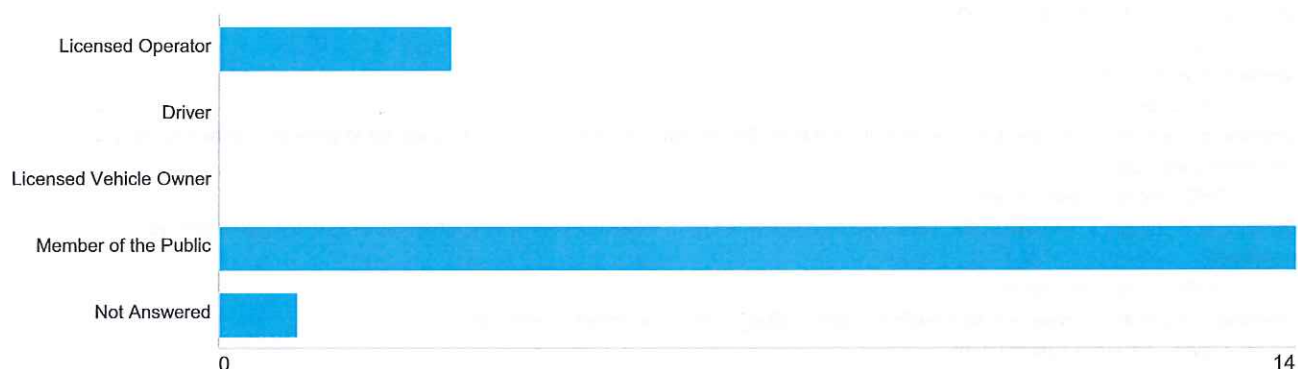
There were 14 responses to this part of the question.

Question 2: What is your email address?**Email**

There were 11 responses to this part of the question.

Question 3: What is your organisation?**Organisation**

There were 9 responses to this part of the question.

Question 4: Are you a?**Consultee**

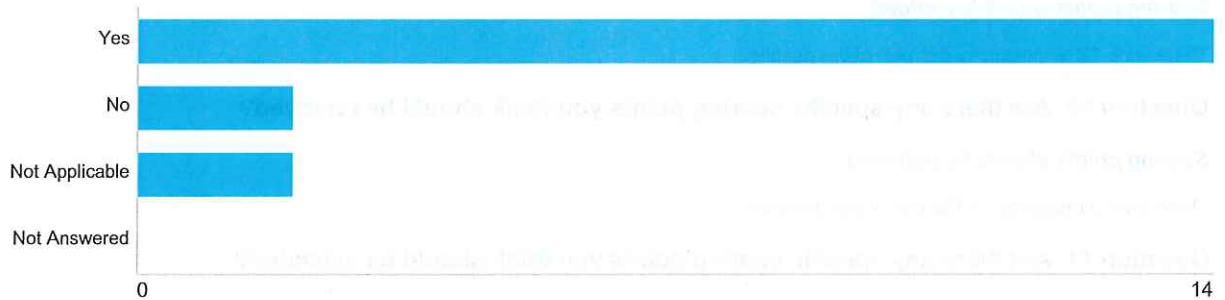
Option	Total	Percent
Licensed Operator	3	16.67%
Driver	0	0%
Licensed Vehicle Owner	0	0%
Member of the Public	14	77.78%
Not Answered	1	5.56%

Question 5: If you are a Private Hire Operator, do you think the introduction of a published QRS will aid to grow your business from a marketing view point?**PHO - Aid Business Growth**

Option	Total	Percent
Yes	2	11.11%
No	2	11.11%
Not Applicable	14	77.78%
Not Answered	0	0%

Question 6: If you are a member of the public, would a published QRS influence your choice when ordering a vehicle to take you out/home?

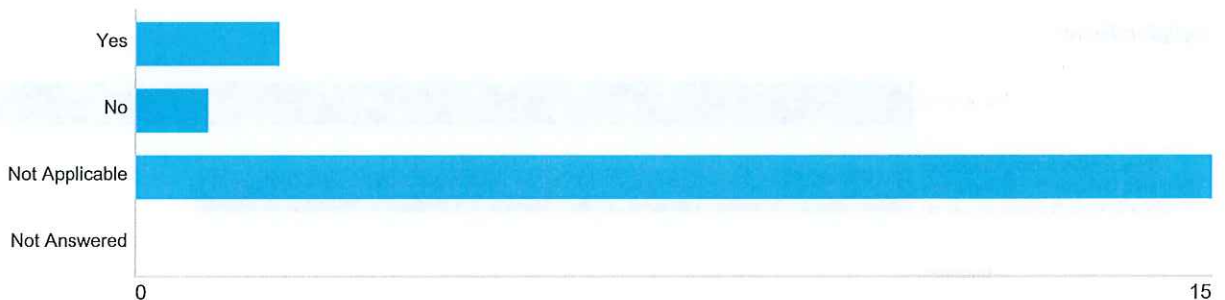
Public - Influence Choice



Option	Total	Percent
Yes	14	77.78%
No	2	11.11%
Not Applicable	2	11.11%
Not Answered	0	0%

Question 7: If you are a driver, would a published QRS influence who you chose to work for?

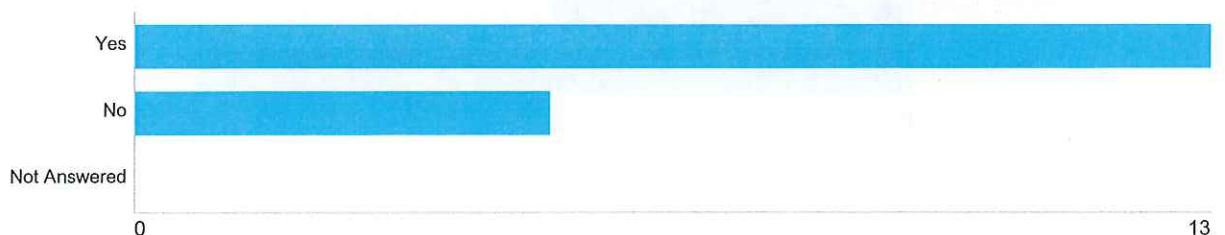
Driver - Influence Employment



Option	Total	Percent
Yes	2	11.11%
No	1	5.56%
Not Applicable	15	83.33%
Not Answered	0	0%

Question 8: Do you think the introduction of a QRS will help drive up operator standards in Birmingham?

QRS Drive up Operator Standards



Option	Total	Percent
Yes	13	72.22%
No	5	27.78%
Not Answered	0	0%

If no, why not

There were 7 responses to this part of the question.

Question 9: Are there any specific scoring points you would like to see added?**Scoring points would like added**

There were 12 responses to this part of the question.

Question 10: Are there any specific scoring points you think should be removed?**Scoring points should be removed**

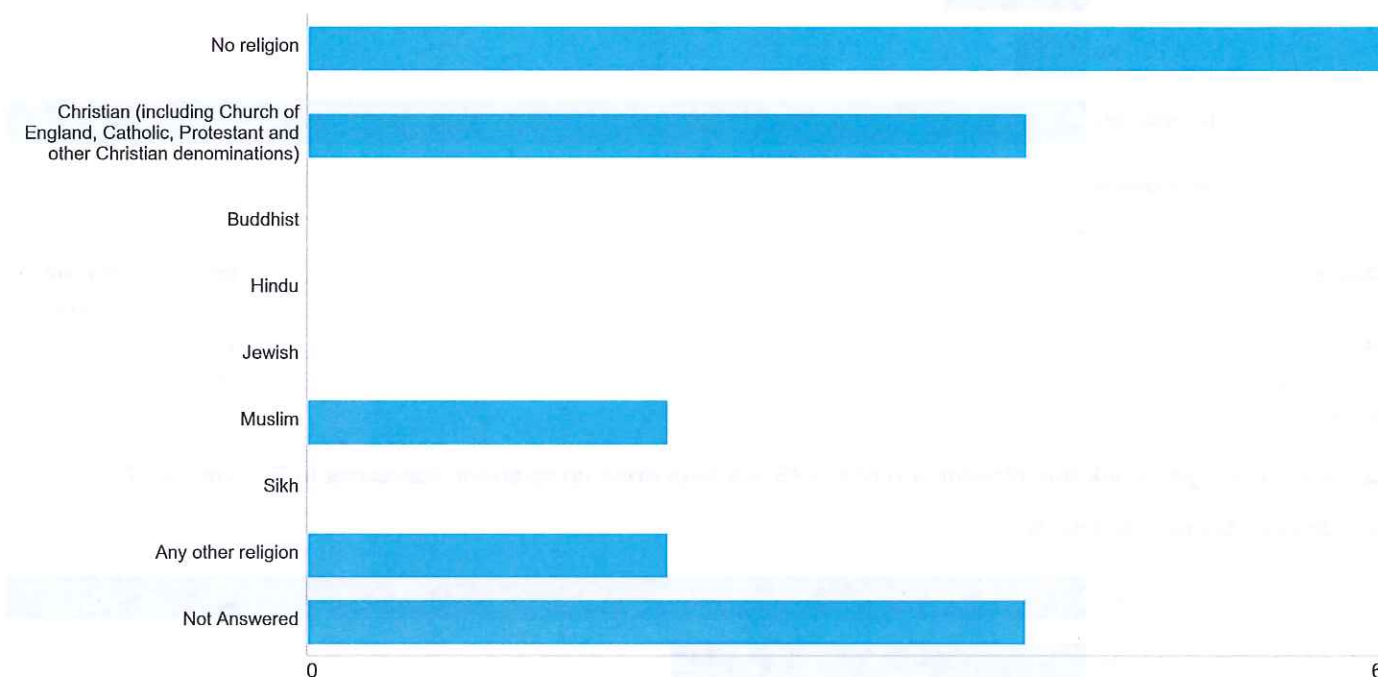
There were 3 responses to this part of the question.

Question 11: Are there any specific scoring points you think should be amended?**Scoring points would like amended**

There were 3 responses to this part of the question.

Question 12: Do you have any further comments you wish to make in regard to the proposed introduction of a published QRS for Private Hire Operators?**Additional comments**

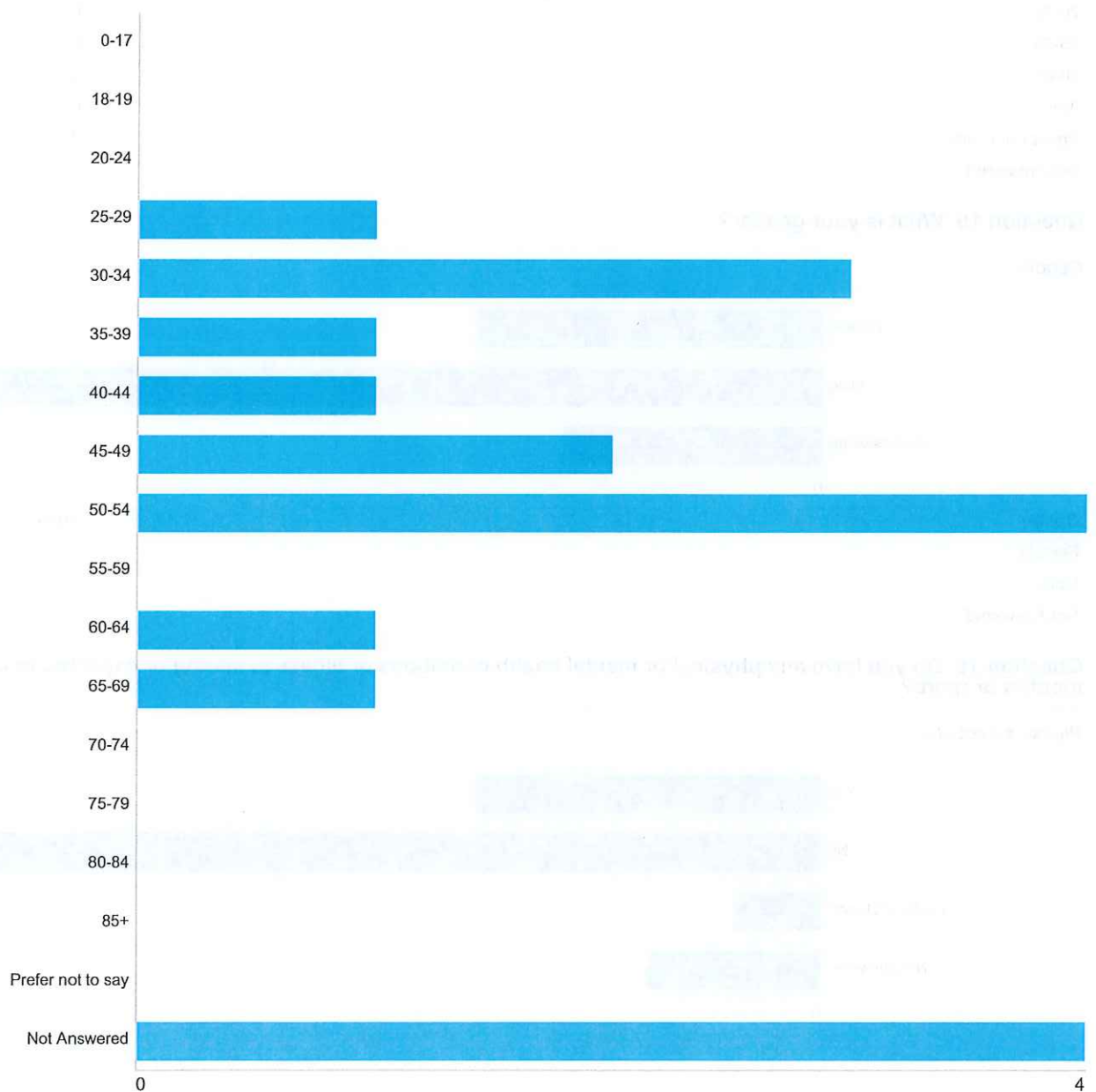
There were 11 responses to this part of the question.

Question 13: What is your religion or belief?**Religion/Belief**

Option	Total	Percent
No religion	6	33.33%
Christian (including Church of England, Catholic, Protestant and other Christian denominations)	4	22.22%
Buddhist	0	0%
Hindu	0	0%
Jewish	0	0%
Muslim	2	11.11%
Sikh	0	0%
Any other religion	2	11.11%
Not Answered	4	22.22%

Question 14: How old are you?

