

**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**

**WEDNESDAY, 16 SEPTEMBER 2015 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 the meeting to note that this meeting will be webcast for live and subsequent broadcast via the Council's Internet site ([www.birminghamnewsroom.com](http://www.birminghamnewsroom.com)) and that members of the press/public may record and take photographs. The whole of the meeting will be filmed except where there are confidential or exempt items.

**2     APOLOGIES**

To receive any apologies.

**1 - 12**

**3     MINUTES**

To confirm and sign the Minutes of the meeting held on 15 July 2015.

**13 - 20**

**4     THE CONSUMER RIGHTS ACT 2015**

Report of the Service Director of Regulation and Enforcement

**21 - 42**

**5     REPORT ON THE IMPLEMENTATION OF THE DOG CONTROL ORDERS AND TO CONSIDER AN EXEMPTION SCHEME ON THE RESTRICTION ON FOUR DOGS**

**43 - 52**

**6     DISTRIBUTION OF FREE PRINTED MATTER RESULTS OF CONSULTATION AND PROPOSALS FOR THE BROAD STREET AREA**

Report of the Service Director of Regulation and Enforcement.

<b><u>53 - 100</u></b>	7	<b><u>STATEMENT OF GAMBLING PRINCIPLES CONSULTATION REPORT</u></b>
		Report of the Service Director of Regulation and Enforcement.
<b><u>101 - 106</u></b>	8	<b><u>MODERNISATION OF LICENSING APPLICATION PROCESSES</u></b>
		Report of the Service Director of Regulation and Enforcement.
<b><u>107 - 116</u></b>	9	<b><u>LICENSING AND PUBLIC PROTECTION COMMITTEE REVENUE BUDGET MONITORING 2015/16 MONTH 4</u></b>
		Report of the Service Director of Regulation and Enforcement and Director of Finance.
<b><u>117 - 264</u></b>	11	<b><u>FIXED PENALTY NOTICES ISSUED JUNE AND JULY 2015</u></b>
		Report of the Service Director of Regulation and Enforcement.
<b><u>265 - 268</u></b>	12	<b><u>ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULATION WITH THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE JULY 2015</u></b>
		Report of the Service Director of Regulation and Enforcement.
<b><u>269 - 276</u></b>	13	<b><u>OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS MAY, JUNE AND JULY 2015</u></b>
		Report of the Service Director of Regulation and Enforcement.
<b><u>277 - 278</u></b>	14	<b><u>SCHEDULE OF OUTSTANDING MINUTES</u></b>
		Outstanding Minutes as at 16 September 2015.
<b><u>279 - 286</u></b>	15	<b><u>OTHER URGENT BUSINESS - OBJECTION TO HACKNEY CARRIAGE AND PRIVATE HIRE FEES AND CHARGES</u></b>
		Report of the Service Director of Regulation and Enforcement
	16	<b><u>AUTHORITY TO CHAIRMAN AND OFFICERS</u></b>

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  
15 JULY 2015**

**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY, 15 JULY 2015 AT 1000  
HOURS IN COMMITTEE ROOMS 3 AND 4,  
COUNCIL HOUSE, BIRMINGHAM**

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

Councillors Nawaz Ali, Bob Beauchamp, Alex Buchanan,  
Lynda Clinton, Basharat Dad, Neil Eustace, Mahmood  
Hussain, Nagina Kauser, Tony Kennedy, Mike Leddy, Gareth  
Moore, Rob Sealey and Anita Ward.

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**NOTICE OF RECORDING**

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

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**APOLOGIES**

530 Apologies were received from Councillor Bruce Lines.

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**DECLARATIONS OF INTEREST**

531 There were no declarations of interest submitted by Members

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**MINUTES**

**17 June 2015**

Councillor Moore pointed out an error on Minute no. 507 regarding apologies for Councillor Bruce Lines and stated that these were for lateness – not non-attendance.

Ms Bhomra, the Committee Lawyer pointed out some amendments on page 353 regarding late or lost documents and procedures for interim steps hearings. This was amended to read: '.....additional documentation for the day before a hearing was accepted by Licensing Services, but documents presented on the day required another party's consent, or if lost in transit, may be accepted at the discretion of the Chair. With regard to expedited reviews, Members were advised that the interim steps hearing had to be held within 48 hours of the request but ideally could be heard on the same day of the application'.

532

The Minutes of the meeting held on 17 June, having been previously circulated and amended as agreed at the meeting, were confirmed as a correct record and signed by the Chairman.

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**LICENSING AUTHORITY POLICIES, PROCEDURES AND DELEGATIONS**

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

(See document No.1)

Chris Neville, Head of Licensing made introductory comments relating to the report and outlined to Members the policies, procedures and delegations in relation to licensing, regulatory and registration powers highlighting the changes to the Poisons Act and additional information regarding M.O.T. testing.

In response to questions from Members regarding drivers understanding of the change in the MOT policy and working groups to look at Sexual Entertainment Venues (SEVs) Mr Neville advised Members that with regard to the MOT policy drivers were aware that the additional information regarding the MOT certificate had been omitted from the previous policy but this was in fact the procedure that had been implemented and drivers were aware of this. In relation to the SEV working groups Members were informed that a series of reviews had commenced initial work on this was being carried out by officers with dates being planned for member involvement and target dates for reports to the committee.

The Chair put the recommendations contained in the report at agenda item No 5 to a vote and these were agreed unanimously.

533

**RESOLVED:-**

- (i) That the Committee notes the policies approved by City Council:
  - relating to the Gambling Act 2005 and approved in 2013;
  - regarding Sexual Entertainment Venues and approved in 2014;
  - relating to the Licensing act 2003 and approved in 2015;
- (ii) That the Committee note the changes to the Poisons Act as detailed in paragraph 17 of Appendix 1 to this report.

- (iii) That the amendment to paragraph 3.16.1 of Appendix 1, as detailed in paragraph 4.7 be agreed.
- (iv) That the Committee approves the policies and procedures contained in Appendix 1 related to all other matters.

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**LICENSING FEES AND CHARGES INCLUDING OBJECTION TO HACKNEY CARRIAGE & PRIVATE HIRE FEES AND CHARGES**

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

(See document No. 2)

Chris Neville, Head of Licensing, introduced this report and informed Members that following the Committee decision on 18 March 2015 regarding the adjustment of fees for all relevant licensing functions and the required advertising of the fees and charges prior to implementation, (under Section 70 of the Local Government (Miscellaneous Provisions ) Act), a number of objections had been received.

The majority of these had been regarding price, including a petition with 117 signatories but an objection had also been received from A2Z Licensing on behalf of Star Cars based on the High Court judgement with regard to Cummings v Cardiff City Council on 18 June 2014 in respect of taking into account any surplus or deficit generated from fees levied in previous years when determining its fees.

Mr Neville advised Members that as a result of this objection it was now proposed that of the carry forward balance of £341,000, one third of this would be included in the fee calculations for 2015/2016, leaving a balance of £227,000 which would be sufficient reserves to cover costs for a replacement licensing software package and the move of licensing services to new premises.

He further informed Members that the report encompassed Section 10 of the Deregulation Act 2015 which would come into force on 1 October 2015, requiring councils to grant driver licences for 3 years and private hire operator licences for 5 years, the latter of which had not previously been included.

Concerns were expressed by Councillors regarding the significant difference in the fees to those proposed to the Committee in February and if in fact, all the final opinions had now been received on this from counsel. Mr Neville expressed his apologies to Members regarding the reversal of the decision made in February and indicated that officers had not been aware of the Cardiff City Council decision at the time of setting these fees, this had now been acknowledged and the surplus balance taken into account. In regard to the latest legal advice Members were advised that reference had also been made to the case of Hemming v Westminster City Council which was as yet unresolved and had been referred to the European Court of Justice.

Councillor Moore voiced concern that the current actual surplus was in the region of £568,000 and that this was a large amount to hold in reserve whilst imposing a substantial increase in fees and charges for private hire drivers and operators and formally proposed that the fees for 2015/2016 be frozen.

Mr Neville that the service was working to the principles of best practice in terms of setting the fees - based on the latest financially audited accounts from 2013/2014. He strongly advised Members to adhere to rather than the fees being set based on estimates for 2014/2015 – the audited figures for which would not be available until September 2015.

A detailed debate ensued with Members on the merits of otherwise of reliance on unaudited accounts when making this decision and the Committee adjourned at 1028 for members to discuss this within their party groups. The meeting recommenced at 1031 hours.

Councillor Moore then formally proposed the motion, seconded by Councillor Beauchamp, that the fees and charges for 2015/2016 for hackney carriage and private hire drivers be frozen. Upon being put to the vote, with 4 votes for the motion and 10 votes against, the motion was not carried.

The Chair put the recommendations contained in the report at 2.1 and 2.2 and 2.2 (i) at agenda item No 6 to the meeting and with 10 votes for, 2 against and 2 abstentions declared them carried.

534

**RESOLVED:-**

- (i) That Members are asked to consider the objections appended to this report.
- (ii) That Member are asked to consider the proposal at 4.9 and agree the revised fee structure as detailed in appendix 1, to be effective from 1<sup>st</sup> September 2015 (subject to the statutory notice period).

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**CURRENT POSITION REGARDING REGISTRATIONS UNDER THE SCRAP METAL DEALERS ACT 2013**

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

(See document No. 3)

Chris Neville, Head of Licensing made introductory comments relating to the report advising Members of the current position regarding registrations under the Scrap Metal Dealers Act 2013.

Mr Neville notified Members of the remit under the Proceeds of Crime Act 2002 for the limited use of the assets recovered under the act to be used for the investigation of other offences and the proposal to use some of this resource for enforcement activity against unlicensed scrap metal dealers.

During the course of the discussion that ensued the following points were noted:-

- Expansion of the data sharing agreement to include other agencies
- The idiosyncrasy of licensing fees not being able to be used for enforcement activities and the possibility of writing to the relevant Minister regarding this.
- That a more co-ordinated and pro-active approach to manage the problems of unlicensed scrap metal collection (incorporating the complete supply chain) needed to be put into place with enhanced investigation of materials received by licensed collectors.
- The requirement for personal identification and vehicle signage required to clearly identify licensed collectors and collection vehicles.
- The need for a joint approach between licensing services and planning to identify illegal scrap metal dealing businesses being operated from home.

The Chair put the recommendations contained in the report at agenda item No 7 to the meeting and these were agreed unanimously.

535

**RESOLVED:-**

- (i) That the report be noted.
- (ii) That outstanding minute 448 (ii) be discharged.
- (iii) That the funding arrangements detailed in paragraph 8.3 be agreed.

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**LICENSING OF ADDITIONAL PRIVATE HIRE OPERATOR SUB-OFFICES**

Chris Arundel, Principal Licensing Officer, informed Members that this report had been deferred to a future meeting as a result of a request received from A2Z Licensing, on behalf of Star Cars, to visit the Star Cars premises in Erdington to observe how they monitored the telephone calls and computer use of their homeworking staff prior to this matter being considered by Committee.

Following some discussion it was proposed by Councillor Kennedy and seconded by Councillor Anita Ward that the site visit be delegated to Officers.

The Chair put the motion to the meeting and this was agreed unanimously.

536

**RESOLVED:-**

That Licensing Officers conduct a site visit to the Star Cars' premises in Erdington to observe the operator's monitoring of their homeworking staff.

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**FOOD LAW ENFORCEMENT PLAN 2015/2016**

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

(See document No. 4)

Nick Lowe, Operations Manager (Food Lead) made introductory comments relating to the report setting out the City's commitment to Food Safety Enforcement for 2015/16. This included the number of food hygiene and food standards interventions required and the areas of work considered essential to protecting food safety in Birmingham as well as a review of performance against targets set for 2014/2015.

Members raised questions regarding: a separate report on the Environmental Health initiative regarding the poorest performing food premises within the 12 wards of the City; an integrated approach to businesses, alongside other services, e.g. including waste disposal; the backlog of 466 food inspections from 2014/2015; work with catering organisations and any complaints regarding incorrect food labelling regarding halal food.

In response to these Members were informed:

- A full outturn report would be provided to the Committee on the enforcement initiative work supporting the poorest performing businesses.
- The work with businesses included areas other than food safety and food hygiene including health and safety aspects and waste management.
- That while a number of inspections were due each year there was a need to manage this within the available resources; additionally not all targets that were set were statutory and some of the backlog had occurred as a result of a change in computer systems and problems with data transference. The high risk back log however for 2014/2015 had been completed early in 2015-2016.
- Work with catering organisations was carried out through business support events as well as the business improvement districts of Broad Street and Soho.
- That none of the premises prosecuted for food labelling had been regarding halal food. However, there had been an investigation by Trading Standards regarding this – Mark Croxford, Head of Environmental Health, agreed to supply the information regarding this item to Councillor Ali.

The Chair put the recommendation contained in the report at agenda item No 9 to the meeting and this was agreed unanimously.

537

**RESOLVED:-**

That the Food Law Enforcement Plan be agreed.