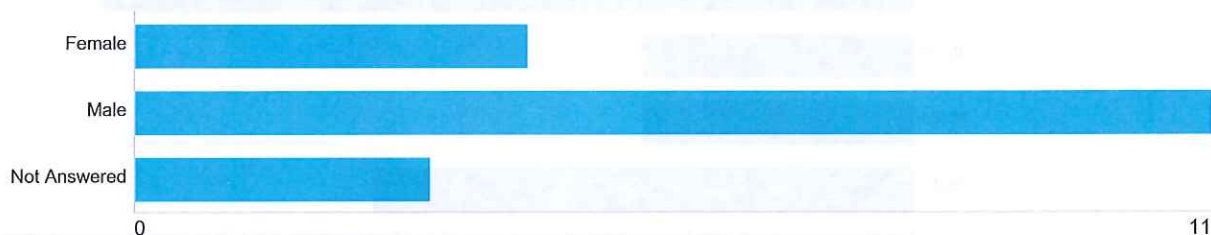
Age group



Option	Total	Percent
0-17	0	0%
18-19	0	0%
20-24	0	0%
25-29	1	5.56%
30-34	3	16.67%
35-39	1	5.56%
40-44	1	5.56%
45-49	2	11.11%
50-54	4	22.22%
55-59	0	0%
60-64	1	5.56%
65-69	1	5.56%
70-74	0	0%
75-79	0	0%
80-84	0	0%
85+	0	0%
Prefer not to say	0	0%
Not Answered	4	22.22%

Question 15: What is your gender?

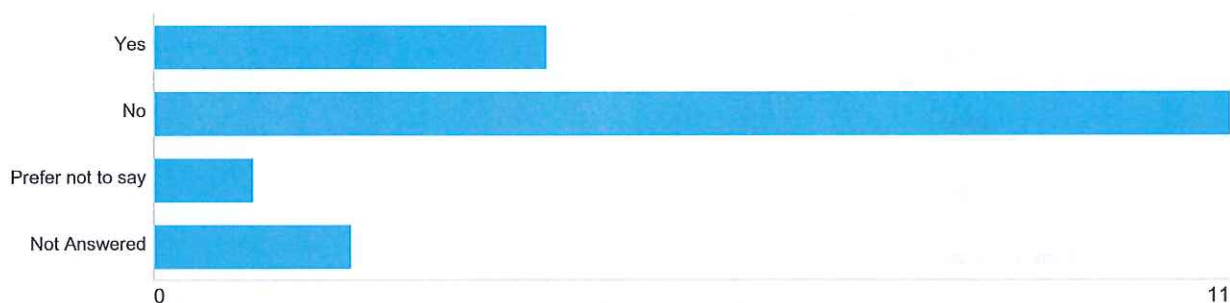
Gender



Option	Total	Percent
Female	4	22.22%
Male	11	61.11%
Not Answered	3	16.67%

Question 16: Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?

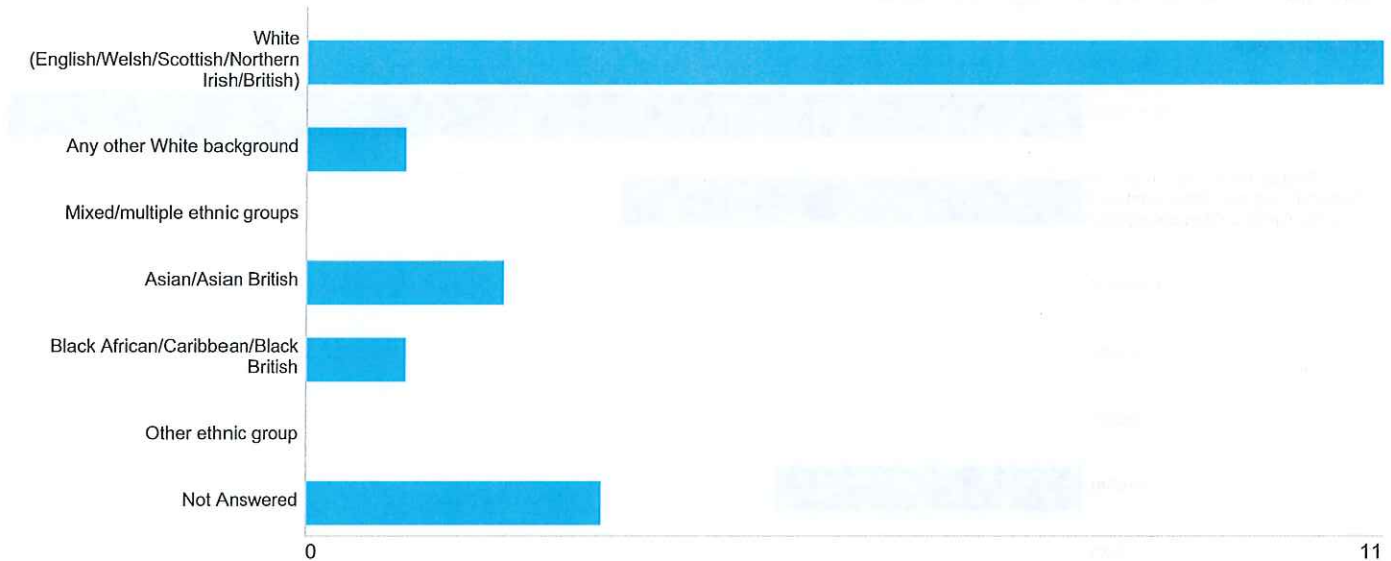
Please select one



Option	Total	Percent
Yes	4	22.22%
No	11	61.11%
Prefer not to say	1	5.56%
Not Answered	2	11.11%

Question 17: What is your ethnic group?

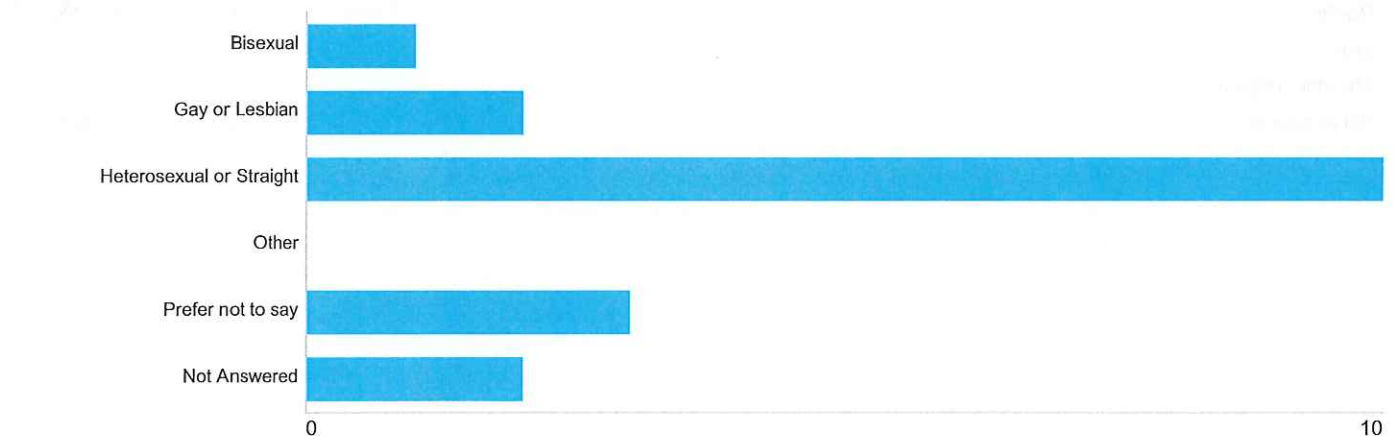
Ethnicity



Option	Total	Percent
White (English/Welsh/Scottish/Northern Irish/British)	11	61.11%
Any other White background	1	5.56%
Mixed/multiple ethnic groups	0	0%
Asian/Asian British	2	11.11%
Black African/Caribbean/Black British	1	5.56%
Other ethnic group	0	0%
Not Answered	3	16.67%

Question 18: What is your sexual orientation?

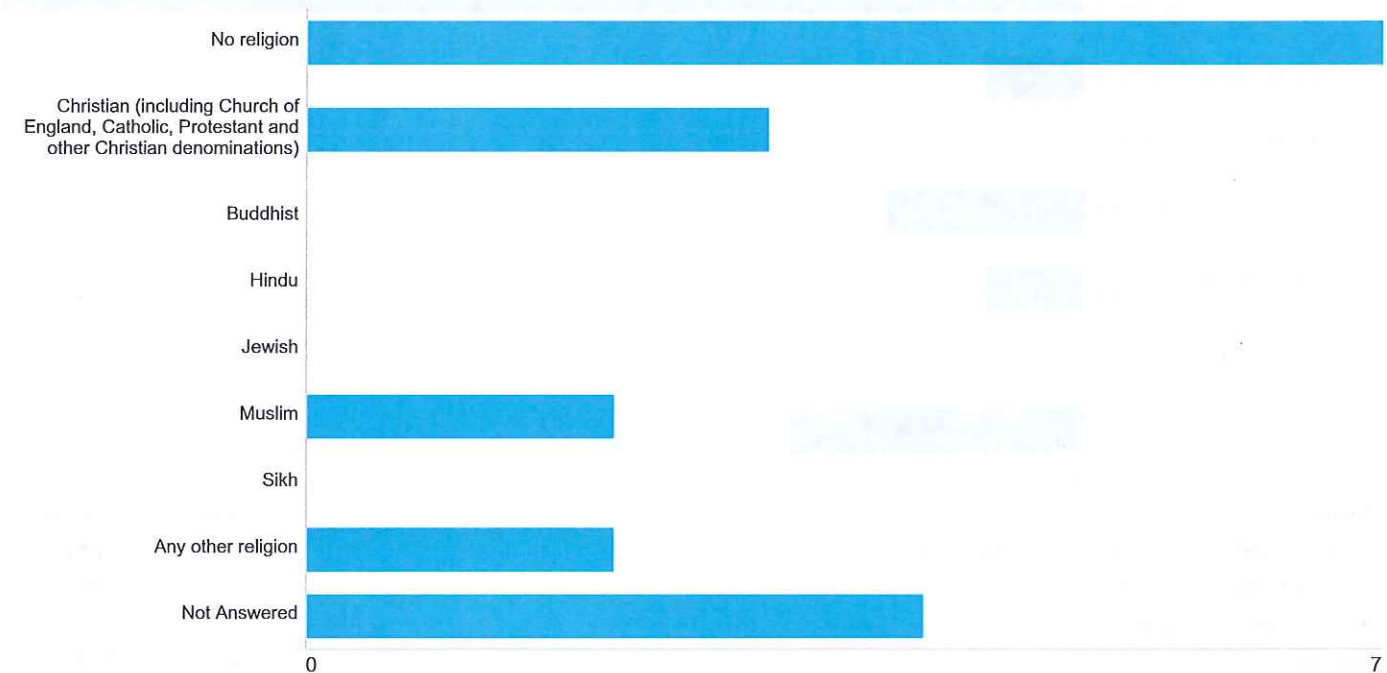
Sexual orientation



Option	Total	Percent
Bisexual	1	5.56%
Gay or Lesbian	2	11.11%
Heterosexual or Straight	10	55.56%
Other	0	0%
Prefer not to say	3	16.67%
Not Answered	2	11.11%

Question 19: What is your religion or belief?

Religion/Belief



Option	Total	Percent
No religion	7	38.89%
Christian (including Church of England, Catholic, Protestant and other Christian denominations)	3	16.67%
Buddhist	0	0%
Hindu	0	0%
Jewish	0	0%
Muslim	2	11.11%
Sikh	0	0%
Any other religion	2	11.11%
Not Answered	4	22.22%

Written responses to Questions 8b, 9 – 12.

8b. Do you think the introduction of a QRS will help drive up operator standards in Birmingham? - If no, why not

The bases already have to comply with operator conditions of licence (most it from an Enforcement point of view)

The best bases already have things in place

Vehicle age restriction

Dress code

Enough drivers (so passengers are not kept waiting)

Ring back

I am not sure the additional bonus points will make much difference to the general public when deciding when they make a booking

They normally go with local firm they have used before

The introduction of the Deregulation Act has dramatically changed the way in which the private hire trade operates across the country.

Companies now hold multiple operators licences across the West Midlands and are no longer constrained by a 'controlled district' as they are effectively able to operate one multi licensed homogenous fleet and sub-contract to their various licensed offices around the region/country. Customers tend to use the same familiar company or companies local to their area - customer loyalty. Their concerns are how long they will need to wait for a vehicle, if the vehicle is clean and safe and whether the driver knows how to get to their requested destination.

Customers using a regular company are familiar with the fare rates, they recognise regular drivers etc. They already effectively rate good private hire companies, they remain loyal customers only whilst they continue to receive a good level of service.

The younger tech savvy generation have embraced and utilise booking apps and often have accounts with a company. Companies who use these apps often encouraged customers to rate drivers performance as a means incentivise driver and improve drivers performance.

Customers have very little contact with private hire bases or the staff who work there, the main point of contact is with the drivers who carry out their booking, this is the standard of service which customers recognise and rate.

The records maintained by licensed private hire operators is already regulated by conditions attached to licences granted. - why the duplication.

Because things never change. And whilst companies can still have drivers from other councils working for them I don't think much will change. The quality of vehicles now are shocking. When I became a driver back in 1998 the minimum size vehicle was the equivalent size to a Ford Mondeo, now I've seen VW Golfs and Ford Focus being used. How can these types of cars be comfortable enough for customers. Surely there is a safety issue with these types of cars as they are still licensed to carry 4 passengers.

I don't understand how the criteria translates to great customer service. It seems plausible from the info published that an operator can be a low or medium rated operator, having failed to achieve the

minimum requirements to be a bonafide operator. I also understand that most drivers are self-employed, though no explanation is provided so I can see how an Operator has a level of control over a driver if, for example, he or she can be registered for working for both a traditional operator and Uber at the same time. I mean, how does one operator control a drivers working hours if he or she can work for someone else once his time is up? If a driver breaks the law, how can any operator be accountable for the actions of someone else? It's not at all explained in the proposals here.

if it isnt well publicised it wont make any difference and it must be independent..... is bcc independant? Will it be well publicised?

I'm disabled, and TOA taxi driver don't like picking up disabled people, and the never carry the correct equipment for your safety , i.e. Sit belts or flat ramp when requested. I feel things would be so beneficial for the customer as ones I got into a black cab in town outside John Lewis bullring and the driver told me he wasn't a real taxi driver. I only notice this when I looked at his badge and it was a different person, he told me he has the same name as his uncle and the share the taxi, I then pray I arrived home safely to myself at the back of the taxis, Über taxi driver have manners to all the customers as they know they are being rated by their customers not their management Committee

I represent the hospitality industry in Birmingham and the West Midlands as we are charged with managing the visitor economy and delivering marketing to attract national and international visitors to the city. The first experience many visitors will have of the city is via our front-line service industry - and private hire operators form an important part of this experience. Their friendliness, professionalism and kindness to visitors goes a long way in presenting the city and region in a positive way.

9. Are there any specific scoring points you would like to see added? -

Scoring points would like added

Bases should lose points for operating "out of towners" Example - 5 points for every driver & vehicle the operate over 25- 50 (bases wont be bothered because they only interested in the rent money they get from drivers, don't care about public safety)

UBER for example have over 1000 drivers in Birmingham but there business model allows other UBER drivers & vehicles to flood into Birmingham and work

(not helped by the De-Regulation Act)

This is causing a big impact on BCC licensed drivers making a living

A good command of English.

- Being clear about the cost of a journey at the outset. (Many private hire drivers only reveal their cost in negotiation at the end of the journey.)
- Keeping within the speed limit. (I have felt it necessary to advise drivers to slow down, particularly in 20mph zones)

Cleanliness.

Pollution rating of vehicle

I would like the Operators services to form part of the rating too.

If they have an app, they get a point. A website that customers can book on; another point; a telephone operator, more points, ability to book by text message, another point. Able to visit the office and book. Another point.

Also, the features available to notify customers that their driver is due to arrive, or has arrived. This could be by text, by email, by push notification if in an app; a tracking feature; and the ability to speak to the driver if he or she is lost or cannot find me.

I think the Operator should be registered to process information in accordance with the Data Protection Act. They should be on the register of the Information Commissioner, and they should keep records only as appropriate under Data Protection Law.

I think the Council AND the operator should know if a driver is working at one base, or at several, and if at several, should have an ability to know when and where the driver is working at any given time.

i would like to see members of the public allowed to comment and cab companies able to respond like on trip advisor. Things like courtesy, cleanliness, comfort, timeliness , route knowledge, would be important.... and equally the cabbie to comment back as i know some have a rough time from yobbish customers and drunks etc.

secondly in these days of budget tightening how do bcc propose to pay for this administration? is this a good use of public funds?

Not added, but wheelchair accessible vehicles should be essential criteria

*I would like all drivers rated like Über driver as standard
Some taxis are dirty and uncared for yet the passenger still has to pay for the journey.
I have also taken taxis often and it smells of BO, And at that point I can't get out the taxi any quicker
As a wheelchair user, it's very difficult to get out ones inside the taxis, Most of the time the driver is nice, but I feel the only way to get rid of the drivers who are very picky is to rate them. As it must be a stressful job for them at times but so driver, do this line of work for how many passages they can pick up in one hour, And that's the reason it rules out disability passages*

Does the driver have a good knowledge of routes around Birmingham? Often they don't know where they are going.

Do they speak intelligible English?

Can we be certain that they are not sharing licences with others?

1. there is no focus at all on customer satisfaction - this doesn't have to be onerous or costly, but the drivers are in a service industry and many are naturally hospitable and like to give a great service. Some aren't. If the fleet company makes customer service a priority, then this will give our visitors a better experience too. There is a tourist industry customer service course called Welcome Host which can be accessed by private hire and taxi companies.

2. Prices must be displayed so that customers from outside the city and country have confidence in the service they get from their private hire vehicle. Too often when you ask for the fare, the response is 'what would you usually pay?' A visitor cannot answer this question, as they have never made the journey before, so they immediately feel as if they are going to be taken advantage of. It leaves them feeling vulnerable and unwelcome.

It is essential that the scoring system addresses the air-quality issues that taxis contribute to. This basically comes down to old, inefficient vehicles, poorly maintained vehicles, vehicle fuel type and idling. Some scoring points along the lines of:

Proportion of fleet compliant with the latest emissions standards (i.e. Euro 6) - bonus points scale with proportion.

Proportion of fleet that is diesel - - bonus points scale inversely with proportion.

Proportion of fleet that is tailpipe-emission free - bonus points scale with proportion.

Commitment not to idle while parked up.

You should look to make maximum compliance with latest EURO standards on emissions or a fleet free of old engine types, and diesels an essential requirement within 10 years.

10. Are there any specific scoring points you think should be removed? -

Scoring points should be removed

I don't think the operator can be responsible for the action or inaction of a third party.

I don't think an operator can be marked down for not having a disciplinary or grievance procedure if his or her drivers are self employed.

Uniform or dress code

No.

If a driver has a disability and are unable to help disabled passengers, I feel this should be displayed, so disabled passengers can see this and not be offended

11. Are there any specific scoring points you think should be amended? -

Scoring points would like amended

I think the minimum LICENSED award should be given to an operator that can achieve all the measures.

Extra points could then be awarded if the Operator exceeds the minimum amount required to be licensed.

1. It is illegal to offer a service that discriminates against disabled people.

2. While an individual driver who is self-employed may not be able to afford a ramp / car for wheelchair users, every car can take assistance dogs.

3. Every fleet must have an accessible car available for wheelchair users.

These are not bonus marks; this must be essential.

Please read above

12. Do you have any further comments you wish to make in regard to the proposed introduction of a published QRS for Private Hire Operators? -

Additional comments

General Public can already read reviews on social media

I do not think this drive up standards (It did not happen for example in the "best bar none" scheme - the same premises won most years - the ones who are interested

What happens when a driver assaults / rapes a passengers and BCC licensing have given them a 5 star rating ? The bases will say the driver is self employed.

Base can sack drivers and they just go and work for another base / local authority

Private hire operators are well aware if they wish to be successful they have to continue to meet customers expectations. Market forces and competition from other rival companies naturally drive up standards, encourage financial investment in new innovations and technologies and improvements to fleets etc.

The introduction of the Deregulation Act has dramatically changed the way in which the private hire trade operates across the country. Companies now hold multiple operators licences across the West

Midlands and are no longer constrained by a 'controlled district'. They now effectively operate one homogenous fleet (driver/vehicle licensed by other LA's) and 'cross boarder sub-contract' to their other offices. This growing trend and is clearly reflected in the ever increasing number of drivers and vehicles licensed by other LA's regularly seen working in Birmingham.

The proposed rating scheme has no relevance given these changing trade trends, how will the scheme influence customer choice ?

What evidence is there to indicate it will drive up standards of service provided to member of the public ?

The proposed scheme does not consider the standards of the fleet of drivers and vehicles being operated by a private hire operator ?

A proportion of the private hire booking are being carried out by drivers/vehicles licensed by other LA's ?

if all operators are licensed and regulated by the council then should they not be all be up to the same standard?

Feedback from customer experiences could be gathered through a simple online app and form part of the QRS.

Ensure stickers are mandatory, not just a website entry of ratings, like the food hygiene scheme.

Can't see how this would work and I think it's a waste of time.

I think that companies should be named and shamed if there drivers are caught bilking, overcharging or any driver that gets suspended by yourselves. Drivers represent companies and that's how reputations are built.

Not on a points system.

I would like to know who the council will tell the public about the scheme. How will it be publicised, and does the council think that people will use this measure to choose an operator over those of Google or Facebook? If not, is it really just a "nice to have" rather than a benefit to customers?

No and again why don't you as organised mystery shop taxi and maybe you may get a good idea into my world. Not always now and again. This can be done online, face to face or over the phone, try booking as a disabled person.

Also I feel anyone can be very vulnerable when entering a taxis, late at night, so I'm such these individuals will welcome this also

I would like a private hire service that is honest about their Estimated Time of Arrival; Transparent about charges; DBS checked drivers who care about the safety and vulnerability of passengers.

Mr Shawn Woodcock
Licensing Operations Manager
Birmingham City Council
PO Box 17013
Birmingham
B6 9ES

Our Ref:
Your Ref:
Date: 15th September 2017
Please ask for: Giles Bridge

Sent by email only to:
chris.neville@birmingham.gov.uk
shawn.woodcock@birmingham.gov.uk

Dear Mr Woodcock,

As you are aware I am instructed by 24/7 Carz. They have instructed me to make the following submissions on the consultation on the Quality Rating Scheme.

Submissions to Birmingham City Council on Quality Rating Scheme

24/7 Carz do not believe that a Quality Rating Scheme will have much, if any effect, in raising standards across the trade. 24/7 Carz believes the operation of the market and effective regulatory activity will have more impact in raising standards. For the reasons set out below, 24/7 Carz believes that the scheme as proposed have no impact upon improving standards.

Problems with the point scheme as proposed

There are 28 essential criteria, which are based upon licensing conditions. These criteria are essential requirements to operate under the terms of the Birmingham City Council licence. Therefore, all operators ought to be able to show that they meet all 28 essential criteria, if they cannot, then presumably Licensing Officers will be looking to take some form of regulatory action.

The proposed grading system is as follows:

"Each operator will then be allocated a quality rating based on their score:

- ***≤10 points– Licensed.***
- ***11 - 20 points – Bronze.***
- ***21 - 30 points – Silver.***
- ***30 - 45 points – Gold.***
- ***>45 – Platinum."***

All operators, if they are complying with the terms of their licence, would be rated at least silver. In reality, all operators with minimal additional work would be rated gold, by obtaining 3 bonus points.

Some of the bonus points are very easily obtained, for instance documenting that there is a responsible manager on duty or having a written complaints policy.

It is submitted that the scheme as currently framed will not have the effect desired of improving standards across the private hire trade. Nor will the scheme act as an incentive to the trade to improve standards. The reasons for this are as follows:

- 1) On the scheme as proposed an operator can fail to achieve 7 of the 28 essential criteria, which are conditions of their licence: yet still be rated as being 'silver'. If an operator cannot comply with 7 conditions of their licence, then presumably the local authority would be considering requiring improvements to a specified timetable or considering taking regulatory action against the operator.
- 2) The scheme as set up makes it relatively easy to obtain a gold standard, yet very difficult to obtain the top platinum rating. All operators ought to be capable of being rated at gold. In those circumstances, there is little incentive to operators to improve their standards to obtain the platinum rating

Suggested points scheme

The Council is asked to only award a 'licensed' grade to an operator who scores at least 25 points in relation to the essential requirements. Bonus points should only be available to be counted if the Operator obtains at least 25 points on the Essential criteria. The categories would then be as follows: a bronze (for 29-33 points), silver (for 34-38 points), gold (for 39-43 points) or platinum (for 44-47 points) grade. An operator that scores less than 25 points in relation to the essential requirements should be assessed as 'ungraded'.

Suggestions re Bonus points

It is submitted that the bonus point for issuing a receipt for all journeys is not necessary and can only be fulfilled by app only operators who only take card payments, when an electronic receipt is issued to all customers. Many customers do not require or even want a receipt. Customers who rely upon private hire vehicles the most, are those like low paid shift workers. Such customers often do not have access to electronic banking and want to pay by cash.

Private hire operators who take payment through a number of means ought to be encouraged by the award of a bonus point, rather than those who limit themselves to cashless only transactions. So, a bonus point ought to be awarded for an operator who takes payments by: cash, account, online payment and card payment. Such operators are providing the most flexible service, which meets the needs of all customers.

A bonus point to be awarded for those operators who keep a register of lost and found property. An additional bonus point where the company has a scheme by which property is returned. As that way, the company has a scheme by which property can be returned.

A bonus point to be awarded to operators who can show that they have made provision for drivers to receive customer care training.

Points reduction for driver being prosecuted for plying for hire

Docking any operator 5 points who has a driver convicted of plying for hire has a number of difficulties. Drivers increasingly work for more than one operator. Birmingham City Council's conditions allow for drivers to work for more than one operator. Driver often work with a traditional operator and also an app based platform. In those circumstances will both operators be docked points? Or just the one with whom the driver was most recently working?

There is a real difficulty for operators in policing their drivers all the time. If a driver intends to ply for hire there is little if anything that an operator can do to stop it before it happens, other than educate drivers that to do so is against the law. Docking an operator 5 points for a driver being convicted of plying for hire, would create a disincentive to the operator to: 1) report such drivers to the council, or 2) assist the council in an investigation into plying for hire.

A better solution would be that bonus points be given for a robust disciplinary policy which is backed up by training to drivers on their obligations under licence conditions and the law. Which are covered by bonus points as proposed.

On behalf of 24/7 Carz can I thank the Council, in advance, for considering these submissions.

Yours sincerely,

Giles Bridge

Barrister & Licensing Consultant

Email: giles.bridge@a2zlicensing.co.uk

Mobile: 07866 520457

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Mr Shawn Woodcock
Licensing Manager
Birmingham City Council
PO Box 17013
Birmingham
B6 9ES

Our Ref: CW/ELITE
Your Ref:
Date: 14 September 2017
Please ask for: Chris Woodrow

Sent by email only to
shawn.woodcock@birmingham.gov.uk

Dear Mr Woodcock,

Elite Radio Cars, 894A Bristol Road South, Birmingham
Response to consultation on proposed private hire operator quality rating scheme

I represent the above named client and would like to respond to the consultation on a proposed private hire operator quality operating scheme.

Before I do so, I would like to point out that there are three separate individuals operating as a2z Licensing – one being me representing Elite Radio Cars, one being David Wilson representing Star Cars and the other being Giles Bridge representing 24/7. As a result you may receive conflicting responses to this consultation from three separate identities within the a2z Licensing brand, each representing a different operator with different views.

My client supports the general idea of improving the quality of private hire operations in the city and giving customers an informed choice. However, it is respectfully submitted that the proposed scheme will not achieve this aim.

The scheme proposes to penalise an operator if one of its drivers commits an offence such as unlawfully plying for hire. In reality an operator has little control over the actions of an individual. At present operators are in the position where should they have concerns that a driver is committing an offence they can investigate the matter and, if necessary, involve the council in such an investigation. This may result in a driver who commits an offence being disciplined by the Council. Under the proposed scheme, there is a disincentive to police or investigate conduct of this nature: the operator who adopts a professional approach and tries to highlight any driver committing such an offence will be penalised by losing 5 points on the quality scheme. Surely discouraging reporting of this nature cannot achieve any aim of improving overall quality. Operators who root out drivers

who commit offences and are pro-active in training drivers in doing the job well, within the law, should receive bonus points instead of a penalty.

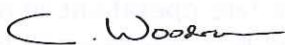
Furthermore, because drivers are permitted to work for more than one operator at any given time, there is the question of identifying which operator to score. If a private hire driver that works for two different operators were to be caught plying for hire, would one or both of the operators he works for be penalised?

My client respectfully submits that for such a scheme to work, conditions must first be introduced that restrict drivers to working for one operator only. Obviously drivers are free to move between operators but they should only be able to work for one operator at a time. This could be achieved by requiring the driver to lodge the paper driver licence with the operator they are working for and an operator to be prohibited from using a driver unless they have that original paper driving licence.

Finally, the point system suggested seems to largely revolve around meeting criteria which are already conditions of licence. In other words, if an operator were not to meet the 28 essential criteria necessary to achieve Silver status then they would presumably already be subject to some form of action from the Council for failing to comply with their existing conditions of licence.

I hope that you will find these comments in response to the consultation both helpful and constructive. If I can be of help in any way or if you require further information, please do not hesitate to contact me.

Yours sincerely,



Christopher Woodrow
Licensing Consultant

Email: chris.woodrow@a2zlicensing.co.uk
Mobile: 07931 633200

Shawn Woodcock
Licensing Operations Manager
Regulatory Services
Birmingham City Council
1-3 Ahsted Lock
Aston
Birmingham
B7 4AZ

Our Ref: DBW / Star
Your Ref:
Date: 15 September 2017
Please ask for: David Wilson

Sent by email only to:
shawn.woodcock@birmingham.gov.uk

Dear Mr Woodcock,

Consultation response of Star Cars and Coaches Ltd Private Hire Operator Quality Rating Scheme

I represent Star Cars and respond to the above consultation on my client's behalf.