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**HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2015/2016**

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

(See document No. 5)



Simon Williams, Operations Manager (Health and Safety) made introductory comments relating to the report setting out the City's Health and Safety Law Enforcement Plan for 2015/16 including the plans to support businesses to meet their health and safety requirements and work undertaken by the service to ensure the health and welfare of employees, residents and visitors to the City of Birmingham.

Members thanked Mr Williams for the report and the outstanding work with the Primary Authority Partnerships. Questions were raised regarding: data on infectious diseases; the support provided to businesses with regard to accidents at work; the health and safety of students on work experience placements; work on monitoring air pollution and the enforcement of health and safety with regard to self-employed homeworkers.

In reply Members were informed:

- That infectious diseases were dealt with jointly in conjunction with the Food Safety team.
- A separate report would be brought to the Committee regarding the data on Tuberculosis cases within Birmingham.
- That the health and safety enforcement team generally got involved with accidents at work after they had occurred but information on the prevention of accidents was displayed on the Regulatory Services' website.
- The take-up of work experience placements within the City was very limited and although advice had been provided on work programmes to local schools due to the low take-up this had not been identified as a local priority with regard to health and safety enforcement.
- Air Pollution e.g. at car auctions would be added to the list of health and safety interventions.
- That the Deregulation Act 2015 had given self-employed homeworkers exemptions from certain health and safety laws, particularly where there were no risks to the public. With regard to Birmingham no issues had been identified with regard to homeworkers or received any reports of accidents at work.

The Chair put the recommendation contained in the report at agenda item No 10 to the meeting and this was agreed unanimously.

538

**RESOLVED:-**

- (i) That the report be noted and the Health and Safety Law Enforcement Plan for 2015/2016 be agreed.
- (ii) That the Director of Regulation and Enforcement be requested to submit a report on the data regarding Tuberculosis cases within Birmingham.

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**REVENUE BUDGET MONITORING 2015/2016 (MONTH 2)**

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

(See document No.6)

David Jones, Finance Manager, made introductory comments relating to the report advising Members of the latest revenue budget position at the end of May 2015, the position with regard to the savings programme for 2015/16 and the position on reserves and balances.

The Chair raised concerns regarding Pest Control resources following the return of the devolved budget from districts to the centre and sought assurance that all resources that had been devolved had in fact been returned. She also queried the allocation of any funds from the grant of £596,000 (that had been received by the City Council as a result of the Deprivation of Liberty Safeguard (DLS) legislation) to the Coroners Service given that the implementation of this legislation had resulted in additional pressures for this service.

Mr Williams assured the Chair that he was in the process of investigating the pest control figures and upon completion would be able to provide a definitive answer on this matter and bring this to Committee. With regard to acquiring the funding for the Coroners Service from the grant received by the Council, Members were informed that the total amount had been placed in the Place Directorate and a response to Mr Jones' query regarding some reallocation of this funding to the Coroners Services had not been received.

During the course of the discussion that ensued the following points were raised:-

- The intended savings from the reorganisation of the Pest Control service.
- Actions being undertaken by officers to resolve some of the budget pressures and plans in place to relieve some of the budget pressures.
- The current overspend of £559,000.
- The continuance of the grant as a result of the DLS legislation.
- The income target set for Pest Control for 2015/16 despite the failure of the service to meet a lower target in 2014/15.
- That the problems regarding the high income targets set for Pest Control had been continuously raised by the Committee with the City Council.

In response to these Members were informed:

- That the Pest Control Service was in the process of being restructured as the current status of the service would be unable to provide the income target that had been set by the City Council. Furthermore, the structure would be not in place in the current financial year.
- The DLS grant was a one-off payment and it was hoped that a proportion of this would be reallocated to the Coroners Service as a result of additional time and administration incurred as a result of the DLS legislation.
- That with regard to the budget pressures, finance would work with officers to identify solutions to overcome budget pressures to bring to the Committee.

- That the deficit in the budget for Registrars and Pest Control had been as a result of a reduction in the volume of requests for the service.
- That a report could be brought to Committee to address the over expenditure to date and to inform the Committee of the precise current status regarding this.

539

**RESOLVED:-**

- (i) To note the latest Revenue budget position at the end of May 2015 (Month 2) as detailed in Appendix 1 of the report.
- (ii) To note the position with regard to the Savings Programme for 2015/16 as detailed in Appendix 2 of the report.
- (iii) To note the position on reserves and balances, as detailed in Appendix 3 of the report.
- (iv) That the Director of Regulation and Enforcement and the Director of Finance be requested to submit a report on the over expenditure in the budget as at Month 2 and to inform the Committee of the precise status of the budget to date.

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**PROSECUTIONS AND CAUTIONS – MAY 2015**

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

(See document No. 7)

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

Councillor Clinton queried the enforcement protocol regarding the prosecution of those caught fly-posting and was advised by Mr Croxford that with regard to the case referred to this had been an act of commercial fly-posting for which the offender had been paid - this would be deemed illegal and would always result in prosecution.

Councillor Moore welcomed the action undertaken regarding the animal welfare offence, this had been a known problem of which he had been made aware via several reports and had also been reported to the Dog Warden service and he was pleased therefore that this had resulted in enforcement action. He further highlighted that the area was named Abbey Fields and asked for the report to be amended accordingly.

540

**RESOLVED:-**

That the report be noted.-

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**OUTCOME OF APPEALS – MAY 2015**

## **Licensing and Public Protection Committee – 15 July 2015**

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

(See document No.8)

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

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### **RESOLVED:-**

That the report be noted.

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## **FIXED PENALTY NOTICES - MAY 2015**

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

(See document No.9)

Mark Croxford, Head of Environmental Health, informed Members that 506 penalty notices had been issued in the City during May 2015.

542

### **RESOLVED:-**

That the report be noted.

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## **ACTION TAKEN BY THE CHAIR OF LPPC – JUNE & JULY 2015**

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

(See document No.10)

Chris Neville, Head of Licensing introduced the report and informed Members of action taken by the Chair under authority from Licensing and Public Protection Committee and why this authority was used.

543

### **RESOLVED:-**

That the report be noted.

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## **SCHEDULE OF OUTSTANDING MINUTES**

The following scheduled of Outstanding Minutes was submitted:-

(See document No. 11)

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**RESOLVED:-**

That Outstanding Minute No. 448 (ii) be discharged and all other Outstanding Minutes be continued.

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**OTHER URGENT BUSINESS**

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There was no other urgent business.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

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**RESOLVED:-**

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

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The meeting ended at 1217 hours.

.....  
CHAIRMAN



**BIRMINGHAM CITY COUNCIL**

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

**16 SEPTEMBER 2015**  
**ALL WARDS**

**THE CONSUMER RIGHTS ACT 2015**

1. Summary

- 1.1 The report outlines developments in consumer rights reforms, principally the Consumer Rights Act 2015.
- 1.2 The Act consolidates amends and replaces existing legislation covering consumer rights and remedies. It summarises other provisions consolidating and amending investigating powers of officers, amending powers of entry in relation to routine visits and also the ability of officers to investigate breaches of legislation outside their own Local Authority.

2. Recommendation

- 2.1 That Committee makes representations to Government urging funding for the Trading Standards service to be able to meet likely extra demand for business advice from local traders, and also for enforcing the provisions relating to letting agencies.
- 2.2 That Committee expresses its disappointment that Government has chosen to go ahead with introduction of a two day notice for routine inspections and that the offence of obstruction has been reduced to a level 3 offence.

Contact Officer: Vir Ahluwalia, Operations Manager, Trading Standards  
Telephone: 0121 303 9370  
Email: vir.ahluwalia@birmingham.gov.uk

### 3. Background

- 3.1 Over the last four years the Government has been carrying out a review of the Consumer Protection landscape and also introducing a Bill to implement the Consumer Rights Directive.
- 3.2 In September 2013 a report was presented to Committee outlining what was at that stage a draft Bill at consultation stage. At that stage concern was expressed at the proposal to introduce a 48 hour notice before inspections are carried out, and at the proposal to reduce the penalty for the offence of obstruction to level 3.
- 3.3 The Consumer Rights Act 2015 seeks to consolidate consumer rights which are contained in different pieces of legislation, and update it to cater for digital technology in consumer goods.
- 3.4 Other measures affecting “distance” or online selling, principally cooling off periods and provision of prescribed information have already been implemented via the Consumer Contract Regulations.
- 3.5 The Government is seeking in this Act to consolidate officers’ investigatory powers which are currently spread over 60 different pieces of legislation.
- 3.6 It has consulted on officers’ powers of entry and how to reduce burdens on businesses. Consequently measures are being introduced to reduce the number of routine unannounced inspections by the Trading Standards service.
- 3.7 At the same time the effectiveness of the Trading Standards service is being strengthened by allowing officers to investigate offences occurring outside their own Local Authority without the need for delegated authority from the authority where offences take place.
- 3.8 Other measures in the Act require property letting agents to display charges at their premises or website.

### 4. Consumer Rights and Remedies

- 4.1 The Act replaces existing consumer civil law, principally the Sale of Goods Act 1979 and Supply of Goods and Services Act 1982. The new measures under the Act echo many of the existing provisions with some additional rights for consumers. The following measures effecting consumer rights and remedies all come into force from 1<sup>st</sup> October 2015.

#### 4.2 **Sale of Goods**

- 4.2.1 Goods supplied as part of a trader to consumer contract must

- be of satisfactory quality;



- be fit for their purpose;
- match description, sample or model.

4.2.2 Where goods do not meet the above requirements, there will be a short 30 day period during which consumers have a right to reject the goods. The consumer can also ask for repair or replacement during this period.

4.2.3 This right to reject within 30 days if a fault occurs is likely to have significant impact in particular with car sales. Currently car traders generally offer to correct faults appearing shortly after purchase. However, under the new legislation, a consumer will be able to reject a car if a fault develops in the first 30 days. Car traders dealing with new cars could be faced with giving the consumer a full refund whilst the value of the car will have reduced significantly.

4.2.4 Further provisions for faults occurring after 30 days but within 6 months allow the trader one chance of repair, however, thereafter the consumer can reject the goods. The only exception allowed for car traders is that in this case the refund will be reduced to allow for use of the vehicle whereas with other goods consumers can still request a full refund. The impact of this measure is to avoid consumers repeatedly having to go back to the car trader where the fault is not rectified or there are repeated faults within the first 6 months

4.2.5 This particular aspect is likely to generate more trader advice requests from local car traders where consumers seek to exert their rights to reject the car rather than accept a repair.

### 4.3 **Supply of Services**

4.3.1 When a consumer enters into a contract for supply of services the trader must meet the following standard:

- the service must be carried out with reasonable care and skill;
- information said or written to the consumer is binding where the consumer relies on it;
- the service must be done for a reasonable price;
- the service must be carried out within a reasonable time.

4.3.2 Where the trader fails to meet the above standards the consumer can expect the trader to put things right or be entitled to a price reduction. The level of the price reduction would depend upon the seriousness of the breach. The Act does not prevent consumers claiming compensation.

### 4.4 **Digital Content**

4.4.1 For the first time legislation will specifically cover supply of digital content such as computer software, films, downloaded music or mobile phone applications (apps).

4.4.2 Under the Act, the digital content must be:

- of satisfactory quality;
- fit for a particular purpose;
- as described.

4.4.3 The minimum remedies include right to a repair or replacement and to a price reduction. Any agreed price reduction must be refunded within 14 days.

4.4.4 Where the digital content causes damage to a device then consumers can request repair of the damage or payment of compensation.

#### 4.5 **Unfair Contract Terms**

4.5.1 Part 2 of The Act will cover the use of unfair terms in consumer contracts. The Competition and Markets Authority has lead responsibility for providing guidance to businesses. The Act replaces and consolidates the provisions previously contained in the Unfair Terms in Consumer Contracts Regulation 1999 and the Unfair Contracts Terms 1977.

4.5.2 The Act applies tests of fairness and transparency to all terms in consumer contracts used by traders. Terms are viewed as unfair if they cause significant imbalance in the parties' rights and obligations under the contract to the detriment of the consumer.

#### 5. Letting Agents

5.1 One of the provisions already recently enacted, under Part 3 of the Act is for letting agents and property management businesses to clearly display their fees and charges to clients.

5.2 This should allow both landlords and tenants to make effective comparisons of charges when selecting letting agencies and reduce the possibility of unexpected charges arising during the tenancy.

5.3 The fees must be displayed at Letting agent's premises and on their website if applicable. The types of fees include fees for:

- introducing tenants to landlords;
- arranging assured tenancy agreements;
- managing rented properties.

5.4 The requirement does not apply to the rental charge or tenancy deposit.

5.5 The Chartered Trading Standards Institute has produced a guidance document for businesses. The Association of Residential Letting Agents has also produced templates for landlords and tenants showing charges that can be faced.

- 5.6 The Trading Standards service is empowered to enforce these new provisions with letting agents facing penalties of up to £5,000 for failing to comply. However, no additional funding or resources have been provided for local authorities to enforce these new provisions.

## 6. Investigatory Powers

- 6.1 Currently powers of Trading Standards officers to investigate offences are contained in 60 different pieces of consumer protection legislation.
- 6.2 Under Part 3, Chapter 1 and Schedule 5 of the Consumer Rights Act most of the officers' investigatory powers are consolidated into this one piece of legislation. The powers generally reflect those currently contained in the Consumer Protection from Unfair Trading Regulations 2008.
- 6.3 Certain exception will still continue such as specific powers under the Weights and Measures Act 1985 and product safety legislation which contains provisions for suspending unsafe goods.
- 6.4 An additional measure that has been introduced is the requirement to give a notice in writing at least two days in advance of an inspection stating why entry is necessary. This will apply to "routine" inspections. This is despite representations made by Committee following a report in September 2013, expressing concern at the requirement to give 48 hours notice before an inspection. This measure also needs to be considered with the Protection of Freedoms Act 2012 under which the Home Office has recently introduced a Code of Practice which reiterates the need to give 48 hours notice of entry where practical to do so.
- 6.5 The requirement to give the two day notice does not apply where:
- the officer has reason to suspect a breach of legislation enforced by Trading Standards has taken place.
  - Giving notice would defeat the purpose of entry.
  - It is not practical because the officer suspects there is an imminent risk to public health or safety.
- 6.6 The Trading Standards service currently works on an intelligence based model, consequently the vast majority of inspections or visits to traders are as a result of intelligence or complaints indicating there may be a breach of consumer legislation. However, the measures will require Trading Standards to produce and serve standard explanatory notices on businesses with the required information in good time where the exemptions do not apply.
- 6.7 The power of officers have been extended officers to exercise their powers in a part of England or Wales which are outside the authority's area and bring proceedings for consumer offences.
- 6.8 This will result in not needing to seek permission or delegated authority or memorandums of understanding from one or more other authorities where a

trader commits an offence in more than one authority. This will address issues for example with rogue itinerant traders who travel from one area to the next wherever they feel they can find victims. Authorities will still liaise with each other to ensure the most appropriate authority investigates and instigates proceedings.

- 6.9 The report to Committee in September 2013 also raised concerns at the Government's intention to reduce the penalty for obstruction to level 3 (£1,000) whereas obstruction could prevent officers obtaining evidence of serious offences (e.g. level 5 incurring unlimited fines). Despite representations from Committee and the Trading Standards Institute Government has not increased the penalty for obstruction. Consequently unscrupulous traders could deliberately choose to obstruct officers from obtaining evidence of serious offences risking only the lower penalty.

## 7. Enhanced Consumer Measures

- 7.1 Currently under part 8 of the Enterprise Act 2002 Trading Standards can seek civil injunctions (undertakings or Court Orders) against businesses persistently breaching consumer protection legislation. The Consumer Rights Act (Part 3 and Schedule 7) widens the orders that can be sought to include redress for consumers who have suffered loss from breaches of consumer law.
- 7.2 Consequently, not only can Trading Standards seek an order from the Court instructing a trader to cease practices detrimental to consumers, but the Order can be widened to order compensation to be paid to victims.
- 7.3 Individual traders or directors of a company who breach a Court Order can be committed to Crown Court for contempt of court which is punishable by up to 2 years imprisonment.

## 8. Raising Awareness

- 8.1 The Chartered Trading Standards Institute (CTSI), in conjunction with local Trading Standards services are tasked with informing traders of the changes being implemented. The CTSI has already drafted trader guidance documents and they are available on its website, [www.businesscompanion.info](http://www.businesscompanion.info). Birmingham City Council Trading Standards' website has a link to this website.
- 8.2 Later in the year CTSI in conjunction with local Trading Standards services will hold an annual National Consumers Week which this year will focus on raising awareness of the Consumer Rights Act.
- 8.3 The Department for Business, Innovation and Skills (BIS) is drafting Point of Sale posters that businesses can display at their premises.

- 8.4 All civil advice to consumers is now provided by Citizens Advice National Consumer Helpline. This, along with their website, will act to inform consumers of their consumer rights.

9. Implications for Resources

- 9.1 No additional funding has been provided for Local Authority Trading Standards services to proactively engage with businesses to raise awareness and ensure compliance. It remains to be seen whether small businesses will be satisfied with the guidance documents prepared by CTSI. Larger companies are likely to arrange their own in house training. Car traders in particular are likely to request further business advice as the implications of consumers' right to reject faulty vehicles is realised.

- 9.2 No funding or resources have been provided to enforce the new measures relating to letting agencies displaying fees. This is not identified as a service plan priority in the 2015/2016 Trading Standards service plan.

10. Implication for Policy Priorities

- 10.1 Compliance with the Act and associated provisions will help businesses succeed economically and ensure traders conduct their business in a fair and equitable trading environment. The provisions of the Act will also protect the economic interest of consumers

11. Implications for Equality and Diversity

- 11.1 No specific implications have been identified.

## **SERVICE DIRECTOR REGULATION AND ENFORCEMENT**

Background Papers: nil



**BIRMINGHAM CITY COUNCIL**

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

**16 SEPTEMBER 2015**  
**ALL WARDS**

**REPORT ON THE IMPLEMENTATION OF THE DOG CONTROL ORDERS AND  
TO CONSIDER AN EXEMPTION SCHEME ON THE RESTRICTION ON FOUR  
DOGS**

1. Summary

- 1.1 To provide the Committee with an overview of the implementation of the Dog Control Orders, which came into effect on 1 March 2014.
- 1.2 To advise of a request from commercial dog walkers in Birmingham to be allowed a dispensation under The Dogs (Specified Maximum) Order 2014, which currently only permits a person to take a maximum of four dogs onto public land. Such a dispensation could be introduced as a permit scheme, with conditions and restrictions attached.

2. Recommendations

- 2.1 That consideration is given as to whether or not to allow a dispensation scheme under The Dogs (Specified Maximum) Order 2014 to allow for commercial dog walkers to have more than four dogs.
- 2.2 If Committee decide to approve a dispensation scheme, that approval be given for a commercial dog walking licence, with suitable conditions attached as per Appendix 5, to enable a person to take more than four dogs onto certain land within Birmingham.

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

### 3. Background

3.1 On 1 March 2014, Birmingham introduced five Dog Control Orders (DCO), made under the Clean Neighbourhoods and Environment Act 2005. They relate to:

- Fouling of land by dogs and the requirement for dog faeces to be removed.
- The keeping of dogs on leads.
- Dogs to be put on a lead when directed to do so.
- The exclusion of dogs from specified land.
- The number of dogs which a person may take onto land.

3.2 The DCO received considerable media attention at the time of coming into force, with coverage on local television, radio and newspapers. The team continue to promote the Orders through signage, the distribution of posters, leaflets, flyers, the use of display boards which are exhibited throughout the city and also through speaking to dog owners during free dog microchipping and community events.

3.3 The DCO have been enforced across the city and have proved to be invaluable in dealing with the minority of irresponsible dog owners who fail to control or clean up after their pets. The issue of dogs being let out to stray on the streets was an area of particular concern and previously there were no legislative provisions to tackle the problem. Offences under DCO are dealt with by the issue of £80 Fixed Penalty Notices (FPNs).

### 3.4 Implementation of the DCO

Enforcement activities for 2014/2015 include;

- Some 676 cautionary letters were sent to dog owners upon receipt of complaint of non-compliance.
- More than 20,000 signs have been affixed to lamp posts across the city.
- A total of 59 proactive exercises were undertaken in dog fouling hot spots or areas where straying dogs were a cause for concern.
- The Dog Warden/Enforcement Officers have issued a total of 31 FPNs under the DCO. Of these 15 FPNs were issued for dog fouling offences and the remaining 16 FPNs issued to owners of dogs that were not kept on leads on roads or adjoining footways.
- Most FPNs were paid, however, three FPNs remained unpaid and all were successfully prosecuted in court. Fines for offences ranged from £60 to £250 and appropriate costs recovered. One offender was also fined a further £250 for obstruction, as he repeatedly failed to provide his name and address to the officers when asked, resulting in the need for police intervention.



4. Commercial Dog Walkers - The Dogs (Specified Maximum) Order 2014 Consultation
- 4.1 The powers to make an Order restricting the number of dogs any one person can take onto designated land came about as a result of problems associated with high numbers of dogs being exercised in particular by commercial dog walkers. There are concerns in relation to:
- The welfare of the dogs being exercised.
  - The ability of an individual to control high numbers of dogs.
  - The ability for an individual to be able to clear up after high numbers of dogs.
  - The loss or escape of dogs whilst being exercised.
  - An inability to deal with an emergency.
- 4.2 Guidance on DCO as provided by the Department for Food and Rural Affairs, advises that the maximum numbers of dogs taken onto land should not exceed six dogs. The Licensing and Public Protection Committee determined that the number of dogs taken onto open land in Birmingham should be set at no more than four dogs. A public consultation supported this and the Order was made accordingly (Appendix 1). It would seem that most local authorities have set the maximum number at four dogs.
- 4.3 Since the introduction of the DCOs, a minority of commercial dog walkers have complained that the restriction to four dogs compromises their business activities and a formal request has been made for a permit scheme, which, with conditions attached would enable a person to take up to six dogs on certain open public land in Birmingham.
- 4.4 As a result of this request officers contacted some 35 commercial dog walkers that were advertising as providing a dog walking service in Birmingham. Their views were sought on the issue of walking more than four dogs. A total of 11 responses were received, with seven commercial dog walkers not wanting to take out more than four dogs Appendix 2 (1-7), three respondents would like to take out more than four dogs Appendix 2 (8-10) and one was indifferent Appendix 2 (11). Most of the respondents felt that commercial dog walkers should be regulated in some way. Friends of the Park and Birmingham Open Space Forum were also consulted and comments received are outlined in Appendices 3 and 4.
- 4.5 Commercial dog walkers seek to use the City's parks and open spaces to exercise dogs in their care. Birmingham's Parks and open spaces have also been consulted and will support a scheme to allow more than four dogs to be exercised on their land, with conditions and restrictions attached.
- 4.6 The issue for consideration is the balance between public protection issues that may arise from a person exercising more than four dogs and their ability to clean up and indeed supervise these dogs against the wish to support small local businesses.

## 5. Potential Scheme for Consideration

- 5.1 We are aware of a council who operates a permit scheme to commercial dog walkers. This enables more dogs to be taken out than their DCO permits. There are conditions attached, which includes; a requirement for public liability insurance, measures to ensure that operatives are able to clear up after dogs in their care, restrictions on the land used and the numbers of commercial dog walkers using a particular site at any one time.
- 5.2 Such a permit scheme would be managed by Birmingham's Parks and Open Spaces. There is already a facility for any person wishing to use a city park or open space for a commercial activity to apply on line. In this respect events or activities can be coordinated accordingly.
- 5.3 Any application made to use a park for commercial dog walking would be individually evaluated and assessed. There would be a cost associated for the grant of a permit, which would be in line with the fees and charges already in place. The conditions would be as laid out in Appendix 5.

## 6. Implications for Resources

- 6.1 The processing and issue of a commercial dog walking licence would generate limited income, which will be retained by Parks and Open Spaces. Currently it is estimated that there are three or four commercial dog walkers who would look to obtain such a permit.
- 6.2 There may well be a requirement for enforcement action to be taken in the event of complaints received about commercial dog walkers or private dog walkers who take more than four dogs into the park without a licence. This would currently be undertaken by the Dog Warden/Enforcement Officers. Officers respond to approximately five complaints each year regarding commercial dog walkers who do not control or clear up after dogs in their care.

## 7. Implications for Policy Priorities

- 7.1 The issues involved in dealing with stray dogs, uncontrolled dogs and dog fouling in public places are consistent with the City Council's policy priorities associated with helping to create a cleaner, greener, safer city and dealing with anti-social behaviour.

8. Public Sector Equality Duty

- 8.1 Dog Control Orders provide exemptions for registered blind people, deaf people and for other people with disabilities who make use of trained assistance dogs.

**SERVICE DIRECTOR REGULATION AND ENFORCEMENT**

Background papers: None

The Clean Neighbourhoods and Environment Act 2005  
The Dog Control Orders (prescribed Offences and Penalties, etc) Regulations 2006  
(SI 2006/1059)  
**The Dogs (Specified Maximum) Order 2014**

Birmingham City Council hereby makes the following Order:

1. This Order comes into force on 1<sup>st</sup> March 2014.
2. This Order applies to the land specified in the Schedule.
3. On land to which this Order applies, the maximum number of dogs which a person may take onto that land is four.