Before I do so, I would like to point out that there are three separate individuals operating as a2z Licensing – one being me representing Star Cars, one being Chris Woodrow representing Elite Radio Cars and the other being Giles Bridge representing 24/7. As a result, you may receive conflicting responses to this consultation from the three separate identities within the a2z licensing brand, each representing a different operator with different views.

As far as possible, I will seek to address the issues as logically as possible under separate headings. My client's comments are as follows:

Applicability of the Quality Rating Scheme to old (current) and new (proposed) standard conditions attached to private hire operator licences

Whilst my client supports this proposal (and has always done so), it is a matter of great concern that, more than two and a half years after my former colleague impressed upon the Council that it would face considerable difficulties in introducing the Quality Rating Scheme (QRS), if it were not introduced before 1 October 2015 (when the Council, became obliged to issue 5 year operator licences), it could now take up to 5 years for all operators to be subject to the same standard conditions of licence.

In the circumstances, it seems the first obstacle the Council is going to face with the QRS is to make sure it works equally well whether an operator is subject to the old (current) standard conditions of licence or the new (proposed) standard conditions of licence.

Scores and Grading

My client is concerned as to the scores attributed to each of the five grades (licensed, bronze, silver, gold and platinum) because an operator who scores zero (ie fails to meet any of the 28 essential requirements of their licence or to receive bonus points for exceeding the essential requirements) will be graded as 'licensed'.

If an operator were to score less than 25 out of the 28 essential criteria, my client would suggest that questions ought to be asked as to whether the operator remains a fit and proper person to be so licensed.

Similarly, an operator who only meets 21 to 28 of the essential requirements of their licence would currently be graded as 'silver', despite the impression being given by the grading that such an operator had significantly exceeded the Council's minimum licensing requirements.

As an operator would seem to only need to score 3 points more than the 28 points that ought to be awarded to all reputable operators for complying with the essential requirements of their licence and the highest 'platinum' grade is only to be awarded to those with the top three scores of 46, 47 and 48, the vast majority of operators ought to be graded as 'gold'.

If that were the result, the scheme would seem unlikely to achieve anything, because every operator ought to be able to score at least 31 points and be awarded a 'gold' grade and there would be little likelihood of the majority being awarded at least a further 15 bonus points to achieve a score of at least 46 points to secure the top 'platinum' grade.

It is suggested that, unless an operator were to score at least 25 points in respect of the essential requirements, they should not be awarded any points in relation to the bonus criteria and only be awarded a 'licensed' grading, because to do otherwise gives the false impression that, at the very least, an operator is fulfilling the minimum requirements of their licence when that would not necessarily be the case.

At present, an operator who scored only 10 points in relation to the essential requirements and 1 point in relation to the bonus criteria would also be awarded a 'silver' grade, despite failing to meet 18 essential requirements of their licence.

In the circumstances, the Council is asked to only award a 'licensed' grade to an operator who scores at least 25 points in relation to the essential requirements and to only then assess whether an operator meets any of the bonus criteria and, if they do, to then award a bronze (for 29-33 points), silver (for 34-38 points), gold (for 39-43 points) and platinum (for 44-47 points) grade. An operator that scores less than 25 points in relation to the essential requirements should be assessed as 'ungraded' or 'unclassified'.

Consistency between QRS criteria and conditions of licence

The QRS criteria must accurately reflect the conditions of licence. For example, the very first criteria on the QRS checklist wrongly asserts that it is a requirement of Conditions 12 & 13 for the "Responsible Person [to be] on site and fully aware of conditions of licence".

Condition 12 actually requires "Either you or a Responsible Person ... must be in charge of the operation and immediately contactable by an authorised officer or a police constable at any time during the hours of operation" and Condition 13 provides that "any Responsible Person left in charge of the premises in your absence is fully aware of these conditions of licence, the need to comply with them and be able to produce the records to an authorised officer or police constable on request."

In the circumstances, perhaps to accommodate the arrangements of UBER Britannia Ltd and in acknowledgment that, as long as a Responsible Person need not be at the licensed premises to be able to be contacted by an authorised officer or a police constable and / or to produce records, neither condition actually requires a Responsible Person to be on site.

The second part of the QRS criteria is that the Responsible Person is "fully aware of [the] conditions of licence".

Bearing in mind that there is only one point to be awarded here, if a Responsible Person is present, but does not know the conditions of licence, which would potentially mean they are not in fact a Responsible Person, would they be awarded a point or half of point for being present?

How are officers going to assess whether the Responsible Person present at the time of their inspection is "fully aware of [the] conditions of licence"? Will there be a test and, if so, what will be its form and the pass mark? If not, how will this be assessed?

A bonus point is available if this is documented. But what is "this"? The aforementioned first criteria purports to require a Responsible Person to be on the premises and they either are or are not. Would this criterion be met by displaying a notice listing all Responsible Persons or would it require a notice stating who is then the duty Responsible Person? Or would either justify the award of a bonus point? On the other hand, is this criterion looking for the operator to have documentary evidence to show that the Responsible Person is "fully aware of [the] conditions of licence" by means of some form of internal test managed by the operator? Could this result in two bonus points being awarded or would there only be half a point for each potential half of the criterion.

The fourth criterion provides a possible bonus point for having a "documented Management rota". Is this the same as the above bonus criterion for having "this" (whatever "this" is) documented, because a documented management rota would show when each of the Responsible Persons were to be on site and / or on call to be able to comply with the essential requirements of Condition 12.

Some items included in the bonus criteria should be conditions of licence and attract points as essential items

Whilst my client has, of course, already responded to consultations in relation to the proposed changes to the standard conditions of licence, it now seems that, as a result of the inclusion of some items as attracting bonus points, they should be included as conditions of licence and attract essential points under the QRS criteria.

For example, in relation to "Staff", if the Council considers the four bonus criterion listed there to be important there is no reason why they should not all be included as conditions of licence, if drafted clearly to make clear what the Council actually expects and requires.

Likewise, if the Council considers it desirable (and my client would say it is essential for operators with larger fleets) to have wheelchair accessible vehicles on their fleet, it should be a condition of licence and compliance with the condition should attract one essential point. It might then be appropriate to award an additional bonus point if an operator exceeds the minimum requirements.

As for what should be the minimum level of provision, my client would suggest one per cent of an operator's fleet should be wheelchair accessible, subject to operators with a fleet under a specified size being exempted from the requirements, because it could place too great a burden on those operators.

Opportunity for all to be awarded all bonus points

Under the next subheading of "Drivers and Vehicles", the first criterion concerns "operating out of town vehicles". Firstly, it is not clear whether "vehicles" is supposed to be a reference to hackney carriage, private hire vehicles or both.

Interestingly, as a matter of strict law, a private hire operator can never operate hackney carriages, because the definition of 'operate' provided by section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976 refers only to private hire vehicles, which position was also confirmed by a powerful Divisional Court in *Stockton-on-Tees Borough Council v Fidler & Ors* [2010] EWHC 2430 (Admin).

On the other hand, if this is intended to refer to private hire vehicles operated by another operator (or even the same operator) in another district (or even in the same district), the operator licensed by Birmingham City Council does not operate out of town private hire vehicles. If an operator were to do so, they would be liable to prosecution, although the criterion seems to provide that, as long as an operator acting illegally kept records of those out of town private hire vehicles it operated, they would be awarded a bonus point.

If an operator were not to use "out of town vehicles", would they be awarded a bonus point or would it only be an operator who did use out of town vehicles and who kept the specified records that would be awarded a bonus point?

It would seem that if, as indicated, this criterion could be "N/A", operators who do not "operate out of town vehicles" would always be deprived of an opportunity to secure a bonus point, it would seem the Council is encouraging operators to

“operate out of town vehicles”, which is at odds with what my client understood to be the attitude of Members and the Council.

Uber bonus point

The third criterion under the “Drivers and Vehicles” heading is only realistically capable of being awarded to an operator that only accepts bookings that are made and paid for electronically, ie Uber which only accepts bookings by app and payment by a pre-registered debit or credit card.

This is preposterous, because the QRS would be rewarding an operator that provides the most restrictive and exclusionary means for customers to pay. Surely the Council’s intention with the QRS was to help to identify for the public those operators that provide the best customer service, but instead this criterion will penalise them.

Traditional operators, if I may refer to them as such in contrast to app only companies, whose arrangements are not necessarily legal, always permit customers to pay the driver in cash, but may also be able to take card payment in car, by phone, website or app and will also generally open customer accounts, which may provide the customer with credit / a period in which to pay, but may also allow customers to make a payment on account of future travel costs, ie a pre-paid debit account. The QRS does not encourage operators to provide customers with various ways to pay.

As for the issuing of receipts, a traditional operator who wanted to secure the Uber bonus point, could issue every customer with a paper receipt, whether the customer wanted a receipt or not. Unfortunately, this would probably result in lots of paper receipts being dropped in the streets, becoming nothing more than litter. Not to mention that vehicles would have to remain stationary for longer whilst the driver wrote out the receipt, potentially obstructing other traffic and certainly contributing a little more to pollution.

Exemptions in relation to standard conditions of licence

What is to be the position in relation to operators who have been granted an exemption in relation to a condition of licence that is included as an essential criterion in the QRS checklist?

For example, my client has an exemption in relation to the recording of a passenger’s destination at the time of booking, if the booking is made using the IVR automated telephone system.

This particular criterion seems, somewhat perversely, to attract two points, because it is included as a requirement in relation to Condition 31(e), but also separately Condition 32, even though Condition 32 does no more than to explain what the Council requires to satisfy Condition 31(e).

Will my client be awarded the point(s) for complying with Condition 31(e), save for the bookings to which the exemption relates, or will my client not be awarded this essential point(s), because they do not always comply with that condition?

Are some criterions necessary?

Is there anything to be gained by an operator having a written policy that simply asserts they will comply with the law?

For example, under the heading "Assistance Dogs & Wheelchair Users", a bonus point will be awarded if the operator has a written policy.

Is it not more important, if not potentially essential and another criterion that should be a condition of licence, that an operator provides training to staff and drivers (and not just staff as currently proposed by the QRS checklist)?

Negative points for a driver illegally plying for hire

Whilst my client appreciates that the Council wishes to discourage illegal plying for hire by private hire vehicles / drivers, my client is vehemently opposed to operators being punished for the actions of an errant driver who choses to act illegally when not actually undertaking bookings for the operator.

The proposal is no different to proposing that councillors should have votes deducted at an election if any council officer or employee who lives in their ward is convicted or cautioned for a criminal or motoring offence during their previous term as a councillor.

If, which is hopefully rare, an operator colludes in some way to assist, facilitate or in an attempt to conceal the illegal plying for hire of a driver, my client does not consider that points should be deducted from the operator, but that the Council should revoke the operator's licence for no longer being a fit and proper person to hold such a licence.

In the past, on the very rare occasions my client has become aware of one of its drivers illegally plying for hire, my client has reported this to the Council and assisted the Council to take whatever action it considered to be appropriate against the driver. Rather than rewarding my client and other similarly responsible operators, the proposed QRS checklist will punish my client if any such incidents were reported in the future. Surely the Council wants to encourage operators to be responsible and to report drivers illegally plying for hire.

Additionally, as the Council allows private hire vehicles / drivers to work for more than one operator, how would the Council know with which one of possibly several operators a driver is considered to be working for?

If the negative five points were to be applied to every operator a driver was considered to be working for, UBER would very quickly have a total negative score, because they have many more drivers than any other operator and many drivers work for UBER and another operator. If an operator were to have a total negative score, would the Council revoke the operator's licence?

If points are to be deducted, should they not be deducted for failings that are directly attributable to the operator, such as refusing to accept a booking that would

involve carrying a guide / assistance dog, overcharging a wheelchair passenger, failing to investigate a customer complaint or such like?

Operator name

When initially proposed, the quality rating scheme was referred to as a star rating scheme, but that name was quickly abandoned, because of its potential association with my client, Star Cars.

What, if anything, is the Council going to do to stop an operator trading under a name that could be favourably associated with the QRS, such as Platinum Cars?

Despite the great amount of time and effort that has been put into developing the QRS, might it not now be the case that the objective of this scheme has been rendered unnecessary, because its need has been eroded by:

- the proposed changes to the operator conditions that are intend to raise standards;
- changes to the law in relation to discrimination; and
- the forthcoming introduction of the CAZ (Clean Air Zone) that means there is no need to award bonus point(s) to operators with low emission fleets of vehicles.

If the new operator conditions include everything the Council wants operators to conform with, there is so little left in respect of which operators could be awarded bonus points that it is then going to be extremely difficult, if not impossible, to genuinely differentiate between the levels of service provided by each operator, rendering the QRS as meaningless and pointless.

If my client and I can assist you further in connection with this matter, please do not hesitate to contact me

Yours sincerely,



David B Wilson

Licensing Consultant, Mediator and Trainer
Consulting Editor, Paterson's Licensing Acts 2015-18
Contributing Author, LexisPSL

Email: david.wilson@a2zlicensing.co.uk
Mobile: 07794 776383

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To,
SHAWN WOODCOCK
Licensing Operations Manager
Regulatory Services
Licensing Section
1-3 Ahsted Lock
Aston, Birmingham
B7 4AZ

08th September 2017

Re: Private Hire Operator Quality Rating Scheme

Hello Mr Shawn,

We have received a letter from you regarding Quality Rating Scheme to be introduced. We are sorry for the delay in reply but lucky to reply within the time period.

According to our deep consideration as a Management of MY CAR, we believe it is best to introduce a service like Quality Rating. It will help everyone to chose the right standard without any worry but I will request few things to be check with the company before scoring them. Those few points are as follow;

1. Operator's office must be visited to check the level of customer services they are providing to the customers.
2. Operator's Dispatch System must be checked to know about what type of service they are providing while using it and how accurate it is with the location, mileage and price quotations.
3. Price must be quoted perfectly according to the set formula of a company and there should not be any over charged quotation by any mean.
4. Driver details are kept up to date in order to maintain records or to help Police and Council when required.
5. Managers or other staff members are trained to deal with Driver Emergencies and dealing with Emergency Services such as Police, Ambulance or Fire Brigade effectively.
6. Driver's PDA or APP should have Fare Meter service for accuracy of the price charged by customer if customer is not on the set route informed before.
7. Complaints and Lost Property Reports must be registered in a file and must have a Reference Number to it.

We can provide quality services only if we want to serve a quality to the customers instead of quantity. There are number of driver's who are over charging, not returning customer's belongings, plying jobs and all this is happening with the poor standards of operation set by Operator itself.

We will be happy to work along with Council to promote this Scheme and would love to work hard to gain Platinum Certificate for our Quality Service.

For any further information, please do not hesitate to contact us.

Thank you.