**Offence**

4. (1) A person in charge of more than one dog shall be guilty of an offence if, at any time, he takes onto any land in respect of which this Order applies more than the maximum number of dogs specified in article 3 of this Order, unless—
  - (a) he has a reasonable excuse for doing so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) For the purposes of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

**Penalty**

5. A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 13<sup>th</sup> day of February Two Thousand and Fourteen.

THE COMMON SEAL of BIRMINGHAM CITY COUNCIL was hereunto affixed to this deed in the presence of: -



Authorised signatory



## APPENDIX 2 (1)

Hi Vikki,

**Do you feel it is appropriate for one person to walk more than 4 dogs?** I feel 4 is an appropriate number to be able to take care of at one time,

**Is it difficult to exercise more than 4 dogs?** The groups we take are very well socialised and play lovely together but more than 4 would be too many to keep an eye on.

**Do you feel that someone can be aware of where dogs are fouling and are able to clear up after more than 4 dogs effectively?** No, 4 is enough to watch at one time.

**Can someone who is walking more than 4 dogs deal with an emergency e.g. should a dog be attacked by a loose dog, or a dog in their charge run off?** We had a dog run off recently and our protocol is to get all the others back on the lead, stay in the area for 10 minutes calling the missing dog, then return to our vehicle and see if the dog has returned there which on this occasion she had. We also call the owner to make them aware to stay near a phone in case someone calls the number on the ID tag and we inform dog warden and local vets in case she was handed in or found.

The loose dog situation is more of an issue, I was over Gospel Lane Park with a clients dog and we were chased by a loose staffy x pit bull, the owner wasn't in the park I suspect he had broken free from a garden, this is a bigger issue I feel as people do not keep their dogs safely enclosed and often see pit bull mixes that as far as I am aware are a banned breed, I personally feel tighter regulations on these dogs being bred would be useful but obviously it is a hard thing to police.

**Do you have sufficient separate caging facilities in your vehicle to transport multiple dogs?** We all have cages and doggy seat belts for proper restraining whilst travelling, we also make a habit of only taking a group out that we know will get along as we obviously do not want any fights between clients dogs.

**Are you aware of commercial dog walkers who do not behave responsibly?** know Gumtree has a lot of people advertising as private dog walkers and would be interested to know if these people are insured and have had sufficient dog experience to be able to take other peoples dogs out.

**Have you had cause to complain about a commercial dog walker?** No

**Do you feel there is a need for commercial dog walkers to be regulated in some way, to ensure a minimum standard of practice or requirements e.g. insurance?** I would think with the obvious laws i.e. no more than 4 dogs, ID tags worn, safely restrained when walking by roads then this should be enough but unfortunately as I mentioned previously the loose dogs we come across or the idiots with 'status dogs' who encourage their dogs to be aggressive are the ones causing the problems and how do you police that?

Kind regards  
Branch Manager  
XXXXXXXXXXXX  
Mob: XXXXXX

Vikki

**Do you feel it is appropriate for one person to walk more than 4 dogs?** I do not think one person should be allowed to walk more than 4 dogs.

**Is it difficult to exercise more than 4 dogs?** Yes, if you want to do it properly.

**Do you feel that someone can be aware of where dogs are fouling and are able to clear up after more than 4 dogs effectively?** No.

**Can someone who is walking more than 4 dogs deal with an emergency e.g. should a dog be attacked by a loose dog, or a dog in their charge run off?** No.

**Do you have sufficient separate caging facilities in your vehicle to transport multiple dogs?** I only walk one at a time.

**Are you aware of commercial dog walkers who do not behave responsibly?** Yes, I have been told by current clients of other people being sent to house without owners knowledge and dogs not being walked for said time but charged for it and dogs being left in vans whilst others are walked if they prove 'difficult '.

**Have you had cause to complain about a commercial dog walker?** No and I wouldn't know who too.

**Do you feel there is a need for commercial dog walkers to be regulated in some way, to ensure a minimum standard of practice or requirements e.g. insurance?** Absolutely, but any reputable walker would have this anyway.

**Are there any other comments you would like to make or areas of concern that you have?**

Sent from my iPhone

## APPENDIX 2 (3)

Hi Vikki

This is XXXXX I run XXXXXXXX Walking. I feel that as a dog walker 4 dogs is enough to walk at one time and to be in control of. I feel some dog walking companies see more about the amount of money they can make more than the safety aspect of walking multiple dogs. The dog walkers that I see that walk multiple dogs do have the correct facilities to transport them so I don't think that is too much of an issue.

Thanks XXXXX

Sent from Windows Mail

## **APPENDIX 2 (4)**

Hello Vikki,

I feel 4 dogs is enough to do the job safely and to be responsible for what they do.



## APPENDIX 2 (5)

Hi Vikki

Thank you for your email and I am more than happy to give my thoughts/views.

The new dog control order of reducing dogs walked together from 6 to 4 is a good one and does not affect my business in any way. The most dogs I walk at any one time is 3. My reasoning is (1) both mind and the dogs safety is paramount and I do not believe I would have full control over any more than 3-4 dogs at any one time (not matter how big/small the dog (2) I can only transport safely 3-4 dogs at a time and I have a van equipped with a large dog crate and also side separate access.

Although this business is not regulated I think it could be difficult and costly to enforce. I have public liability insurance and a CRB check which I show to all new customers which I believe is good practice. However, I would object to having to pay any further costs to be regulated by some organisation - this is not a high paid industry.

Couple of other points, there has been talk over several months to start charging for using public parks. This would have a massive impact on my business if it did happen as I do not feel I would be able to pass on the cost to customers.

I know this possibly comes under Walsall Council (if you can pass the info on) I see most mornings around 10am a couple (believe are dog breeders) letting 12-14 dogs loose at Barr Beacon park who have little control of the dogs and never pick up the dog mess. I was told by a 3rd party (not sure how true) they have been banned from Sutton Park.

Hope my input is of some use.

Regards

XXXXXXXXXX - XXXXXXX Birmingham.

## APPENDIX 2 (6)

Hi Vikki,

No problem at all. I was aware of the changes and have no problem at all giving you my thoughts.

**Do you feel it is appropriate for one person to walk more than 4 dogs?** In my opinion no-one can exercise four or more dogs and have control of each dog on lead or off lead.

**Is it difficult to exercise more than 4 dogs?** Yes, on lead is very impractical, tangles etc. Off lead as above, lack of control and awareness.

**Do you feel that someone can be aware of where dogs are fouling and are able to clear up after more than 4 dogs effectively?** No, not at all, unless you have eight eyes.

**Can someone who is walking more than 4 dogs deal with an emergency e.g. should a dog be attacked by a loose dog, or a dog in their charge run off?** No, unless you are very lucky. If one of the four dogs is attacked or runs off the persons reactions would just agitate the other dogs, eg running, shouting etc etc

**Do you have sufficient separate caging facilities in your vehicle to transport multiple dogs?** I do.

**Are you aware of commercial dog walkers who do not behave responsibly?** I have witnessed it usually at Highbury Park.

**Have you had cause to complain about a commercial dog walker?** No.

**Do you feel there is a need for commercial dog walkers to be regulated in some way, to ensure a minimum standard of practice or requirements e.g. insurance.** Yes, I am fully insured and have insurance and am a registered company, should be a check of some sort in place.

Please feel free to contact me again at any time.

Regards XXXXXXXX

Sent from my iPad

## APPENDIX 2 (7)

Hi Vikki

In my opinion, 4 (or less) dogs is perfectly reasonable for one person to walk at a time, when they are on a lead, however, if going onto public land and being off lead, 4 is not practical, the reasons being the fouling and safety issues. If all 4 dogs are off lead and fouling in different areas, not always possible to see all locations. If another dog approaches and the dogs with the walker scatter, it would not be easy to gather all 4 dogs. If the 'new' dog is attacking, then the priority of the walker would be to attempt to stop the attack, leaving the other dogs to roam.

I had experience recently when I was walking 3 dogs from the same family (all on leads) and a loose dog approached, intent on attacking all three. As the dogs I was walking were not big dogs, it was fairly easy to lift the two tiniest over a fence and then to gather the third, particularly as by shouting loudly, I had attracted attention from passers-by who chased the attacking dog away. If the dogs being walked were not on leads, the situation could have turned out quite differently.

Insurance is vital as if someone is being paid to look after/walk another person's dog, that makes them the responsible person should anything happen.

I very rarely take the dogs in my vehicle for exercise purposes and on the odd occasion that I have, they are in separate caged areas within the van.

Thanks and Kind regards

XXXXXXX  
XXXXXXXXXXXXXXXXX Ltd  
Tel: XXXXXXXXXXXX  
Mob: XXXXXXXXXXXX  
email: XXXXXXXXXXXX  
web: XXXXXXXXXXXX

REFERRALS AVAILABLE XXXXXXXXXXXX

## APPENDIX 2 (8)

Dear Vikki,

Thank you for your email. Unfortunately, I was unable to attend the meeting but would like to respond.

1. Yes, I do feel it appropriate for one person to walk more than four dogs given their relationship with dogs, safety of situation and have adequate insurance.
2. I personally run sessions where we exercise 12 dogs at the same time however, there are 3 of us. Not all dogs are off lead and we have a system where each team member is responsible for their dog so the situation is controlled.
3. Yes, I do and in fact we pick up dog poo which has been left by other people.
4. Yes, however, a professional will make the right decision regarding their relationship with each dog and how all the dogs react together to make sure it is safe at all times. Taking into consideration size of breed, temperament etc. just because you can walk more than 4 dogs doesn't mean you should!
5. Yes, my vehicle has professional cages and I have a DEFRA licence.
6. I am not currently aware of any commercial dog walkers that act inappropriately.
7. No, I have never made a complaint.
8. Yes, I do believe commercial dog walkers should be regulated. I think it is really important that every company should have insurance and appropriate licences.

I hope that the information above has been of some use to you, however, should you need anything further please do not hesitate to contact me.

Kindest regards

XXXXXX

XXXXXX

XXXXXX

## APPENDIX 2 (9)

Evening Vikki

5/6 dogs will give us that little bit of flexibility. I personally would NOT have 5/6 dogs off the lead if they were boisterous & have poor recall.

Currently with 4 dogs I mix personality where they are comfortable with each other & where their level of busyness is mixed too, so the walks are evenly balance, & enjoyable; I'm sure that the other walkers are doing the same as it would be too problematic to do it otherwise. I would do the same with 5/6.

Currently if necessary I will walk 4 dogs on the lead if their recall is poor.

Walking 6 dogs would be the extreme circumstance.

Currently with 4 I also mix dogs on & off the lead & it works fine. This enables me to control also where they do their business. They tend to relieve themselves in any case within 5 minutes or so after jumping out of the car.

This week I had to pick a dog poo off our drive. The culprit would have been on a lead & doubtfully walked by a professional walker. Good job I have an endless supply of poo bags :-).

I only carry small dogs so they are fine in the car; the larger ones I have will be walked from their house to the park & so no need to be carried in the car. I stay very local to Moseley & Kings Heath so the longest that the dogs will be in the car is about 1 mile or so.

About dogs being attacked, I guess 1 person walking 1 dog can be just as vulnerable as 1 person walking 2/3/4/5/6 dogs.

Regardless of how many dogs you have if they are confronted by a vicious dog that should not be off the lead, you stand very little chance. All my dogs are very friendly, the ones that are not so comfortable towards other dogs are walked on the lead & round the streets of Moseley / Kings Heath & so I remain in control of any possible unwanted situations. & my customers are happy with that as they know their dogs still get a good walk, sniff & remain safe.

I am fully insured but I can never afford to be complacent.

I have grown up with dogs which certainly doesn't make me an expert but I apply a lot of common sense & carefulness with all my dogs & I always have at the front of my mind the fact they are someone's baby.

Kind regards

XXXXX  
XXXXXXX

Vikki

The answers to your questions are as follows:

**Do you feel it is appropriate for one person to walk more than 4?** (i) as a dog walker who has been doing it for 10 years the answer is yes. Providing the person is fully experienced in dog walking and also there should be an upper limit on the number of dogs that can be walked i.e. 6. Most dog walkers insurance set a limit of 6.

**Is it difficult to exercise more than 4 dogs?** (ii) This depends on the dogs under your control. Some dogs that are walked do not get on or cannot be let off the lead which can make it difficult to walk more than 4. It is the responsibility of the dog walker to determine this. The initial assessment with the owner will determine this. I have a helper who will walk singletons if they do not get on with other dogs. There are dogs I have been to see and after an assessment and have refused to walk.

**Do you feel that someone can be aware of where dogs are fouling and are able to clear up after more than 4 dogs effectively?** (iii) Once again it is the responsibility of the dog walker. Whether you have 1 or 6 you should be responsible for collecting dog poo.

**Can someone who is walking more than 4 dogs deal with an emergency e.g. should a dog be attacked by a loose dog, or a dog in their charge run off?** (iv) Dogs which are prone to run off should be kept on the lead that should be agreed with the initial assessment with the owner. As regards dogs attacks having experienced 3 over the past 10 years yes it is difficult to control but that can happen if you got 1 or 2 dogs. It should be the responsibility of the walker not to go to areas where one is likely to encounter vicious dogs. I personally got to areas where you have the space to move away if you encounter another walker.

**Do you have sufficient separate caging facilities in your vehicle to transport multiple dogs?** (v) I have van with cages split into 4 compartments. Though I make sure if 2 dogs are sharing a cage they get on. There have been incidents in the UK where dogs have attacked each other in the same cage.

**Are you aware of commercial dog walkers who do not behave responsibly?** (vi) I try to go where there are no dog walkers. Though there are more doing it now than when I first started.

**Have you had cause to complain about a commercial dog walker?** (vii ) My gripe is I pay a yearly licence fee to board dogs. A lot of these commercial walkers advertise boarding and don't pay the fee. Also some say they are insured and not. I pay a lot of money out each year for van insurance, tax, dog walking insurance etc.

**Do you feel there is a need for commercial dog walkers to be regulated in some way, to ensure a minimum standard of practice or requirements e.g. insurance.** (viii) There is a need for some form of regulation as a result of the numbers of commercial dog walkers, I think some London Boroughs are now taking this stance. How you police this is another matter.

The only problem I tend to get is people who walk bitches on heat. If you want to potentially loose a dog having someone who has a bitch on heat nearby.

Hi Vikki

I can see there are two sides to the dog control act, with my experience as a volunteer for the Blue Cross, I know how hard it is to control more than 4 dogs but as a dog walker, I can see the need to take out multiple dogs. I think if they want to take out multiple dogs they would need to get a licence from BCC and keep them on leads at all times and have place for the person so they can let off the dogs in this close area.

I would like to volunteer to become an animal welfare officer to help out as I do one 2 one dog walking around Birmingham and I observe offences that go unnoticed. I think the contact number for BCC for animal welfare should be on all welcome signs in the park. I would like to work together to make Birmingham best place to live and walk dogs and I hope soon to get more dog walkers to help out and their a eyes open. Also I was thinking of offering a check service for microchips and offer free microchip after April 2016.

From  
XXXXXXX  
XXXXXXX  
XXXXXXX  
XXXXXXX  
XXXXXXX

**Response from Friends of the Park through Birmingham Open Space Forum:**

**Dog Control Orders - Birmingham**

The question about Dog Control Orders was discussed at the BOSF Committee meeting and a number of the members did have comments that they would like to add:

**Friends of Perry Hall Park**

To open a dog walking business they must have...

Specialist Pet Business insurance, covering public liability, as a legal requirement before they walk their first dog. Perhaps they should register this with the parks department and the park they intend using in case of any incident there will be a record of the insurer handy.

Apart from that there don't seem to be any other legal requirements. It is suggested they have D.B.S - Disclosure and Barring Service, formerly known as the Criminal Records Bureau - A check is recommended, as this valuable document will reassure people of their good character. Also a Pet First Aid certificate is suggested, although not compulsory. A certificate will demonstrate their responsibility to the safety of dogs in their care. Don't know if parks could insist on that but could be noted if they have it, are on site and there is an incident they perhaps could help.

I agree four dogs, anymore and I doubt they could control and clean up after them.

We do have one of two people who come in but only walk between one and three dogs usually. They are friendly and no trouble. To charge might be difficult for the small individuals trying to make a living as they have vans to upkeep and probably only do a few local dogs so don't make a lot. If it is a big company with lots of people and dogs might be a different matter but it does seem to be a few locals trying to make a living. I think to charge as you would a club or organisation would be hard.

Apart from that I can't comment as we don't have an issue with it at Perry Hall

**Westley Vale Millennium Green**

Following this evening's meeting here are my thoughts re dog control orders :

As far as I'm aware there are no commercial dog walkers using out site. However, if there were then I do feel they should be charged for use of the facility however this will be very difficult to introduce/administer.

Four controlled dogs (whatever their size) per person is the absolute limit. I feel three is more than enough if they are let off the leads. Three loads of poo to clear up is also difficult if they all run off in different directions.....!

I agree that the responsible dog walkers (who hopefully influence others that are not so diligent) would be an asset to the local groups and should certainly be encouraged to join the group if possible.

We have a strange old easement attached to our Millennium Green which allows a local kennels to exercise their dogs on part of our land. They have been allowed to have a gate onto the area but also need to maintain their access point which is not being adhered to. BCC don't want to know about it but I feel sure if we were allowed to charge a fee for any exercising it might help us get certain issues solved.



**Response from Birmingham Open Space Forum:**

Hi Vikki

Yes, we did manage to discuss it and two of the group have sent me in their comments, which I enclose for you.

As a committee, it was agreed that a charge should be given if they are using the park for commercial purposes as all other groups who do the same are charged, so why would this be an exception to the rule? It was also stressed by XXXX that all the volunteer groups like the Friends of Cotteridge Park do follow BCC guidelines, fill out booking forms and make sure they have insurance and do risk assessments and work very hard to stick to them, so why should these people be let off.

The number of dogs does depend on the size of the dog and how much under control of the person they are, but too many would cause a problem and they all must clean up after their dogs, as this is a big problem across all open spaces. Is there any way to regulate this at all?

My personal thoughts on your questions are:

- I feel that one person could not easily control more than 4 dogs at a time, but it does depend on the size of the dog.
- If they are not responsible or in control then they should not be doing the job. If they are in control and clean up after themselves then they are a good example to other dog owners.
- I have no cause for complaint
- If these commercial dog walkers are making money walking the dogs, then they should pay for the use of the park, as other commercial bodies do.
- It would be good for the responsible walkers to be involved with the local groups, as they are regular users of the park.

I hope this gives you some response from local groups on this issue and if I get any more responses in I will forward them to you.

Thanks a lot for including us in this issue and we look forward to hearing the outcome.

Please let me know if there is anything we can do to help.

Thanks

**MULTIPLE DOG WALKING LICENCE**

**CODE OF CONDUCT**

The following Code of Conduct will be introduced as licence conditions for any multiple dog walker, who wishes to apply for a licence take more than four dogs onto the City's parks and open spaces to exercise their dogs:

- (a) A licence is required if a dog walker wishes to walk more than four dogs at any one time. Even with a licence, the maximum number of dogs that can be walked by an individual at any one time is limited to six.
- (b) All dogs shall be kept under tight control at all times.
- (c) All park and open spaces bye-laws or legislation in relation to dogs shall be strictly observed at all times.
- (d) All dogs shall wear suitable dog collars with separate identity tags at all times, displaying both the contact details of the multiple dog walker and the owner's name and address.
- (e) All dogs shall be kept on leads whilst in public car parks.
- (f) All multiple dog walkers shall carry sufficient and suitable 'poop scoop' dog fouling bags for the number of dogs that are being exercised.
- (g) All dog fouling waste shall be picked up and disposed of in the appropriate dog fouling bins.
- (h) All multiple dog walkers shall produce their multiple dog walking licence, on request from any Council Officer.
- (i) All multiple dog walkers shall provide evidence of suitable and sufficient public liability insurance, on request from any Council Officer.
- (j) All multiple dog walkers shall walk independently of each other. Contact with other multiple dog walkers shall be permissible, but dog walkers shall ensure that they meet only in a very open space.
- (k) When not meeting, all multiple dog walkers shall be responsible for avoiding other dog walkers using the Borough's parks and open spaces wherever possible and ensure that any such other dog walkers are given right of way at all times.
- (l) All multiple dog walkers shall be responsible for avoiding groups of children using the City's parks and open spaces wherever possible and

ensure that any such groups of children are given right of way at all times.

- (m) All multiple dog walkers shall be responsible for avoiding main public thoroughfares, choke points and narrow pathways wherever possible and ensure that members of the public are given right of way at all times.
- (n) All multiple dog walkers shall be responsible for reporting any persons breaching the code of conduct to Birmingham City Council's Dog Warden/Enforcement Officers.



**BIRMINGHAM CITY COUNCIL**

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

**16 SEPTEMBER 2015**  
**LADYWOOD**

**DISTRIBUTION OF FREE PRINTED MATTER – RESULTS OF CONSULTATION  
AND PROPOSALS FOR THE BROAD STREET AREA**

1. Summary

- 1.1 This report is the second report to your Committee in relation to proposals to re-introduce a free printed matter consent area for Broad Street and surrounding streets where the distribution of free printed matter is controlled using powers under Section 94B and Schedule 3A to the Environmental Protection Act 1990.
- 1.2 Your Committee are asked to note the comments that have been received in response to the statutory consultation exercise undertaken by your Officers (Appendix 2).
- 1.3 Members are to note that further survey work undertaken by your Officers has highlighted an improvement in the condition of the street scene compared with conditions found during initial survey work in February and March 2015.
- 1.4 Your Committee are asked to note the use of an alternative enforcement approach which is being used by your Officers to directly target the small number of businesses responsible for the defacement of the street scene using new powers under the Anti-Social Behaviour, Crime and Policing Act 2014.

2. Recommendation

- 2.1 That committee agrees that the street scene in the Broad Street Area is not sufficiently defaced to enable the declaration of a Free Printed Matter Consent Scheme in the surveyed area.
- 2.2 That the report be noted and referred to the Cabinet Member for Transportation and Street Services for information.

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

Originating Officer: Russell Davey, Environmental Health Officer

### 3. Background

- 3.1 This report constitutes the second report to your Committee [the first report came before your Committee on 18<sup>th</sup> March 2015] on a proposed consent scheme whereby the distribution of free printed matter (e.g. newspapers, leaflets, pamphlets, stickers or other literature which no charge to the public is made) would be controlled using powers under Section 94B and Schedule 3A of the Environmental Protection Act 1990.
- 3.2 In April 2015, a statutory consultation process was commenced. This involved the installation of street signage in the proposed consent area, a public notice in the Birmingham Post and advertising on the City Council's free printed matter and consultation webpages. An example of the public notice that was used is shown in Appendix 1. Officers also made direct contact with residents associations and business groups operating in the area and sort feedback on the proposal.
- 3.3 In addition to the above statutory notification proceedings the proposed scheme also received publicity in the Birmingham Mail.

### 4 Results of Consultation

- 4.1 During the consultation period a total of 9 responses were received from interested parties in relation to the proposed scheme. Appendix 2 of this report outlines the responses received from the consultees. The majority of responses were in support of a scheme that controls the litter problem associated with distribution of free printed matter within the proposed consent area.
- 4.2 Of the responses received, the most detailed response came from a trade group and as such represented the view of a significant proportion of business operating within the proposed consent area. The group advised that free printed matter is only used by a small proportion of businesses in their trade sector and that should a scheme be introduced their members would in all likelihood cease using free printed matter and move to direct marketing approach as a way to promoting their businesses. The group also advised of the negative impact the major development works that are being carried out in the city are having on their business.

### 5. Survey of "relevant land" to identified defacement

- 5.1 For a Local Authority to introduce a free printed matter consent scheme it must be satisfied that the land is being defaced from time to time by "the discarding of free printed matter which has been distributed there."
- 5.2 In March 2015 on the evidence of your Officers your Committee were satisfied that land within the proposed consent area (as illustrated in Appendix 3) was defaced from time to time by free literature.

- 5.3 Throughout the consultation period your Officers have continued to survey the proposed consent area in order to identify defacement. From the ongoing survey work that has been undertaken your Officers have identified a significant improvement in the overall street scene in the proposed consent area. Where defacement was found the majority originated from 3-4 companies based within the proposed consent area. The majority of free printed matter found related to fast food premises and was being distributed and discarded in close proximity to the businesses that was being advertised.

## 6. Review and evaluation

- 6.1 For a free printed matter consent scheme to be sustainable the City Council are reliant on receipts received from the issuing of consents to underwrite the cost associated in enforcing and administering the scheme. Unlike the City Centre retail free printed matter consent scheme which issues consents to a wide range of business and marketing agencies based both within the consent area and across the UK, there is a limited number of businesses and organisations who choose to hand out free printed matter in the Broad Street area. Consultation has shown that the number of companies currently handing out free printed matter are likely to decrease if a scheme was introduced. As such receipts received for issuing consents in the Broad Street area are likely to be significantly lower than in other areas of the City. As a result a Broad Street Free Printed Matter Consent Scheme is likely to put an additional financial burden on your Department's resources if it is to be administered and enforced effectively.
- 6.2 Local authorities are under a duty to use the most appropriate legislation available to them to resolve issues that affect its area or citizens. On reviewing the responses received to the public consultation exercise and from the ongoing survey work that has been undertaken, your Officers are of the opinion that a more appropriate enforcement approach is available to control the litter problem caused by the discarding of free printed material. This method uses new notices called Community Protection Notices that have been made available to your Officers under the Anti-Social Behavior, Crime and Policing Act 2014.
- 6.3 Community Protection Notices are designed to deal with particular, on-going, instances of environmental anti-social behavior (i.e. litter clearance or removal of graffiti or fly posting). They can be used against individuals over 16, businesses or organisations, and can be issued by the police, council officers or staff of social housing providers.
- 6.4 Using Community Protection Notices your Officers can require business owners to take responsibly for litter picking and disposing of free printed matter and other litter that has been discarded in the area outside their business up to a distance of 100 metres in each direction. Unlike the free printed matter consent areas this enforcement approach directly targets businesses whose leaflets or flyers are causing a litter problem and does not adversely affect businesses that choose to distribute leaflets in a responsible manner.