Mohammad A Asif
Manager
MY CAR
01210001000

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BIRMINGHAM CITY COUNCIL

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

23 OCTOBER 2017
ALL WARDS

CARD PAYMENTS IN HACKNEY CARRIAGE VEHICLES

1. Summary

- 1.1 A request has been received from TOA (Taxi Owners Association) requesting your Committee give consideration to making it a requirement that all Birmingham Licensed hackney carriages be equipped to take credit card payments.
- 1.2 The text of the TOA proposal is attached as an appendix to this report. TOA acknowledge many drivers are not members of their organisation and have indicated they are happy to act as an intermediary between non-members and the provider they use, though they do stress there would be no financial gain for TOA.
- 1.3 This report seeks to provide members with background information relating to the current arrangements for alternative payment methods and the recent changes in London which appear to have prompted the TOA request.

2. Recommendation

- 2.1 Your Committee should consider the matters raised in the report and if convinced of the merits of the TOA proposal, instruct officers to consult with the wider trade to establish the level of support for the proposal; amongst other drivers and trade organisations and report back to this Committee.

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

3. Background

- 3.1 At present drivers are free to offer additional payment methods, but Birmingham City Council has never mandated what those payment methods should be, or indeed made it compulsory for any additional payment method to be offered. Clearly a driver offering no alternative means of payment is potentially putting himself at a disadvantage when so many customers use chip and pin technology as a matter of course and increasingly also use electronic means of payment facilitated by the advances in smart phone technology
- 3.2 In April 2014 your Committee gave consideration to the advertising of alternative payment methods in licensed private hire vehicles. At the time it was acknowledged the provision of alternative payment methods was already more widely available in the hackney carriage trade and it was considered appropriate to allow private hire drivers to use signs to indicate they were offering card or app payments etc. In fact the report itself was prompted by a company offering an application which allowed customers and drivers to make and receive payments using a smart phone.
- 3.3 Although members agreed it could be advantageous to customers, drivers and operators for drivers to be able to offer and promote alternative payment methods it was not suggested drivers should be obliged to do so.
- 3.4 The proliferation of new means of payment beyond chip and pin have offered drivers a myriad of alternatives, many of which do not require any investment in technology greater than the smart phone most of us now carry with us at all times. However, this proliferation can be problematic in itself, as nobody, driver or passenger is going to be subscribed to every possible means of payment available and where passenger and driver do not subscribe to the same app, cash is still going to be the only common currency.
- 3.5 In this situation, the most common alternative to cash, to which the majority of passengers will have access, is a credit, debit or pre-paid card. A common technology almost universally accepted, chip and pin or contactless card payment is still probably the most appropriate method to prescribe if members consider it appropriate to make provision mandatory.

4. Mandatory Arrangements in London

- 4.1 On 3 February 2016 Transport for London (TfL) confirmed their Board had approved a proposal to require all of the capital's 22,500 licensed taxis to be equipped to accept card payments.
- 4.2 It is worth noting the arrangements in London which came into effect in October 2016 explicitly require no surcharging and passengers paying by card will only pay the amount shown on the meter.
- 4.3 Such a requirement would be a useful and sensible measure for inclusion in any mandatory scheme proposed for Birmingham and would serve to prevent

variation in charges between cabs which would be confusing for passengers and could lead to complaints of overcharging.

- 4.4 The decision to require mandatory card payments was undertaken following a review of payment methods in September 2015 and an extensive consultation exercise. TfL received more than 1000 responses from a wide range of stakeholders, including taxi trade organisations, passenger safety groups, card industry representatives and the London Assembly Transport Committee. 86% of respondents were in favour of the proposal.
- 4.5 It is suggested such a consultation would be advisable for Birmingham if the proposal does not command the support of the wider trade. Accordingly if members are inclined to pursue the proposal it is suggested an initial consultation be conducted to determine the levels of support (or opposition) within the hackney carriage trade. Further consultation may be unnecessary if the majority of drivers and trade organisations are already supportive of the proposal.

5. The TOA Proposal

- 5.1 As noted above the TOA proposal is attached as the appendix to this report. It is not a detailed proposition and should probably be viewed as a request for your Committee to consider the proposal in principal, rather than making any detailed policy decisions at this stage.
- 5.2 Members of TOA have been invited to attend today to speak in support of their proposal.
- 5.3 Should the proposal find favour with members, it will be necessary for officers to flesh out a detailed proposal. It is noted TOA have offered to act on behalf of non-members to allow them access to the processing facilities enjoyed by their members. TOA have stated they are willing to act as an intermediary with no financial benefit to themselves. However, alternatives would have to be available as members of other trade organisations and independent drivers may prefer to make their own arrangements.

6. Pros and Cons

- 6.1 On the positive side, there are potential gains to be had from adoption of compulsory chip and pin technology, for example:

- i. Business customers would always be able to use a card for payment.*
- ii. Customers with insufficient cash would be able to pay without having to divert to find a cash machine.*
- iii. Drivers would be offering the most commonly available non-cash means of payment, making them a realistic alternative to the app based systems.*
- iv. Whilst not every passenger would choose to use it, the option of chip and pin would not negatively impact any passenger.*

6.2 On the negative side, there are a number of factors to be considered:

i. Drivers would almost certainly have to absorb the cost of chip and pin themselves, it is difficult to see how surcharging could be compatible with metered charging.

ii. Asking drivers to absorb the cost of offering chip and pin facilities at a time when they are already facing the prospect of changing or upgrading their vehicles to comply with emissions policy changes could prove highly unpopular.

iii. Compliance checks and enforcement action would be needed to ensure all drivers were complying with the new requirement. This would add an additional burden to the duties of Licensing Enforcement Officers.

7. Implications for Resources

7.1 The cost of consulting with trade representatives will be met from existing resources.

8. Implications for Policy Priorities

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

9. Public Sector Equality Duty

9.1 Introducing alternative means of payment could be beneficial to a wide range of passengers, from businessmen and visitors to the city to students and young people who are usually the first to make use of new technology. Young people and are also more vulnerable to finding themselves without the means to get home after a night out. TOA have implied people with disabilities could be disadvantaged if alternative payment methods are not universally adopted. They have put forward no evidence in support and Licensing has received no communications from organisations representing people with disabilities suggesting this to be the case, but such passengers would certainly not be disadvantaged by the adoption of such a policy and it is possible contactless payments could be an advantage in some cases. This is an area which should be explored in any public consultation.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	ACTING SERVICE DIRECTOR REGULATION AND ENFORCEMENT	
Date of Decision:	23 OCTOBER 2017	
SUBJECT:	SUPPLEMENTAL FEES AND CHARGES 2017/18 REPORT IN RESPECT OF BIRMINGHAM REGISTER OFFICE	

1. Purpose of Report:
<p>1.1 In accordance with Regulation 89 and Schedule 15 to the Immigration Act 2016 relating to civil registration services, new statutory fees will come into effect on 1st November 2017.</p> <p>1.2 The Home Office and National Panel for Registration are working together to deliver services to the public. As the largest Registration Office in Europe it is appropriate that Birmingham Register Office supports this initiative by introducing three new services for which non-statutory fees (set locally by the registration service) may be charged, the European Passport Return Service, the Joint Citizenship and Passport Process and Settlement Checking Service.</p> <p>1.3 The Service also plans to introduce new fees to cover the cost of delivering services which it is currently offering.</p> <p>1.4 This report is to request consideration of the implementation the new statutory fees from 1st November 2017 in line with legislation and also the implementation of new non- statutory (locally set) fees to enable the delivery of additional services and the generation of additional income.</p>

2. Decision(s) Recommended:
<p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Approve the additional fees and charges to take effect from 1 November 2017 in relation to Register Office Services as detailed in Appendix 1.</p>

Lead Contact Officer(s):	Andrea Haines
Telephone No:	0121 3030200
E-mail address:	andrea.haines@birmingham.gov.uk

3. Consultation

3.1 Internal
N/A

3.2 External
The non-statutory fees have been set following a benchmarking exercise, customers of Birmingham Register Office are requesting the provision of the additional services..

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

The recommendations are in accordance with Financial Regulations, budget requirements and the Corporate Charging Policy.

4.2 Financial Implications (Will decisions be carried out within existing finances and Resources?)

The Service will recover the cost of the provision of the new services.

4.3 Legal Implications

There are no legal implications

4.4 Public Sector Equality Duty

No specific Equality Duty or Equality Analysis issues have been identified in this report.

5. Relevant Background/Chronology of Key Events:
<p><u>Proposals</u></p> <p>5.1 Notification of the new statutory fees was received on 9th October 2017.</p> <p>5.2 The Service was approached by the Home Office to provide additional services in August 2017</p> <p>5.3 The non-statutory fees proposed in this report are calculated to maximise income and recover the full cost of carrying out the services in line with City Council policy.</p> <p>5.4 This includes all overheads, expenses and any appropriate recharge of officers' time.</p> <p>5.5 The areas covered are as follows:</p> <ul style="list-style-type: none"> ○ Appendix 1 – Additional Charges for the Register Office. <p><u>Benchmarking</u></p> <p>5.6 Benchmarking data has been obtained from several local authorities which offer the new additional services or make a charge for those services for which Birmingham do not currently charge a fee.</p>

6. Evaluation of Alternative Option(s):
<p>6.1 The financial position has been closely monitored and the introduction of the new statutory and non-statutory fees will help mitigate budgetary pressures.</p>

7. Reasons for Decision(s):
<p>7.1 To enable Birmingham City Council to implement the new statutory civil registration fees in accordance with the statutory implementation date of 1st November 2017.</p> <p>7.2 To enable the registration service to introduce new non-statutory fees to mitigate budget pressures and deliver new services to the citizens of Birmingham.</p>

<p>Signatures</p> <p>Alison Harwood Acting Service Director Regulation and Enforcement</p> <p style="text-align: right;">Date</p>
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List of Appendices accompanying this Report (if any):			
Appendix 1 – Additional Charges for the Register Office			
Report Version	1.0	Dated	2 nd October 2017

New or Revised Statutory Fees

Appendix 1

Additional Service for which a fee is payable from 1st Nov 2017	£
First short birth certificate issued at time of registration	£4.00
Consideration by a Superintendent Registrar of a divorce/Civil Partnership dissolution	£50.00
Consideration by Registrar/ Superintendent Registrar of a correction application	£75.00
Consideration by the Registrar General of a correction application	90*
Consideration by the Registrar General of a divorce/civil partnership dissolution obtained outside the British Isles	75*
Consideration of a reduction in the 28 day notice to marry/civil partnership	60*
Amendment	£40.00

Non Statutory Fees for new services for which a fee is payable from 1st November 2017	
European Passport Return Service	£20.00
Postage per application up to and including 500g	£8.00
Postage per application up to and including 1kg	£10.00
Postage per application up to and including 2kg	£12.00
Postage per application up to and including 10kg	£30.00
Postage per application up to and including 20kg	£45.00
Joint Citizenship and Passport Application Service at time of a Citizenship application	£10.00
Settlement Checking Service per application	£95.00
Settlement Checking Service per additional dependent	£20.00

Non Statutory Fees for services for which a fee is not currently charged, effective 1st Nov.2017	
Register Office ceremony advance booking	£50.00
Register Office ceremony change to a booked ceremony	£50.00
Approved Premises advance ceremony booking fee	£75.00
Approved Premises change to a booked ceremony	£75.00
Advice in advance of taking notice of marriage per applicant	£5.00
Processing of a non-priority application for a standard certificate after registration	£5.00

BIRMINGHAM CITY COUNCIL

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

23 OCTOBER 2017
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN
DURING AUGUST 2017**

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

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

3. Summary of Appeal Hearings for July - August 2017

	Magistrates'	Crown
Total	4	
Allowed		
Dismissed	3	
Appeal lodged at Crown		n/a
Upheld in part		
Withdrawn pre-Court	1	

4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In July and August 2017 costs have been requested to the sum of £4,126.60 with reimbursement of £4,126.60 (100%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2017 to August 2017, costs associated to appeal hearings have been requested to the sum of £20,038.55 with reimbursement of £16,345.30 (81.5%) ordered by the Courts.

5. Implications for Policy Priorities

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

6. Public Sector Equality Duty

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

7. Consultation

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Bereket Deres	09.08.2017	Dismissed	£300	£300	On 9 May 2017, as the result of conviction for offences of plying for hire and invalidating his insurance, Committee considered and in line with the relevant policy resolved to revoke the licence.

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
2	Omer Zaman in respect of Moseley Wines, 44 St Mary's Row, Birmingham B13 8JG	17.08.2017	Dismissed	£2826.60	£2826.60	On 8 February 2017, as a result of two review applications being submitted by Trading Standards which were supported by West Midlands Police, Licensing Enforcement and Public Health following large quantities of illicit alcohol having been found at both premises on sale to customers, the Committee resolved to revoke both licences granted to Mr Zaman and to remove him as the Designated Premises Supervisor at both premises in order to promote the prevention of crime and disorder and public safety objectives in the Act.
3	Omer Zaman in respect of Woodbridge News, 38 Woodbridge Road, Birmingham B13 8EJ	29.08.2017				

4	Bow Leasehold Ltd in respect of The Arena, 18-19 Hack Street, Birmingham B9 4AH	31.07. 2017	Withdrawn	£1000.00	£1000.00	On 30 January 2017, as the result of a review of the premises licence requested by the West Midlands Police, licensable activities having taken place on 19 November 2016 in breach of the conditions attached to the licence, Committee considered and resolved to suspend the premises licence for 3 months and to remove the designated premises supervisor in order to promote the prevention of crime and disorder/public safety/the prevention of public nuisance objectives in the Act.
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BIRMINGHAM CITY COUNCIL

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

23 OCTOBER 2017
ALL WARDS

FIXED PENALTY NOTICES ISSUED AUGUST 2017

1. Summary
 - 1.1 The report sets out a breakdown, on a Constituency/Ward basis, of fixed penalty notices issued in the City during the period of August 2017.
2. Recommendation
 - 2.1 That the report be noted.

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

3. Background

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

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

4. Enforcement Considerations and Rationale

- 4.1 The attached appendix shows the wards where FPNs were issued during the month of August 2017.
- 4.2 By identifying both the area where the FPN is issued and the ward/area that the litterer lives this demonstrates that the anti-litter message is being spread right across the city. By and large litter patrols are targeted to the primary and secondary retail areas of the city because there is a high level of footfall and they engage with a full cross section of the population. Targeted areas include locations where there are excessive levels of littering, smoking areas with high levels of cigarette waste that cause blight in the city and areas where there are known problems associated with groups gathering to eat outdoors.
- 4.3 The number of incidences of Fixed Penalty Notices being issued reflects the fact that there is still a problem with littering on our streets. Since the Health Act came into force there has been a decline in street cleanliness associated with cigarette waste. This is reflected not only in these statistics but also in the environmental quality surveys undertaken by Fleet and Waste Management that record cigarette waste being the most prevalent waste upon our streets and identify it in 98% of all samples of street cleanliness.