- 6.5 Non-compliance with a Community Protection Notice for an individual can result in prosecution with a fine on conviction of up to £2,500 in court. However, if a CPN is issued on a corporate body the maximum fine threshold is increased to £20,000. In addition to the potential for prosecution proceedings, in appropriate circumstances the court can order that certain requirements are met and failure to meet these requirements (court order) is contempt of court and carries up to 3 months imprisonment.
- 6.6 To date four written warnings have been issued to businesses within the proposed Broad Street consent area with regards to defacement caused by the distribution of free printed matter and other litter. This has resulted in the service of three Community Protection Notices where businesses have failed to put in place measures to control their leaflet distribution and litter. Officers are continuing to monitor the situation to ensure compliance with the Community Protection Notices.
- 6.7 In the opinion of the officers the levels of defacement do not meet the minimum standard to declare the area defaced from time to time and that during the consultation the situation improved leaving 3 or 4 premises that need to be tackled specifically.

## 7. Implications for Resources

- 7.1 The Community Protection Notices that have been served have been delivered within the Committees existing budget.
- 7.2 A free printed matter consent area for Broad Street is unlikely to be self-funding as the defacement seems to relate to 3 or 4 businesses and there were few on-street distributors of free literature noted during March to August surveys. The scheme is reliant upon selling consents to make revenue to enable enforcement patrols to ensure distributors meet the conditions of the consents.

## 8. Implications for Policy Priorities

- 8.1 The proposals set out in the report are consistent with the City's Policy Priorities on promoting and securing a greener City.

## 9. Public Sector Equality Duty

- 9.1 No specific implications have been identified.

## **SERVICE DIRECTOR REGULATION AND ENFORCEMENT**

Background Papers: Nil



**ENVIRONMENTAL PROTECTION ACT 1990****CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005****Section 94B Free Distribution of Printed Matter****Schedule 3A Distribution of Printed Matter on Designated Land**

Notice is hereby given that the Council of the City of Birmingham ("Birmingham City Council") propose by virtue of Section 94B and Schedule 3A, paragraph 2 of the Environmental Protection Act 1990 ("The 1990 Act") (as inserted by the Clean Neighbourhoods and Environment Act 2005) and subject to considering any objections received, to designate certain places and streets where the distribution of free printed matter is prohibited without the consent of Birmingham City Council and subject to the following proposed conditions of consent.

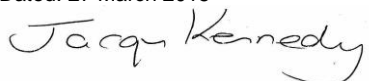
The places and streets it is proposed to designate are as follows:

Berkley Street, Bishopsgate Street (Broad Street to Tennant Street), Bridge Street (Broad Street to Holliday Street), Brindley Place, Broad Street, Brunswick Square, Brunswick Street, Cambridge Street, Centenary Square, Centenary Way, Cumberland Street, Essington Street, Friston Avenue, Gas Street, Granville Street (Broad Street to Holliday Street), Grosvenor Street West, Grosvenor Terrace, Holliday Street (Granville Street to Suffolk Street Queensway), Islington Row, King Edward's Road, Ladywood Middleway (Friston Avenue to Five Ways), Oozells Square, Oozells Street, Oozells Street North, Ruston Street (Friston Avenue to Grosvenor Street West), Ryland Street (Grosvenor Street West to Broad Street), Sheepcote Street, St Martin's Street, St Vincent Street (Sheepcote Street to King Edwards Road), Tennant Street, Upper William Street.

Birmingham City Council proposes to adopt the provisions of Section 94B and Schedule 3A of The 1990 Act by 1<sup>st</sup> September 2015. The section does not apply to the distribution of free printed matter by charity, by or on behalf of a political organisation or for the purpose of a religion or belief (Section 94B and Schedule 3A, paragraph 1(4) of The 1990 Act). Free printed matter which directly relates to reducing crime and disorder is also exempt from proposed scheme. The Act should be consulted for full details. More information on the proposed scheme can be obtained by telephoning 0121 303 5932 or by visiting [www.birmingham.gov.uk/freeliterature](http://www.birmingham.gov.uk/freeliterature).

Any objections to the proposal should be sent by letter or by e-mail no later than the 30<sup>th</sup> April 2015 to the Head of Environmental Health, Regulation and Enforcement, Birmingham City Council, PO Box 16978, Birmingham, B2 2AX or by e-mail to [cs.environmentalcrime@birmingham.gov.uk](mailto:cs.environmentalcrime@birmingham.gov.uk).

Dated: 27 March 2015



**Jacqueline Mary Teresa Kennedy**  
Director of Regulation and Enforcement

**Proposed Conditions of Consent:**

1. Any person engaged in the distribution of free printed matter shall wear a clearly visible authorisation badge issued by the City Council.
2. The above authorisation shall be produced on demand to an authorised officer of the Council or a Police Constable/Police Community Support Officer.
3. No free printed matter shall be left unattended by consent holders for the general public to take at their discretion.
4. All places in which free printed matter has been distributed are to be cleansed forthwith by the consent holder to a radius of 50 metres from the distribution point of any litter caused by the distribution of the said printed matter.
5. The free printed matter must bear the name and address of the consent holder who is responsible for its distribution.
6. Applications for consent must be made not less than seven days before the required date for the distribution of free printed matter.
7. Consents will be subject to the payment of a fee based on the number of distributors per application.
8. Any person engaged in the distribution of free printed matter shall provide on demand to an authorised officer of the Council or a Police Constable/Police Community Support Officer any information reasonably required to enable compliance with consent conditions to be verified. This may include:
  - their full name and address
  - details of any person(s) commissioning them to distribute free literature [where applicable]
  - details of their employer or agent [where applicable]

**Proposed Cost of Obtaining Consent:**

An annual consent fee of £260 per person has been proposed which allows the distribution of free printed matter in any of the designated areas.

### Summary of key points from responses to the consultation process:

**Please note: these are verbatim comments from respondees and details of individuals and organisations have been deleted for reasons of data protection and confidentiality.**

I have been asked on behalf of a number of XXX members to lodge an official objection to the proposed changes to regulations regarding the distribution of free printed matter.

1. The members are concerned that they are being unfairly targeted as most of the venues that would be affected by the changes no longer distribute printed matter; relying on direct contact and guest lists, there are currently only two venues that use printed matter and both of them have stated that they will stop and use the same method as the other clubs and bars.
2. The members feel that there should be some provision for the use of printed matter for specified promotions, Christmas and New Year, summer and special events for example, this would be done in a responsible manner taking into consideration the concerns of the council.
3. The members feel that the bulk of free printed matter found on Broad Street and the surrounding area, comes from independent promoters and the teams employed by them to promote artists, bands and events which may take place in the city, they are not associated with the venues they stand outside but undue pressure will be put on the venues to manage these people and the activities even though it has nothing to do with the venues in question.
4. The bulk of litter found on Broad Street comes from fast food venues, the printed matter they use to promote the business and drive trade and also the packaging they use.
5. The members feel that Broad Street and the entertainment sector of the city is being unfairly targeted by proposals as the main retail areas of the city have not been included in the proposal, New Street, Corporation Street, Victoria Square, Union Street, Bull Street, St Phillips Square, Colmore Row have all been excluded.
6. The members feel with the current level of disruption in the city and around Broad Street in particular the redevelopment of Paradise Circus, the work on the tram which is due to start in the near future, the work on New Street Station and John Lewis combined with the road works which have had a major effect on the traffic flow and footfall in and around the area businesses need to be able to promote themselves and the proposed changes will further make it difficult for the businesses that form a large part of the night time economy in the and around the city.

---

Excellent! More of these sorts of schemes should be introduced to generate money from the cause of the problem. It's a shame that it doesn't cover religious material. I

am fed up of walking through the city centre and being preached at. I have no issue with anyone practising any religion that they want, but it shouldn't be detrimental to mine, and others', enjoyment of the city in peace. I actively avoid the city centre on weekends and the distribution of printed materials is part of the problem.

---

It's about time, you need to extend it to more areas.

---

I have no objections as its only advertising that gets put on the floor.

---

What a rubbish (please excuse pun) consultation.

It will be ineffective (I've already thought of a way round it) It will be a waste of resources.

This consultation doesn't state what the penalty is for ignoring the order. (A proper consultation would also have asked for comments about any proposed penalties).

Will it be an arrestable offence? If not how will it be enforced?

If an arrestable offence don't you think the police have better things to do with their time?

Given the problems Birmingham currently has I don't think wasting officer's time and resources (especially legal officers) on this can really be justified.

---

In principle I support this move.

My concerns are twofold

The new area is large and restricts a freedom to hand out materials to passers-by over a significantly large portion of the city centre; a creeping loss of freedom

The requirement to give 7 days' notice, with leaflets with the named person, will affect more spontaneous activities, for example a group trying to publicise the plight of a 'good cause' in response to a news item. Many of these types of activity would fall outside the charitable or political definitions. There should be a mechanism in place for shorter notice, particularly as printed materials can be churned out quickly at home these days whereas in the past printer's deadlines meant a week was reasonable.

Personally, I object to the many evangelical groups accosting me, but they are exempt from this rule.

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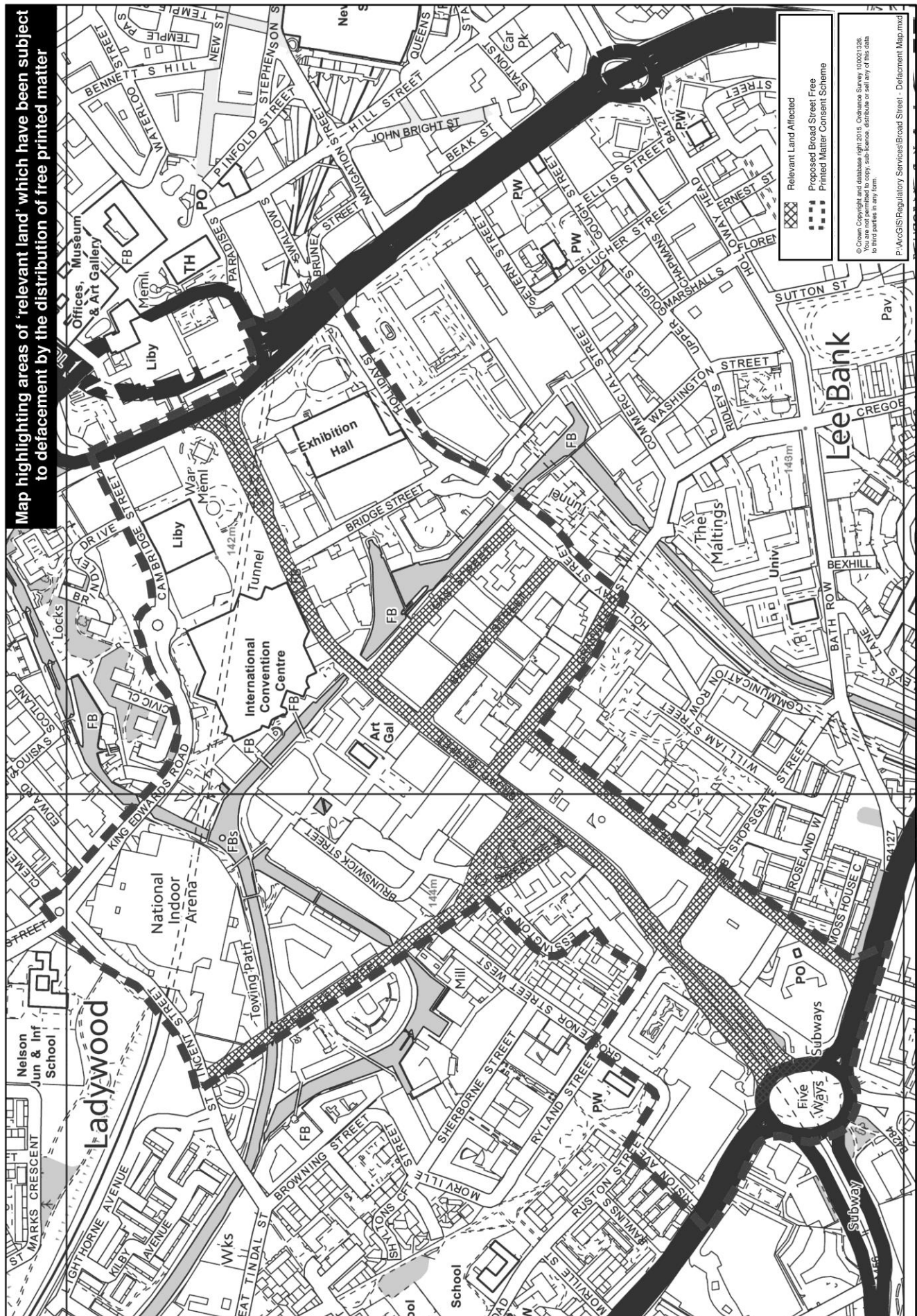
I agree - but why in the centre and not the suburbs?

---

I think that it is a good idea, but points 4 and 5 (4. All places in which free printed matter has been distributed are to be cleansed forthwith by the consent holder to a radius of 50 metres from the distribution point of any litter caused by the distribution of the said printed matter. 5. The free printed matter must bear the name and address of the consent holder who is responsible for its distribution.) should apply to all groups (i.e. charities and organisations should not be exempt), and I would further propose that the radius of the area that should be cleansed should be extended and further enforced. So often when people are giving out leaflets you find a trail of them on the floor littering the streets for far more than 50 metres, and it should be the distributor's responsibility to clear it up. I would also recommend a reduced consent fee for those using 100% recycled printing materials.

---

No objections to the proposed plans but must make sure any waste is cleaned up in timely manner.





**BIRMINGHAM CITY COUNCIL**

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

**16 SEPTEMBER 2015**  
**ALL WARDS**

**STATEMENT OF GAMBLING PRINCIPLES CONSULTATION REPORT**

1. Summary

- 1.1 The City Council as the Licensing Authority is required to determine and publish its Statement of Gambling Principles at least every three years, keep it under review and make such revisions to it at such times, as it considers appropriate.
- 1.2 This is a requirement of the Gambling Act 2005 ('The Act').
- 1.3 The purpose of this report is to advise members of the consultation and invite comment.
- 1.4 In order to take effect in January 2016 the amended policy and scheme of delegation must be approved by City Council at its meeting on 1<sup>st</sup> December 2015.

2. Recommendation

- 2.1 That Committee consider the draft Statement of Gambling Principles attached at Appendix 1 to this report and suggests such amendments as the Committee considers necessary.

Contact Officer: Emma Rohomon, Licensing Manager  
Telephone: 0121 303 9780  
Email: emma.rohomon@birmingham.gov.uk

### 3. Background

- 3.1 Local authorities are required to determine and publish a Statement of Gambling Principles every three years. Most authorities work to the same timetable which will require them to publish their statements by 3<sup>rd</sup> January 2016 with a view to them taking effect on 31<sup>st</sup> January 2016. Our current Statement of Gambling Principles has been in effect since January 2013 and is due for review in accordance with the timetable outlined above.
- 3.2 Through the spring and summer of 2015 The Gambling Commission has been amending and updating its advice to local authorities on how to prepare Statements of Gambling Principles. It has changed its Licence Conditions and Codes of Practice (LCCP) for operators which will need to be reflected in our own Statement of Gambling Principles in due course. The changes will enable us to create a document that is far more reflective of local circumstances and issues than is the case now.
- 3.3 Under the new provisions we will be able to create a Local Area Profile to map the risks in Birmingham of gambling-related harm according to a range of criteria. These may include:
- Mental health prevalence
  - Significant ethnic groups
  - Significant life stage groups(e.g. children or emerging adults)
  - Financial and debt problems
  - Housing instability
  - Alcohol consumption
  - Employment and income
- 3.4 The London Borough of Westminster and Manchester city Council have jointly commissioned research that will be available to all local authorities to help them to produce the detailed Local Area Profiles of their communities and local needs.
- 3.5 Operators applying for licences will be required to produce a risk assessment that is specific to each authority's Local Area Profile and Statement of Gambling Principles. The risk assessment will need to address how the operator will mitigate the risks outlined in the Statement and Local Area Profile. Operators will be required to demonstrate in their applications how they will prevent underage gambling and their attitude to social responsibility.
- 3.6 Due to the extensive research that will be required to produce and consult on a Local area Profile it would not be possible to produce a meaningful document in time to meet the January deadline for our Statement of Gambling Principles. Officers have, therefore, carried out a light touch review of our existing Statement for approval this year (in order to ensure that we are legally compliant) with a view to a far more in depth review and new Statement being produced during 2016.



- 3.7 The draft policy attached has been reviewed for accuracy but does not contain any fundamental changes. Members of your Committee are invited to consider the attached Policy and comment on it (see Appendix 1).
- 3.8 Suggestions or proposals put forward by the Committee will, where appropriate, be included within the revised Statement, although in some cases it may be more appropriate to defer proposed amendments until the more detailed review is carried out next year. Members may make comments either as a Committee or in their own right as local councillors.
- 3.9 Consultation will take place with other stakeholders, including (but not limited to) the list of statutory Consultees, being:
- The Chief Officer of Police.
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 3.10 The public consultation began on 1<sup>st</sup> September 2015 and will run for 8 weeks until 23<sup>rd</sup> October 2015, after which a further report containing the results will be presented to your Committee for consideration.

#### 4. Matters for Consideration

- 4.1 Some minor amendments to the Policy have been proposed, including updating contact details for Responsible Authorities.
- 4.2 Alterations to the document are highlighted within the text

#### 5. Consultation

- 5.1 This review of the Policy will be used as an opportunity to consult with members of your Committee, residents, business and other interested parties. A final revised version will be brought before your Committee in November 2015 that takes account of the results of the consultation, as far as is practicable.
- 5.2 Consultation will be carried out by a variety of means, including through direct mail, the Birmingham City Council website, Be Heard, Social media, and email.

6. Implications for Resources

- 6.1 The cost of devising and maintaining a Statement of Gambling Principles is included within the existing Licence fee structure.
- 6.2 Should this consultation generate suggestions of a significant nature the Committee may be minded to incorporate them into the in depth review of the Policy next year. Further consultation would then be necessary.

7. Implications for Policy Priorities

- 7.1 The issues addressed in this report relate to the City Council priorities associated with creating a cleaner, greener and safer city and providing excellent services, as well as laying the foundations for a prosperous city, built on an inclusive economy; Involving local people and communities in the future of their local area and their public services – a city with local services for local people.

8. Public Sector Equality Duty

- 8.1 The benefit of an agreed Policy is to ensure a consistent approach.
- 8.2 The Government carried out an equality impact assessment of the legislation which found that no unintended or disproportionate impact is likely. It is not anticipated any amendments to be made as a result of this review would require an Equality Impact Assessment.
- 8.3 Section 349 of the Gambling Act 2005 requires the Licensing Authority to publish a Statement of Gambling Principles. The Act specifies also those who must be consulted on the Policy and subsequent Policy reviews. These are listed at 3.5 above.

**SERVICE DIRECTOR REGULATION AND ENFORCEMENT**

Background Papers: Nil

## APPENDIX 1

# BIRMINGHAM CITY COUNCIL STATEMENT OF PRINCIPLES Gambling Act 2005

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*This Statement of Licensing Principles was approved by **Birmingham City Council** on [insert date of approval] and is to be Effective from **31<sup>st</sup> January 2016**.*

<sup>1</sup> These summaries have been removed as they do not form part of the Policy. Reference to where the information may be found is now included within Part A to the Policy.(p10)

## **PART A**

### **1. The Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it is considered to be:

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Gambling Commission,
- Reasonably consistent with the licensing objectives, and
- in accordance with the authority’s statement of licensing principles.

### **2. Introduction**

Birmingham is the largest city in the United Kingdom after London, with a multi-cultural population of 1,036,900 (2010 estimate). The Licensing Authority recognises that properly regulated gambling contributes to the growth of the City’s local economy. The area covered by the Council is shown in the map below.



Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

Birmingham City Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police.
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area.
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

List of persons this authority consulted:

Gambling Commission.  
West Midlands Police.  
Safe Guarding Children Board.  
HM Revenue and Customs.  
Premises Licence Holders.  
Bodies representing holders of Premises Licences and Permits.  
Trade Associations.  
Licensing Solicitors.  
Members of Birmingham’s Licensing and Gambling Forum.  
Elected Members.  
Gam Care.  
Responsible Authorities.  
Public notification on City Council Website.

Our consultation took place between **1<sup>st</sup> September and 23<sup>rd</sup> October 2015**.

The full list of comments made and the consideration by the Council of those comments is available by request to The Licensing Service.

The policy was approved at a meeting of the Full City Council on “to be confirmed” and was published via our website on “to be confirmed”. Copies were placed in the public libraries of the City. This Policy is effective from **No Later Than** 31<sup>st</sup> January 2016.

Should you have any comments regarding this policy statement please send them via e-mail or letter to the following address:

The Head of Licensing, Licensing Service, E-mail: [Licensing@birmingham.gov.uk](mailto:Licensing@birmingham.gov.uk)

Any amendments to the Policy will be subject to further consultation.

It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **3. Declaration**

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

### **4. Responsible Authorities**

Any responsible authority may make representations.

'Responsible Authority' is defined as:

- a licensing authority in whose area the premises is wholly or partly situated;
- the Gambling Commission;
- the Chief of Police within which the premises are situated;
- the Fire Authority within which the premises are situated;
- the local authority Planning Authority within which the premises are situated;
- the local authority for which statutory functions are exercisable in relation to minimising or reducing the risk of pollution to the environment or harm to human health in which the premises are situated;
- a body which represents those who, in relation to any such area, are responsible for, or interested in, the protection of children from harm and is recognised by the licensing authority for that area for the purpose of this section as being competent to advise it on such matters;
- HM Revenue & Customs;
- any other person prescribed in regulations by the Secretary of State.
- In relation to a vessel:
  - (i) a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any water where it is or is proposed to be navigated at a time when it is used for licensable activities;
  - (ii) the Environment Agency;
  - (iii) the Canal and River Trust;
  - (iv) the Secretary of State; or
  - (v) any other person prescribed in regulations by the Secretary of State.

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose; the Safe Guarding Children Board is made up of qualified representatives from both statutory and independent child protection agencies operating across the City.

The contact details of Responsible Authorities under the Gambling Act 2005 are attached at Appendix 2 and are also available via the Council's website at [www.birmingham.gov.uk](http://www.birmingham.gov.uk)

## **5. Interested parties**

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

The Licensing Authority will decide each case on its own individual merits and will not apply a rigid rule to its decision making.

The Gambling Commission has recommended that the licensing authority state that interested parties could include trade associations and trade unions, and residents' and tenants' associations. The Licensing Authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.



The Licensing Authority will also consider persons that 'have business interests' as being the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

In implementing this Policy the Licensing Authority will have regard to the provisions of the Human Rights Act 1998.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these, however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach a Councillor to ask them to represent their views then care will be taken to ensure that the Councillor is not a member of the committee dealing with that application.

The Licensing Authority must determine whether or not representations are admissible. A representation is inadmissible if it is not made by a Responsible Authority, or an Interested Party. After that, the authority must then determine its relevance.

The only representations that are likely to be relevant are those that relate to the licensing objectives, or that raise issues under the licensing policy statement, or the Commission's guidance or codes of practice.

Connected to this is the question of what is a 'frivolous' or 'vexatious' representation. In interpreting these phrases, matters the Licensing Authority is likely to want to look at are likely to include:

- who is making the representation, and whether there is a history of making representations that are not relevant;
- whether it raises a relevant issue; or
- whether it raises issues specifically to do with the premises that are the subject of the application.

## **6. Exchange of Information**

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

The Licensing Authority will share any information it receives through the application process with the Gambling Commission and other enforcement agencies.

The Licensing Authority will maintain a register of premises licences and permits issued where required and will ensure that the register is open for public inspection at all reasonable times.

The information held will be in accordance with the regulations set by the Secretary of State.

## **7. Enforcement**

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

Birmingham City Council has developed a protocol for enforcement and will continue partnership working with the Gambling Commission and other enforcement organisations to promote a consistent approach between them. The protocol will encompass a strategy of targeting high-risk premises and will ensure intelligence led policing and regulation.

The protocol will actively promote regular inspections of licensed premises which, following risk assessments, have been found to be problematic or high risk.

The Licensing Authority already has developed working protocols such as:

- sharing information and good working practices with other enforcement agencies,
- encouraging close co-operation between licensed premises and enforcement agencies to promote the licensing objectives,
- encouraging good working practices and codes of practice by licensed premises to tackle crime and disorder issues,
- establishing a monitoring system in order to identify premises that are disregarding their responsibilities, and to share this information with the Gambling Commission, Police and other enforcement agencies,
- adopting announced and unannounced inspections and visits to premises.

The Licensing Authority will actively seek to advise the licence holders and managers of those premises who wish to comply with legislation and conditions. However, the Licensing Authority will take a firm stand against irresponsible premises licence holders that do not comply.

The Licensing Authority will continue to investigate complaints and conduct proactive enforcement activities to ensure that conditions attached to licences are complied with, and that unlicensed activity is dealt with as appropriate.

The Licensing Authority will exercise its powers under the Act to instigate criminal proceedings where circumstances require.

## **8. Licensing Authority Functions**

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*

- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

Information on gaming machines permitted at each premises type, gaming machine entitlements and gaming entitlements for clubs and pubs is available on the Gambling Commission website.

<http://www.gamblingcommission.gov.uk/Gambling-sectors/Gambling-sectors><sup>2</sup>

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## **PART B**

### **PREMISES LICENCES: CONSIDERATION OF APPLICATIONS**

#### **1. General Principles**

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

##### **(i) Decision-making:**

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks fit:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with authority's statement of licensing principles.