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

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

5. Consultation

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

6. Implications for Resources

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

7. Implications for Policy Priorities

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

8. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: FPN records

APPENDIX 1
Wards where FPN's are issued

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	Bartley Green	0	0	0	0	1								1
	Edgbaston	0	0	0	0	3								3
	Harborne	0	0	0	0	3								3
	Quinton	0	0	0	0	0								0
Erdington	Erdington	0	1	0	1	0								2
	Kingstanding	0	1	0	0	2								3
	Stockland Green	0	0	2	0	1								3
	Tyburn	0	1	1	1	0								3
Hall Green	Hall Green	0	1	0	0	0								1
	Moseley And Kings Heath	2	0	0	0	0								2
	Sparkbrook	0	1	1	0	6								8
	Springfield	0	0	0	0	0								0
Hodge Hill	Bordesley Green	0	0	0	1	1								2
	Hodge Hill	0	1	0	0	1								2
	Shard End	1	4	0	0	0								5
	Washwood Heath	1	0	0	1	7								9
Ladywood	Aston	0	2	0	1	1								4
	Ladywood	459	436	264	358	399								1,916
	Nechells	5	3	0	0	6								14
	Soho	5	1	2	13	28								49
Northfield	Kings Norton	0	0	4	3	0								7
	Longbridge	0	1	0	0	0								1
	Northfield	2	0	1	0	0								3
	Weoley	2	0	0	0	0								2
Perry Barr	Handsworth Wood	0	0	1	0	0								1
	Lozells And East Handsworth	0	2	2	0	1								5
	Oscott	0	1	1	2	0								4
	Perry Barr	1	0	1	0	0								2
Selly Oak	Billesley	1	1	0	0	0								2
	Bournville	0	0	2	0	0								2
	Brandwood	0	0	0	0	0								0
	Selly Oak	0	0	1	2	2								5
Sutton Coldfield	Sutton Four Oaks	0	0	0	0	0								0
	Sutton New Hall	0	0	0	0	0								0
	Sutton Trinity	0	0	0	0	0								0
	Sutton Vesey	0	0	0	0	3								3
Yardley	Acocks Green	6	6	1	0	2								15
	Sheldon	0	1	0	0	1								2
	South Yardley	1	1	3	0	2								7
	Stechford And Yardley North	1	0	1	0	0								2
Total		487	465	288	383	470	0	0	0	0	0	0	0	2,093

BIRMINGHAM CITY COUNCIL

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

23 OCTOBER 2017
ALL WARDS

PROSECUTIONS AND CAUTIONS – JULY AND AUGUST 2017

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of July and August 2017.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Alison Harwood, Acting Director of Regulation and Enforcement
Telephone: 0121 303 0201
E-Mail: Alison.harwood@birmingham.gov.uk

3. Results

3.1 During the months of July and August 2017 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- Six Licensing cases resulted in fines of £1,819. Prosecution costs of £2,120 were awarded with a total of 24 penalty points. 14 simple cautions were administered as set out in Appendix 1.
- 107 Environmental Health cases resulted in fines of £64,957 and a Community Order. Prosecution costs of £37,570 were awarded together with clean-up costs in the sum of £320. One simple caution was administered as set out in Appendix 2.
- Three Trading Standards case were finalised resulting in fines of £50,900 and three Community Orders. Prosecution costs in the sum of £38,018 were awarded together with a total amount of compensation of £16,851. No simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in July and August 2017 and cases finalised by district April - August 2017.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team in April - July 2017.

4. Consultation

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

5. Implications for Resources

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

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

Licensing

£10,389 has been requested with £6,431 being awarded (62%)

Environmental Health

£148,432 has been requested with £122,433 being awarded (82%).

Trading Standards

£63,009 has been requested with £54,794 being awarded (87%).

- 5.3 For the months of July and August 2017 the following costs have been requested and awarded:

Licensing

£3,398 has been requested with £2,120 being awarded (62%)

Environmental Health

£46,435 has been requested with £37,570 being awarded (81%).

Trading Standards

£44,687 has been requested with £38,018 being awarded (85%).

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

LICENSING CASES

APPENDIX 1

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	10/7/17	MD Nural Amin 74 Gerrard Street Newtown Birmingham B19 2BS	Equalities Act 2010 Pleaded <u>not guilty</u> to one offence of failing to carry out a booking accepted by the operator, Star Cars, because the disabled customer was accompanied by an assistance dog. Found guilty after trial.	£300 £450 costs (£450 requested)	Aston	Aston
2	12/7/17	Mohammed Farooq 75 Broadway Oldbury West Midlands B68 9DP	Local Government (Miscellaneous Provisions) Act 1976 Pleaded <u>not guilty</u> to one offence of causing a private hire vehicle to wait on a Hackney Carriage stand in St Mary's Row, Moseley. Found guilty after trial.	£400 £475 costs (£987 requested)	Out of area	Moseley & Kings Heath
3	21/7/17	Muhammed Nadeen Chuhadary 134 Burlington Road Small Heath Birmingham B10 9PD	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Ladywell Walk, Birmingham and one of consequently having invalid insurance.	£314 – Plying No separate penalty for No Insurance + 6 penalty points. £493 costs (£493 requested)	Bordesley Green	Nechells

4	31/8/17	Alauddin Miagi 52 Pluto Close Leicester LE2 0UU	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Smallbrook Queensway, Birmingham and one of consequently having invalid insurance.	£235 – No Insurance No separate penalty for plying + 6 penalty points £250 costs (£523 requested)	Out of area	Nechells
5	31/8/17	Habtom Tesfahuney Ghebremichael Flat 74 Rea Tower Mosborough Crescent Newtown Birmingham B19 3AX	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Bristol Road, Selly Oak, Birmingham and one of consequently having invalid insurance.	£350 – No Insurance No separate penalty for plying + 6 penalty points £452 costs (£452 requested)	Aston	Selly Oak
6	31/8/17	Mohammed Ali Shah 808 Coventry Road Small Heath Birmingham B10 0TY	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Hurst Street, Birmingham and one of consequently having invalid insurance.	£220 – No Insurance No separate penalty for plying + 6 penalty points No costs awarded (£493 requested)	Bordesley Green	Nechells

LICENSING SIMPLE CAUTIONS

During the period of July and August 2017, 14 simple cautions have been administered.

Local Government (Miscellaneous Provisions) Act 1976

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

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

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

Licensing Act 2003

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

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

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 One caution was issued for failing to display the fare table in a position and manner as to be plainly and distinctly visible.

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 One caution was issued for failing to produce a copy of the Birmingham City Council byelaws when requested and failing to display the fare table in a position and manner as to be plainly and distinctly visible.

FOOD HYGIENE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	6/7/17	Yorks Artisan Bakeries Ltd 29-30 Stephenson Street Birmingham B2 4BH	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to six offences relating to conditions at Yorks Bakery Café, 29 Stephenson Street, Birmingham. The premises were not kept in good repair and condition and there were mouse droppings throughout the premises.. There was dirt and food debris on preparation surfaces, mops, brooms and buckets were dirty, there was a build-up of dirt at floor/wall junctions and underneath shelving. There were holes in the premises which could allow access to pests. Plastic crates used for storing cake and onions were dirty and the cake display stand was damaged and covered in sellotape. Ready to eat sandwiches were placed on unwashed root vegetables and raw bacon was stored on ready to eat salmon.	£8,000 x 1 No separate penalty for remaining offences £1,881 costs (£1,881 requested)	Ladywood	Ladywood

2	6/7/17	Basharat Hussain 75 Mere Road Birmingham B23 7LL	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions at Apna Roti and Curry Junction, 336 Witton Road, Birmingham. There was evidence of mouse activity throughout the premises and the premises were not kept clean. Walls and gas pipes were covered in grease and the floor was littered with mouse droppings. Food contact surfaces were littered with mouse droppings and there were no procedures based on HACCP principles.	£766 x 1 No separate penalty for remaining offences £1,000 costs (£1,362 requested)	Stockland Green	Aston
3	10/7/17	MU Foods Ltd 11 Portland Road Edgbaston Birmingham B16 9HN	Food Safety and Hygiene (England) Regulations 2013 Criminal Damage Act 1971 Found guilty in their absence of eight offences; five offences relating to the poor conditions at Hajee Spices, 512 Stratford Road, Birmingham, rat droppings were found throughout the premises. There were holes within the structure of the premises which could allow access to pests. Raw meat was being stored next to cooked food on shelving and there was a build-up of dirt and grease on the floor in the basement cellar, underneath the gas hob and on the walls in the ground floor kitchen. Three offences related to the removal of two Hygiene Emergency Prohibition Orders and one Hygiene Emergency Prohibition Notice from the front window of the premises.	Total £18,000 £1,272 costs (£1,272 requested)	Edgbaston	Springfield

4	20/7/17	Abid Ali 71 Madison Avenue Hodge Hill Birmingham B36 8EQ	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to 12 offences relating to the conditions at Costcutter, 129 Great Hampton Row, Aston, Birmingham during two separate visits. During both inspections there was evidence of mouse activity throughout the premises. Droppings were found on shelves used to store food and on the floor. Packets of ready to eat food had been gnawed by pests. There were holes in the premises which could allow access to pests. There were no procedures based on the HACCP principles.	£666 x 1 No separate penalty for other offences. £1,380 costs (£1,380 requested)	Hodge Hill	Aston
5	24/7/17	Moon Shisha Lounge Ltd 1 Adelaide Street Nechells Birmingham B12 0SH	Food Safety and Hygiene (England) Regulations 2013 Found guilty in their absence of seven offences relating to conditions at Moon Shisha Lounge, 1 Adelaide Street, Nechells, Birmingham during two separate visits. There was evidence of mouse activity throughout the premises; mouse droppings were found in the kitchen and server area. There was a build-up of dirt, grease and food debris inside the microwaves. Several packets of crisps had been gnawed by mice. Holes were found in the structure of the premises which could allow access to pests and raw burgers were stored above ready to eat sandwich wraps.	Total £7,000 £1,237 costs (£1,237 requested)	Nechells	Nechells

6	28/7/17	Taste of Pakistan Ltd Unit 6 Highgate Business Centre Ladypool Road Birmingham B12 8DP	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to one offence of failing to comply with a hygiene improvement notice requiring cleaning works to be carried out at Taste of Pakistan, Unit 6 Highgate Business Centre, Ladypool Road, Birmingham.	£1,500 £802 costs (£802 requested)	Sparkbrook	Sparkbrook
7	28/7/17	Caspian Pizza (Birmingham) Ltd 560 Moseley Road Sparkbrook Birmingham B12 9AD	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to five offences relating to conditions at Caspian Pizza, 560 Moseley Road, Birmingham during three separate inspections. Mouse droppings were found throughout the premises and there were no procedures based on HACCP. The ceiling was dirty and the toilet door had been removed.	£1,500 x offence 1 No separate penalty for remaining offences £250 costs (£1,036 requested)	Sparkbrook	Sparkbrook
8	17/8/17	Shirley Seymour 12 Villa Street Hockley Birmingham B19 2XR	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to five offences relating to conditions at Inner Circle Caribbean Takeaway, 402 Lodge Road, Hockley, Birmingham. There were mouse droppings throughout the premises. The premises were not kept clean and there were gaps and holes in the skirting board which could permit access to pests. There was a full, uncovered waste oil barrel stored in the cooking area opposite the fryers and cooker.	£1,846 x offence 1 No separate penalty for remaining offences £2,007 costs (£2,007 requested)	Aston	Soho

9	25/8/17	Sichuan Restaurant Trading Ltd Unit B201 The Arcadian 70 Hurst Street Birmingham B5 4TD	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions at Zhang's Sichuan Restaurant, Unit B201 The Arcadian, 70 Hurst Street, Birmingham. There was evidence of mouse activity throughout the premises. The premises were not kept clean, mouse droppings littered the floor in the kitchen, the sink unit was dirty and the wall and gas pipe was covered in grease. Mouse droppings were found on a shelf behind the bar where teapots were kept and there were no procedures based on HACCP.	£735 x Offence 1 No separate penalty for remaining offences. £1,510 costs (£1,510 requested)	Nechells	Nechells
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WASTE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	6/7/17	Ruhaan & Co Accountants Limited 38p Alum Rock Road Birmingham B8 1JA	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a statutory demand requiring written information relating to the transfer of controlled waste from the business at Ruhaan & Co, 38p Alum Rock Road, Birmingham to be provided within 7 days.	£240 £400 costs (£576 requested)	Washwood Heath	Washwood Heath

2	14/7/17	Hurdial Singh Viridi 3 Hawthorn Drive Hollywood Birmingham B47 5QT	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely a kitchen worktop and 10 glass fluorescent tubes, into a Smurfitt Kappa Cardboard recycling unit on Cole Bank Road, Hall Green, Birmingham.	£480 £891 costs (£891 requested)	Out of area	Hall Green
3	24/7/17	Sajid Mahmood Ali Flat above 12 St Stephens Road Selly Oak Birmingham B29 7RP	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of failing to take measures to prevent controlled waste from Bargain Bikes being deposited on land at the junction of St Stephens Road and Milner Road, Selly Oak and one offence of failing to comply with a statutory demand requiring information relating to the transfer of controlled waste from the business to be provided within 7 days.	£1,000 £500 costs (£1,277 requested) £160 clean-up costs awarded	Selly Oak	Selly Oak
4	24/7/17	Tariq Mehmood 64 Bobbington Road Birmingham B21 0QE Shaib Talib 96 Salisbury Road Birmingham B66 3RX	Environment Protection Act 1990 Both defendants pleaded guilty to two offences; one offence of failing to take measures to prevent controlled waste from Halal Meat Centre, 331 Soho Road, being deposited on land at Boulton Road, Handsworth, Birmingham and one offence of failing to comply with a statutory demand requiring information relating to the transfer of controlled waste from the business to be provided within 7 days.	Total £700 (£350 each defendant) £440 costs (£220 each defendant) (£440 requested) £160 clean-up costs (£80 each)	Soho	Soho

5	28/7/17	New Heading Ltd 1 st Floor, Cash'S Business Centre 228 Waddington Road Coventry CV1 4PB	Environment Protection Act 1990 Pleaded guilty to two offences; one offence of depositing controlled waste, namely one clear bag containing waste from Payal's, 267a Soho Road, on land outside 228 Soho Road, Birmingham and one offence of failing to comply with a statutory demand requiring information relating to the transfer of controlled waste from the premises to be provided within 7 days.	£800 x 1 No separate penalty for remaining offence £500 costs (£822 requested)	Out of area	Lozells & East Handsworth
6	28/7/17	Daniel Malcolm 3 Cottage Walk Leamington Spa CV31 1PQ	Environmental Protection Act 1990 Pleaded <u>not guilty</u> to two offences; one offence of being in control of a hired vehicle and knowingly causing controlled waste, namely a mattress, to be deposited on land on Bolton Road, Small Heath, Birmingham and one offence of failing to provide written details of the driver or person in control of the vehicle at the time and date of offence. Found guilty after trial.	£865 x 1 No separate penalty for remaining offence £1,082 costs (£2,273 requested)	Out of area	Nechells
7	2/8/17	Juliet Clarke 2 Chalford Road Erdington Birmingham B23 5DE	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of depositing controlled waste, including hair products and packaging from 3D Hair and Beauty, on land at 1 Willmore Road, Birmingham and one offence of failing to comply with a statutory demand requiring information relating to the transfer of controlled waste from 3D Hair & Beauty, 440 Birchfield Road to be provided within 7 days.	£400 x offence 1 No separate penalty for remaining offence £250 costs (£605 requested)	Kingstanding	Lozells & East Handsworth

8	3/8/17	Fitzroy Fraser 470a Dudley Road Birmingham B18 4HF	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a statutory demand requiring information relating to the transfer of controlled waste from Better Cut Barbers, 470 Dudley Road, Birmingham to be provided within 7 days.	£300 No costs awarded (£553 requested)	Soho	Soho
9	3/8/17	Habibo Mobile Phone Repair (UK) Ltd 266 Lozells Road Birmingham B19 1NP	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a statutory demand requiring information relating to the transfer of controlled waste from 266 Lozells Road, Birmingham to be provided within 7 days.	£300 £250 costs (£758 requested)	Lozells & East Handsworth	Lozells & East Handsworth
10	3/8/17	Stoica Pardalian 494 Alum Rock Road Birmingham B8 3HX	Environmental Protection Act 1990 Pleaded guilty to three offences; two offences of depositing controlled waste, namely an arm chair on Alderson Road and a sofa on Crawford Street, Birmingham and one offence of failing to comply with a notice requesting the details of the person in charge of the vehicle on the date of offence.	£923 x offence 1 No separate penalty for remaining offences £610 (£1,236 requested)	Washwood Heath	Washwood Heath
11	3/8/17	Noor Mohammed Khan 24 Lyndon Road Birmingham B33 8EX	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely black bags of waste, on the grass verge of Bolton Road, Small Heath, Birmingham.	£480 £1,112 costs (£1,112 requested)	Stechford & Yardley North	Nechells

12	11/8/17	<p>Lee David Copley 51 Four Oaks Common Road Sutton Coldfield B74 4NW</p> <p>Claire Hall 51 Four Oaks Common Road Sutton Coldfield B74 4NW</p>	<p>Environmental Protection Act 1990</p> <p>Pleaded guilty to one offence of failing to comply with a statutory demand requiring information relating to the transfer of controlled waste from Spitfire Barbers, 1085 Chester Road, Birmingham to be provided within 7 days.</p> <p>Pleaded guilty to two offences; one offence of depositing controlled waste, namely one black back of waste relating to Spitfire Barbers, at 1085-1099 Chester Road, Pype Hayes Birmingham and one offence of failing to provide information relating to the transfer of controlled waste from Spitfire Barbers. within 7 days.</p>	<p>Total £1,325 (£673 – Copley) (£326 x 2 - Hall)</p> <p>£1,300 costs (£433 – Copley) (£867 – Hall)</p> <p>(£1,312 requested)</p>	Sutton Four Oaks	Tyburn
13	11/8/17	<p>Khalid Betteka 1 Salop Street Birmingham B12 0TL</p>	<p>Environmental Protection Act 1990</p> <p>Pleaded guilty to two offences; one offence of causing controlled waste, namely a fridge freezer, to be deposited on land on Bolton Road, Small Heath, Birmingham and one offence of failing to comply with a notice served requiring written details of the driver of the vehicle on the date of offence to be provided within 7 days.</p>	<p>£450 x offence 1</p> <p>No separate penalty for remaining offence</p> <p>£1,000 costs (£2,500 requested)</p>	Nechells	Nechells
14	17/8/17	<p>Abdur Rouf 146 Sunnymead Road Birmingham B26 1LS</p>	<p>Environmental Protection Act 1990</p> <p>Pleaded guilty to one offence of depositing controlled waste, namely nine bags of waste, on the grass verge on Bolton Road, Small Heath, Birmingham.</p>	<p>£426</p> <p>£360 costs (£890 requested)</p>	Sheldon	Nechells

15	31/8/17	Rafaqat Ali Kayani 163 George Road Erdington Birmingham B23 7SE Javed Khan 56 Croydon Road Erdington Birmingham B24 8HT	Environmental Protection Act 1990 Both defendants pleaded guilty to two offences; one offence of failing to take measures to prevent controlled waste from Right Way Money Transfer and Travel, 180 Lozells Road, being deposited on land outside 184 Lozells Road, Birmingham and one offence of failing to comply with a statutory demand requiring information relating to the transfer of controlled waste from the business to be provided within 7 days.	Total £1,200 (£600 each defendant) £832 costs (£416 each) (£832 requested)	Stockland Green	Lozells & East Handsworth
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ANIMAL WELFARE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	19/7/17	Sonia Shain 46 Arthur Road Erdington Birmingham B24 9EU	Animal Welfare Act 2006 Pleaded <u>not guilty</u> to one offence of failing to take steps to ensure the needs of a Siberian Husky type dog were met. The dog was not provided with fresh clean drinking water or a suitable safe environment. Found guilty after trial.	12 month Community Order Disqualified from keeping an animal for 12 months. £1,200 costs (£2,072 requested)	Erdington	Erdington
2	11/8/17	Tammy Kirby 23 Oakenhayes Crescent Minworth Sutton Coldfield B76 9RP	Animal Boarding Establishments Act 1963 Pleaded guilty to one offence of keeping a boarding establishment for cats at 23 Oakenhayes Crescent, Minworth, Sutton Coldfield, without a licence.	£440 £1,449 costs (£1,449 requested)	Sutton New Hall	Sutton New Hall

LITTERING OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	6/7/17	Aaron Timmis 28 Saint Chads Road Sutton Coldfield Birmingham B75 7QR	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.	£145 £175 costs (£175 requested)	Sutton Trinity	Ladywood
2	6/7/17	Krysztop Cislo 106 Edwards Road Birmingham B24 9HB	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£100 £175 costs (£175 requested)	Erdington	Ladywood
3	6/7/17	Brigitta Balogh 191 Thimblemill Road Birmingham B67 6LP	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£85 £175 costs (£175 requested)	Out of area	Ladywood
4	10/7/17	Shane Sharard 40 Glastonbury Road Yardley Wood Birmingham B14 4DR	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£80 £175 costs (£175 requested)	Billesley	Ladywood
5	14/7/17	Brigitta Jones 10 Heath Green Road Birmingham B18 4EZ	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£40 £100 costs (£175 requested)	Soho	Ladywood

6	14/7/17	Mohammed Alhajri Flat 1501 Rotunda Building 150 New Street Birmingham B2 4PE	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Ladywood	Ladywood
7	14/7/17	Rashid Alhajri Flat 1501 Rotunda Building 150 New Street Birmingham B2 4PE	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Ladywood	Ladywood
8	14/7/17	Tara Lowe Flat 3 Ground Floor 896-898 Bristol Road South Birmingham B31 2NS	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Bristol Road South, Birmingham.	£220 £175 costs (£175 requested)	Northfield	Ladywood
9	14/7/17	Rosie Wilkinson 6 Noddington Lane Lichfield West Midlands WS14 9PA	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
10	14/7/17	Zoe Wood 61 Coriander Close Northfield Birmingham B45 0PB	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Longbridge	Ladywood
11	21/7/17	Katherine Stagg 60 Granville Road Worcester WR2 5RN	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood

12	21/7/17	Jennifer Wickes 99 Whitehouse Common Road Sutton Coldfield B75 6EY	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Sutton Trinity	Ladywood
13	21/7/17	Alison Riley 7 Uffculme Road Kings Heath Birmingham B30 2TR	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Pershore Road, Bournville, Birmingham.	£220 £175 costs (£175 requested)	Bournville	Bournville
14	21/7/17	Sarah Jones 25 Elwell Street Wednesbury WS10 0QD	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
15	21/7/17	Stacey Purnell 238 School Road Yardley Wood Birmingham B14 4HA	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Pershore Road, Birmingham.	£220 £175 costs (£175 requested)	Billesley	Selly Oak
16	21/7/17	Michelle Goodby 56 Ridgeway Way Stourbridge DY8 5UE	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
17	21/7/17	Lisa Clarke 23 Pickard Close Rugby CV21 1UL	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood

18	21/7/17	Charmaine Carter 39 Skipton Road Ladywood Birmingham B16 8JH	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Navigation Street, Birmingham.	£220 £175 costs (£175 requested)	Ladywood	Ladywood
19	21/7/17	Harish Dalal 59 Esme Road Sparkhill Birmingham B11 4NJ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Springfield	Ladywood
20	21/7/17	Andrew Hall Flat 20 63 Bloom Street Manchester M1 3LR	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
21	21/7/17	Morgan Houghton 52 Acacia Road Birmingham B30 2AG	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Pershore Road, Bournville, Birmingham.	£220 £175 costs (£175 requested)	Bournville	Ladywood
22	21/7/17	Sean Aston 146 Beaconview Road West Bromwich B71 3NS	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
23	21/7/17	Ionel Capatina 14 Nelson Road Birmingham B6 6HG	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Hinckley Street, Birmingham.	£220 £175 costs (£175 requested)	Aston	Ladywood

24	21/7/17	Lucy Slattery 20 Market Row Rothwell NN14 6BW	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£40 £175 costs (£175 requested)	Out of area	Ladywood
25	21/7/17	Daniel Gardner Flat 2 50 Pool Farm Road Birmingham B27 7HB	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Watford Road, Bournville, Birmingham.	£40 £175 costs (£175 requested)	Acocks Green	Bournville
26	21/7/17	Darren Deacon 33 Frisby Road Leicester LE5 0DP	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£123 £175 costs (£175 requested)	Out of area	Ladywood
27	21/7/17	Ben Coton 393 Charter Avenue Coventry West Midlands CV4 8BB	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£115 £175 costs (£175 requested)	Out of area	Ladywood
28	3/8/17	Haider Zia 64 Farndon Road Saltley Birmingham B8 3HS	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£88 £175 costs (£175 requested)	Washwood Heath	Ladywood
29	3/8/17	Abdullah Almasum 3 Chalfont Road London N9 9LP	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£40 £175 costs (£175 requested)	Out of area	Ladywood

30	3/8/17	Simone Caldaras 618 Stratford Road Sparkhill Birmingham B11 4AP	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220 £175 costs (£175 requested)	Springfield	Ladywood
31	3/8/17	Sunita Haralampie 141 Windmill Lane Smethwick West Midlands B66 3ET	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Temple Row, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
32	3/8/17	Nikita Watkiss 13 Holyhead Road Moxley Wednesbury WS10 7RA	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
33	3/8/17	Rashed Fahad Alahajeri 13 Woods End Preston PR1 4LD	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
34	3/8/17	Farhad Aslam 166 Sarehole Road Hall Green Birmingham B28 8DT	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Hall Green	Ladywood
35	3/8/17	Sandu Aurelian 47 Linchmere Road Handsworth Birmingham B21 8JL	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham.	£220 £175 costs (£175 requested)	Handsworth Wood	Ladywood

36	3/8/17	Jasbinder Bhakar 28 St Stephens Road Selly Oak Birmingham B29 7RP	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Selly Oak	Ladywood
37	3/8/17	Margaret J Black Market View The Square Stow on the Wold Cheltenham GL54 1BQ	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
38	3/8/17	Alexandru Cristian Bundul 71 Norfolk Road London E6 2NH	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
39	3/8/17	Darren Carter 7 Finney Drive Manchester M21 9DR	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
40	3/8/17	Timothy Dolan 167 Allington Close Taunton TA1 2ND	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
41	3/8/17	Russell Dutton Farrell Flat 34 Manderville House Walnut Way Birmingham B31 4ET	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham.	£220 £175 costs (£175 requested)	Northfield	Ladywood

42	3/8/17	Dorothea Isaac 4 Collar Meadow Monkmoor Shrewsbury SY2 5QB	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
43	3/8/17	Amber Beesley Jarvis 70b Buffery Road Dudley West Midlands DY2 8EF	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
44	3/8/17	Salah Mazlioui 68 Union Street Smethwick West Midlands B66 3SZ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
45	3/8/17	Thomas Mark O'Grady 3 Bourne Road Kidgrove Stoke on Trent ST7 1EU	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Cannon Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
46	3/8/17	Brad Roberts 33 Ormsby Road Scunthorpe DN17 2JG	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Hill Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
47	3/8/17	Franktisek Sandor 53 Rodney Close Ladywood Birmingham B16 8DP	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Paradise Street, Birmingham.	£220 £175 costs (£175 requested)	Ladywood	Ladywood

48	3/8/17	John Shanahan 8 Enfield Road Monton Manchester M30 9NF	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
49	3/8/17	Kenneth Thomas 53 Collingwood Drive Great Barr Birmingham B43 7NY	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
50	11/8/17	Zaheer Abbas 8 Endwood Court Road Handsworth Wood Birmingham B20 2RY	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£80 £40 costs (£175 requested)	Handsworth Wood	Ladywood
51	11/8/17	Patrick Kristiensen 188 Bevington Road Aston Birmingham B6 6HT	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham.	£110 £175 costs (£175 requested)	Aston	Ladywood
52	11/8/17	Audrey Huston 35 Butch Road Walsall WS4 2BL	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Dale End, Birmingham.	£110 £175 costs (£175 requested)	Out of area	Ladywood
53	11/8/17	David John Hollyoake Flat 8 Block 1 Midlands Croft Kitts Green Birmingham B33 0AW	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a beer can on the pavement in New Street, Birmingham.	£110 £175 costs (£175 requested)	Shard End	Ladywood

54	11/8/17	Alexander Ciric 9 Churchfield Close Harrow London HA2 6BD	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Cannon Street, Birmingham.	£110 £175 costs (£175 requested)	Out of area	Ladywood
55	11/8/17	Adrian Caraus 1549 Pershore Road Birmingham B30 2JH	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£110 £175 costs (£175 requested)	Bournville	Ladywood
56	11/8/17	Ion Adrian Budila 14 Maitland Road Saltley Birmingham B8 3AP	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£110 £175 costs (£175 requested)	Washwood Heath	Ladywood
57	11/8/17	Louise Bennett 22 Ethelred Close Mere Green Sutton Coldfield Birmingham B74 4BX	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£110 £175 costs (£175 requested)	Sutton Four Oaks	Ladywood
58	17/8/17	Kathleen Cosgrove 209 Piccadilly Solihull B37 7LG	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping food on the pavement in High Street, Birmingham.	£40 £175 costs (£175 requested)	Out of area	Ladywood
59	17/8/17	Abbie Goldie Flat A 111 Lichfield Street Tamworth B79 7QB	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£123 £175 costs (£175 requested)	Out of area	Ladywood

60	17/8/17	Josh Grant 138 Middleton Hall Road Birmingham B30 1DL	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£40 £175 costs (£175 requested)	Bournville	Ladywood
61	17/8/17	Urszula Jodlowka 14 Broom Road Wrens Nest Dudley DY1 3LG	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Margaret Street, Birmingham.	£166 £175 costs (£175 requested)	Out of area	Ladywood
62	17/8/17	Mikhosi Sibanda 33 Ballot Street Smethwick B66 3EJ	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£40 £175 costs (£175 requested)	Out of area	Ladywood
63	17/8/17	Zoe Dennis Flat 30 Hodgson Tower 109 Guildford Drive Newtown Birmingham B19 2LY	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Aston	Ladywood
64	17/8/17	David Hoggan 17 Ernest Road Balsall Heath Birmingham B12 8AX	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.	£220 £175 costs (£175 requested)	Sparkbrook	Ladywood
65	17/8/17	Richard McDonald 17 Bury Road Hengrove Suffolk IP28 6LS	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood

66	25/8/17	Don North Byrnes Flat C 113 Commercial London E1 1RD	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
67	25/8/17	Joaquin Vico Bosom 88 Ruston Street Birmingham B16 8BB	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Ladywood	Ladywood
68	25/8/17	Meheiun Begum 122 Upper Highgate Street Birmingham B12 0YB	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Nechells	Ladywood
69	25/8/17	Lucy Adams 175 Daisy Farm Road Birmingham B14 4QQ	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Kings Heath, Birmingham.	£220 £175 costs (£175 requested)	Billesley	Moseley & Kings Heath
70	25/8/17	Rebaz Faraj 37 Gibbons Road Birmingham B29 6PQ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220 £175 costs (£175 requested)	Selly Oak	Ladywood
71	25/8/17	Hedjar Chabane 484 City Road Birmingham B17 8LN	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Harborne	Ladywood

72	25/8/17	Oluwatoyin Omari Kinch 121 Jeffcock Road Wolverhampton WV3 7AG	Environmental Protection Act 1990 Found guilty in his absence of two offences of dropping cigarette butts on the pavement in New Street and Stephenson Street, Birmingham on two separate occasions.	Total £440 (£220 x 2) £350 costs (£350 requested)	Out of area	Ladywood
73	31/8/17	Carl Gibbs 40 Cherry Street Halesowen B63 3RQ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham	£220 £175 costs (£175 requested)	Out of area	Ladywood
74	31/8/17	Julie Fisher 31 Birchett Road Farnborough GU14 8RF	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham	£220 £175 costs (£175 requested)	Out of area	Ladywood
75	31/8/17	Mark Davis 56 Colman Hill Avenue Halesowen B63 2BA	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Colmore Circus, Birmingham	£220 £175 costs (£175 requested)	Out of area	Ladywood
76	31/8/17	Jeffrey Cutler 11 Woodland Street Smethwick B66 3TF	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham	£220 £175 costs (£175 requested)	Out of area	Ladywood
77	31/8/17	Aaron Slack 54 Brandywood Crescent Kingstanding Birmingham B44 9NA	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham	£220 £175 costs (£175 requested)	Oscott	Ladywood

78	31/8/17	Ronaldo Barhn 73 West Bromwich Road Walsall WS1 3HR	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham	£220 £175 costs (£175 requested)	Out of area	Ladywood
79	31/8/17	Lloyd Reeves 12 Poole Road Birmingham B17 0PB	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Bristol Road South, Birmingham	£220 £175 costs (£175 requested)	Harborne	Weoley
80	31/8/17	Ricky James Monahan 197 Chinn Brook Road Billesley Birmingham B13 0NB	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham	£100 £175 costs (£175 requested)	Billesley	Ladywood
81	31/8/17	Thomas Allmark 88 Southam Road Hall Green Birmingham B28 0AG	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham	£40 £90 costs (£175 requested)	Hall Green	Ladywood

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

One simple caution was administered during July and August 2017.

Food Safety and Hygiene (England) Regulations 2013

One caution was issued for failing to comply with food hygiene regulations

TRADING STANDARDS

APPENDIX 3

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	3/7/17 at Birmingham Crown Court	<p>Sarfraz Hussain 38 Chestnut Road Birmingham B13 9AH</p> <p>Sherbaz Hussain 38 Chestnut Road Birmingham B13 9AH</p> <p>Mohammed Aamir Hussain 38 Chestnut Road Birmingham B13 9AH</p>	<p>Consumer Protection from Unfair Trading Regulations 2008.</p> <p>Each defendant pleaded guilty to two offences: one of making misleading actions to consumers by offering to supply car parts from French Car Spares Limited, Unit 3 Port Hope Industrial Estate, Birmingham, and providing false information as to the availability and delivery of the products and one offence of failing to make proper checks to see if the parts were available before taking orders and payments and then failing to deliver those parts.</p>	<p>All three defendants given a 12 month Community Order with 200 hours unpaid work</p> <p>Each defendant disqualified from being a Director for 3 years.</p> <p>£13,500 costs (each to pay £4,500)</p> <p>(£13,500 requested)</p> <p>Compensation £2,463</p>	Moseley & Kings Heath	Hall Green

2	3/8/17	John Casey 32 Heath Road Birmingham B18 4EZ	<p>Consumer Protection from Unfair Trading Regulations 2008.</p> <p>Pleaded guilty to three offences relating to roof and guttering work carried out at 17 Lyttleton Road, Edgbaston, Birmingham; one offence relating to the fitting of guttering and a down pipe which was defective, the installation of the eaves trays to the property which was defective, incomplete and unnecessary and the window repair which was defective. Two offences relating to false statements made to the consumer stating that new laths would be fitted to the laundry room and it would be re-tiled and that there was damp in three first floor bedrooms and works were required to the roof. These works were not carried out.</p>	<p>Total £900 (£300 x 3)</p> <p>£1,818 costs (£3,187 requested)</p> <p>Compensation £14,388</p>	Soho	Edgbaston
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3	10/8/17 at Birmingham Crown Court	<p>Holy Makkah Tours Ltd Mohsin & Co First Floor 24 Osborn Street London E1 6TD</p> <p>Mohammed Suba Ibn Nozir 61 Wyatt Road Forest Gate London E7 9ND</p> <p>Shamsu Miah 59 Monica Road Small Heath Birmingham B10 9TJ</p> <p>Islam Freedom Ltd Fortis House 160 London Road Barking IG11 8BB</p> <p>Shah Shahin Chowdhury Fortis House 160 London Road Barking IG11 8BB</p>	<p>Consumer Protection from Unfair Trading Regulations.</p> <p>Holy Makkah, Mohammed Nozir and Shamsu Miah pleaded guilty to 7, 7 and 1 offence respectively, Islam Freedom and Shah Chowdhury each pleaded <u>not guilty</u> to 5 offences. The defendants were carrying on a business as a travel agent at 548a Coventry Road, Small Heath, Birmingham and displaying the ATOL protected logo on shop signage, business cards and leaflets without having obtained the necessary authorization from the Civil Aviation Authority and claiming to be ATOL protected when selling and supplying flights and travel packages that included flights</p>	<p>Total Fine £50,000</p> <p>Holy Makkah Fine £11,000</p> <p>£5,600 costs (£5,600 requested)</p> <p>Mohammed Nozir Fine £18,000</p> <p>Disqualified from acting as Director for 2 years.</p> <p>£5,600 costs (£5,600 requested) Shamsu Miah Fine £1,000</p> <p>£1,500 costs (£5,600 requested)</p> <p>Islam Freedom Fine £10,000</p> <p>£5,000 costs (£5,600 requested)</p> <p>Shah Chowdhury Fine £10,000</p> <p>Disqualified from acting as Director for 4 years</p> <p>£5,000 costs (£5,600 requested)</p>	Out of area	Bordesley Green
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TRADING STANDARDS SIMPLE CAUTIONS

No simple cautions were administered during July and August 2017.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – JULY AND AUGUST 2017

<u>WARDS & CONSTITUENCIES FINALIZED BY OFFENCE</u>				
	<u>Licensing</u>	<u>Environmental Health - Non FPNs</u>	<u>Environmental Health - FPNs</u>	<u>Trading Standards</u>
EDGBASTON				
Bartley Green				
Edgbaston				1
Harborne				
Quinton				
ERDINGTON				
Erdington		1		
Kingstanding				
Stockland Green		1		
Tyburn				
HALL GREEN				
Hall Green		1		1
Moseley & Kings Heath	1		1	
Sparkbrook		2		
Springfield		1		
HODGE HILL				
Hodge Hill				
Washwood Heath		2		
Bordseley Green				1
Shard End				
LADYWOOD				
Aston	1	2		
Ladywood		1	76	
Nechells	3	6		
Soho		3		

NORTHFIELD				
Kings Norton				
Longbridge				
Northfield				
Weoley			1	
PERRY BARR				
Lozells & East Handsworth		4		
Handsworth Wood				
Oscott				
Perry Barr				
SELLY OAK				
Billesley				
Bournville			1	
Brandwood			1	
Selly Oak	1	1	1	
SUTTON COLDFIELD				
Sutton Four Oaks				
Sutton New Hall		1		
Sutton Trinity				
Sutton Vesey				
YARDLEY				
Acocks Green				
Sheldon				
South Yardley				
Stechford & North Yardley				
TOTAL	6	26	81	3

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – JULY AND AUGUST 2017

<u>WARDS & CONSTITUENCIES - FINALIZED BY DEFENDANT'S ADDRESS</u>				
	<u>Licensing</u>	<u>Environmental Health - Non FPNs</u>	<u>Environmental Health - FPNs</u>	<u>Trading Standards</u>
EDGBASTON				
Bartley Green				
Edgbaston		1		
Harborne			2	
Quinton				
ERDINGTON				
Erdington		1		
Kingstanding		1	1	
Stockland Green		2		
Tyburn				
HALL GREEN			2	
Hall Green				
Moseley & Kings Heath			1	1
Sparkbrook		2	2	
Springfield				
HODGE HILL				
Hodge Hill		1		
Washwood Heath		2		
Bordseley Green	2		2	
Shard End			1	
LADYWOOD				
Aston	2	2	3	
Ladywood			5	
Nechells		5	1	
Soho			1	1

NORTHFIELD				
Kings Norton				
Longbridge			1	
Northfield			2	
Weoley				
PERRY BARR				
Lozells & East Handsworth		1		
Handsworth Wood			2	
Oscott			1	
Perry Barr				
SELLY OAK				
Billesley			4	
Bournville			4	
Brandwood				
Selly Oak		1	2	
SUTTON COLDFIELD				
Sutton Four Oaks		1	1	
Sutton New Hall		1		
Sutton Trinity			2	
Sutton Vesey				
YARDLEY				
Acocks Green			1	
Sheldon		1		
South Yardley				
Stechford & North Yardley		1		
OUT OF AREA	2	3	40	1
TOTAL	6	26	81	3

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – JULY AND AUGUST 2017

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	1	0	4	0	0	1	0	0	0	6
Environmental Health (FPNs) Not paid and prosecuted	0	0	1	0	76	1	0	3	0	0	0	81
Environmental Health (non FPNs)	0	2	4	2	12	0	4	1	1	0	0	26
Trading Standards	1	0	1	1	0	0	0	0	0	0	0	3

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – JULY AND AUGUST 2017

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	2	2	0	0	0	0	0	2	6
Environmental Health (FPNs) Not paid and prosecuted	2	1	5	3	10	3	3	10	3	1	40	81
Environmental Health (non FPNs)	1	4	2	3	7	0	1	1	2	2	3	26
Trading Standards	0	0	1	0	1	0	0	0	0	0	1	3

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL - AUGUST 2017

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	2		9	2	0	1	0	2	0	17
Environmental Health (FPNs) Not paid and prosecuted	0	0	1	0	230	1	0	3	0	0	0	235
Environmental Health (non FPNs)	0	7	7	5	29	2	9	2	1	6	0	68
Trading Standards	1	0	1	1	3	0	0	0	0	2	0	8

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL – AUGUST 2017

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	4	4	2	1	1	0	0	0	4	17
Environmental Health (FPNs) Not paid and prosecuted	9	6	8	18	30	9	15	16	5	4	115	235
Environmental Health (non FPNs)	3	7	6	8	17	1	8	2	3	6	7	68
Trading Standards	0	0	1	0	4	0	0	0	0	1	2	8

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2017 – MARCH 2018

	Apr-17	May-17	Jun-17	Jul-17	Total 2017/2018
Waste Investigation Outcomes					
Investigations into commercial waste disposal suspected offences and offences	23	35	83	101	242
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	20	32	75	85	212
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	11	13	25	29	78
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	5	0	5	0	10
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400)	4	9	7	1	21
Prosecutions					
Number of prosecution files submitted to legal services (number produced quarterly)			15	15	

BIRMINGHAM CITY COUNCIL

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

23 October 2017
ALL WARDS

**ACTION TAKEN BY THE CHAIR OF THE LICENSING
& PUBLIC PROTECTION COMMITTEE:**
OCTOBER 2017

1. Summary
 - 1.1 This report advises the Committee of an 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: Chris Neville, Head of Licensing
Telephone: 0121 303 6103
E-mail: chris.neville@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. This means that the suspension or revocation takes effect immediately once notice of the authority's decision has been given to the driver – where this decision is considered necessary in the interests of public safety.

4. Summary of Action Taken for October 2017

- 4.1 On 3 October 2017 authority was sought to revoke, with immediate effect, the private hire driver's licence held by driver reference 48046. On 2 October 2017 an allegation was received from the West Midlands Police. Driver 48046 had allegedly shown inappropriate images to vulnerable children during a home to school transport job undertaken in the driver's licensed private hire vehicle. This was confirmed by colleagues from the Home to School Transport Team and driver 48046's operator.
- 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 October 2017 notice was delivered to driver 48046's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

5. Implications for Resources

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

6. Implications for Policy Priorities

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

7. Implications for Equality and Diversity

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

DIRECTOR OF REGULATION AND ENFORCEMENT

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

20 OCTOBER 2017

SCHEDULE OF OUTSTANDING MINUTES

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
651 (iii) 20/04/2016	<u>Proposals for Vehicle Emission Standards for Hackney Carriage and Private Hire Vehicles</u> – That officers engage with the neighbouring West Midlands Licensing Authorities to discuss proposals for a regional emissions standard for hackney carriages and private hire vehicles.	Report due in November 2017
846 12/04/2017	<u>Non-attendance of Drivers at Sub-Committees</u> – The Acting Service Director of Regulation and Enforcement be requested to report on the options for charging drivers for non-attendance.	Report due in November 2017
866 (ii) 21/06/2017	<u>'Brexit'</u> – That the Acting Director of Regulation and Enforcement report on how 'Brexit' may affect the Committees work, especially around legislation that is currently European legislation and may have no effect after 'Brexit'.	Report due in December 2017
882 (ii) 12/07/2017	<u>Update Report On Unauthorised Encampments</u> – The Acting Service Director of Regulation and Enforcement be requested to report further in three months' time to update on the various work items contained within this report.	Report due in November 2017