The Licensing Authority's powers and duties will, where appropriate, be delegated by the Licensing Authority to its Licensing and Public Protection Committee, Licensing Sub Committee and Officers.

The Licensing Authority intends to approach these delegations in accordance with Appendix 1 to the policy.

The Licensing and Public Protection Committee will receive regular reports on decisions made by officers under the scheme of delegation so that it maintains an overview of the general situation.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos and also that unmet demand is not a criterion for a licensing authority.

The licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licences.

In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity.

- The offer of established core products (including live event pictures and bet range)
- The provision of information on products and events
- The promotion of gambling opportunities and products
- The actual use made of betting facilities
- The size of premises.
- The delivery of betting facilities

**(ii) Definition of “premises”:**

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission stated in its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

This Licensing Authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a

gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Is the premises only accessible from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

**The Gambling Commission's relevant access provisions for each premises type are reproduced below:**

#### **Casinos**

- The principal access entrance to the premises must be from a street.
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

#### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises.

#### **Betting Shops**

- Access must be from a street or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

#### **Tracks**

- No customer should be able to access the premises directly from:
  - a casino,
  - an adult gaming centre.

#### **Bingo Premises**

- No customer must be able to access the premises directly from:
  - a casino,

- an adult gaming centre,
- a betting premises, other than a track.

### **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino,
  - an adult gaming centre,
  - a betting premises, other than a track.

The Gambling Commission provides further guidance on this issue, which this authority will also take into account in its decision-making.

### **(iii) Premises “ready for gambling”:**

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

### **(iv) Location:**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

The Licensing Authority may take into account the impact that the existence of premises may have on an area in so far as it is relevant to the licensing objectives.

For example, the proposed operation of a new premises licence may not be reasonably consistent with the principles of the licensing objectives due to its proximity to:



- a school or other educational facility;
- a residential area with high concentration of families with children;
- a centre for children;
- a centre for vulnerable adults.

The Licensing Authority will therefore consider representations from any responsible authority or interested party based on the impact on the licensing objectives if a particular application were to be granted.

The onus will be on the person making the representation to provide evidence to support their assertions that the addition of the premises would have the suggested impact on the licensing objectives.

Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

#### **(v) Planning:**

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters and when dealing with a premises licence application for finished buildings, the licensing authority will not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

#### **(vi) Duplication with other regulatory regimes:**

This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary

planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

**Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

**Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. *For Local Authorities with tracks:* There is, however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

**Conditions** - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are offered in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. This licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply

- with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

**Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on the premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

## **2. Adult Gaming Centres**

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- supervision of entrances/machine areas;
- location of entrance;
- physical security measures on the premises;
- physical separation of areas;
- self-exclusion schemes;
- notices and signage displayed externally stating access to the premises is restricted to persons 18 years of age and over;
- notices displayed internally stating use of gaming machines is restricted to persons 18 years of age and over;
- notice specifying opening hours;
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues

such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

### **3. (Licensed) Family Entertainment Centres:**

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- supervision of entrances/machine areas;
- location of entrance;
- physical security measures on the premises;
- physical separation of areas;
- self-exclusion schemes;
- clear notices and signage around the premises regarding age restricted areas;
- notice specifying opening hours;
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.
- Measures/training for staff on how to deal with suspected school truant children on the premises.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

### **4. Casinos**

*No Casinos resolution* - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

The Licensing Authority is aware that where a licensing authority is able to grant a casino premises licence (regional, large or small), there may be a number of

operators who wish to apply for that licence. Should the Licensing Authority be in such a position it will comply with Schedule 9 of the Act and any relevant regulation / codes of practice.

Licence considerations/conditions – This licensing authority will attach conditions to casino premises licences bearing in mind the mandatory conditions and the Licence Conditions and Codes of Practice published by the Gambling Commission.

An applicant for a premises licence must comply with the Act regarding the permitted access or exclusion of children and young persons. With the exception of non-gambling areas of regional casinos no children or young persons must be permitted access into the casino or the close observation of, or the invitation to participate in any gambling activities.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machine areas;
- physical separation of gambling areas;
- self-exclusion schemes;
- clear notices and signage externally and internally regarding age restrictions and age restricted areas (where applicable);
- participation in the Council's 'pupil watch scheme' (where children are permitted entry);
- notice specifying opening hours;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

The Licensing Authority may also consider it appropriate to require members of the public entering casino premises to continue to produce proof of ID on entry in order to effectively support self-exclusion schemes, and to act as a deterrent for persons who may be considering targeting the premises for illegal/criminal activities.

*Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## 5. Bingo premises

Gambling Commission Guidance is that Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

~~This authority also notes that from 13<sup>th</sup> July 2011 a holder of bingo premises licences may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. A licence variation must be applied for if operators wish to take advantage of this change to the legislation.<sup>3</sup>~~

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machines;
- physical separation of gambling areas where category C or above gaming machines are made available for use;
- supervision of age restricted areas of the premises;
- self-exclusion schemes;
- clear notices and signage externally and internally regarding age restrictions and restricted areas;
- a notice specifying opening hours;
- reporting of any suspicious activity on the premises;
- policy and procedures regarding the employment of young persons (aged 16 and 17 where applicable);
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

It is important that if children and young persons are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines.

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<sup>3</sup> redundant

Where category C or above machines are made available in premises to which children and young persons are admitted the premises licence holder must ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff employed by the operator or premises licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years old.

The Licensing Authority will take into account any further guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

## **6. Betting premises**

*Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

An applicant for a premises licence must comply with the Act regarding the exclusion of children and young persons.

No children or young persons (under 18 years old) will be able to enter premises with a betting premises licence, although special rules apply to tracks.

The Licensing Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a Casino premises licence (where betting is permitted in the Casino).

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machines;
- self-exclusion schemes;
- clear notices and signage externally regarding age restriction;



- notice specifying opening hours;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

## **7. Tracks**

Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. The Licensing Authority recognises that betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed-odds” betting.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

This licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will, therefore, expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- supervision of entrances/machines;
- physical security measures on the premises;
- physical separation of areas for category C and above gaming machines;
- self-exclusion schemes;
- clear notices and signage around the premises regarding age restricted areas;
- notice specifying opening hours;
- participation in the Council’s ‘pupil watch scheme’ (where children are permitted entry);
- members of staff appropriately trained;

- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

*Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

*Betting machines* - This licensing authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

### **Applications and plans**

The Gambling Act (s151) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

## **8. Vessels and Vehicles**

The Licensing Authority is aware that a premises licence may be granted in respect of a passenger vessel. The definition of a vessel is:

- anything (other than a seaplane or amphibious vehicle), designed or adapted for use on water;
- a hovercraft; or
- anything, or part of any place, situated on or in water (structures which are an extension of the land are not vessels, even if they arch over water).

Vehicles (trains, road vehicles, aircraft, seaplanes and amphibious vehicles other than a hovercraft) may not be the subject of a premises licence and, therefore, all forms of commercial betting and gaming will be unlawful in a vehicle in Great Britain.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machines;
- self-exclusion schemes;
- clear notices and signage externally regarding age restriction;
- notice specifying opening hours;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

## **9. Travelling Fairs**

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring

authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **10. Provisional Statements**

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that they:

- expect to be constructed;
- expect to be altered; or
- expect to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan

and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **11. Reviews:**

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

A review hearing will be held before the Council's Licensing and Public Protection Committee or Sub-Committee (as appropriate) and the review will be determined once the representations have been considered and the licence holder has been given the opportunity to respond.

The onus will be on the responsible authority/interested party initiating the review to provide evidence in support of the matters for concern.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;

- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder,
- the applicant for review (if any),
- the Commission,
- any person who made representations,
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

## **PART C**

### **PERMITS / TEMPORARY & OCCASIONAL USE NOTICE**

#### **1. Permits**

The Policy of the Licensing Authority in respect of permits for unlicensed family entertainment centres, club gaming, club machine and gaming machine on alcohol licensed premises is to:

- promote the licensing objectives;
- treat each application individually on its own merits;
- comply with the statutory requirements;
- ensure compliance with the guidance issued by the Gambling Commission;
- promote and ensure high standards at all venues.

The Licensing Authority when considering an application for a permit will consult closely with the Chief of Police and Safe Guarding Children Board.

Appendices 4 & 5 illustrate the categorisation of gaming machine entitlements and the gaming entitlements for clubs and pubs.

#### **2. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. Gambling Commission Guidance is that licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits – i.e. licensing authorities will want to give weight to child protection issues.

Guidance is also that an application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application

Licensing authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;

- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

The Licensing Authority, when considering a permit application for an unlicensed family entertainment centre, may request further information from an applicant regarding any matters of concern, which may include:

- the suitability of the applicant;
- the suitability of members of staff;
- the location of the premises;
- evidence that a premises will only operate as an unlicensed family entertainment centre;
- the applicant will be required to demonstrate they have a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed Family Entertainment Centre;
- confirmation of intended opening hours;
- ensuring a premises maintains acceptable levels of management supervision at all times during opening hours;
- ensuring a premises maintains acceptable levels of security at all times during opening hours;
- CCTV provisions at the premises and surveillance of the premises;
- evidence that members of staff are appropriately trained and a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed Family Entertainment Centre;
- participation in the Council's 'pupil watch scheme' in connection with suspected truant school children on the premises;
- evidence of policy and procedures in respect of unsupervised very young children on the premises, or children causing perceived problems on/or around the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare;
- any other factors that are within the control of the permit holder or designated management.

The Licensing Authority will give significant weight to all issues relating to the protection of children and young persons. If no relevant representations are received then the permit will be issued automatically

The Licensing Authority will not refuse an application for a permit unless it has notified the applicant of its intentions to refuse the application and of its reasons and given the applicant an opportunity to make representations.



**3. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1)) Automatic entitlement: 2 machines**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

To take advantage of this entitlement the person who holds the on-premises licence must give notice to the Licensing Authority of their intention to make gaming machines available for use, and must pay the prescribed level of fee.

**Permit: For 3 or more machines**

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

This licensing authority has delegated authority to officers to grant a permit for up to four gaming machines (category C or D) to be made available for use in alcohol-

licensed premises under this Act.

A person who holds the “on-premises” alcohol licence may apply to the Licensing Authority for a permit specifying any number of category C or D machines but when considering the application the Licensing Authority will have regard to the licensing objectives, and may also take into account any matters that are considered relevant to the application. These may include:

- the appropriate siting of gaming machines in areas where children are not normally permitted;
- the size of the premises;
- the supervision of gaming machines at all times when the premises is open;
- notices by each gaming machine specifying no person under 18 years old are permitted to use the gaming machine;
- age verification checks;
- ensuring members of staff are appropriately trained;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

The Licensing Authority can grant or refuse an application. In granting the application the Licensing Authority can also vary the number and category of gaming machines authorised by the permit.

If the Licensing Authority intends to refuse or vary an application the applicant will be notified prior to the refusal or variation in writing of their intention to do so, the applicant will then be given the opportunity to make representations regarding these matters.

It should be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

#### **4. Prize Gaming Permits**

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

The Licensing Authority will specify the form and manner in which an application must be made, and will specify the information and supporting documents required, these may include:

- plans of the proposed building;
- insurance certificates; and
- any other documents deemed necessary or appropriate.

The Licensing Authority will comply with any guidance produced by the Gambling Commission, and when considering a permit application may request further information from an applicant regarding any matters of concern, which may include:

- the suitability of the applicant;
- the location of the premises;
- confirmation of intended opening hours;
- confirmation of the types of gaming to be offered;
- the applicant will be required to demonstrate they have a full understanding of the limits to stakes and prizes that are set out in Regulations;
- the applicant will be required to demonstrate the gaming offered is within the law;
- ensuring a premises maintains acceptable levels of management supervision at all times during opening hours;
- ensuring a premises maintains acceptable levels of security at all times during opening hours;
- CCTV provisions at the premises and surveillance of the premises;
- evidence that members of staff are appropriately trained;
- a willingness to participate in the Council's 'pupil watch scheme' in connection with suspected truant school children on the premises;
- any other factors that are within the control of the permit holder or designated management.

The Licensing Authority will give significant weight to all issues relating to the protection of children and young persons.

The Licensing Authority may grant a permit only if they have consulted the Chief of Police about the application.

Where relevant representations are received from the Chief of Police and the Licensing Authority intends to refuse an application based on the objections the applicant will be notified prior to the refusal in writing of their intention to do so, the applicant will then be given the opportunity to make representations regarding these matters.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and

- participation in the gaming must not entitle the player to take part in any other gambling.

## **5. Club Gaming and Club Machines Permits**

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as prescribed in regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

Gambling Commission Guidance is that Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

The Licensing Authority, when considering a club gaming and club machine permit application, may require the applicant to provide evidence that the club fulfils the requirements for a members' club, or miners' welfare institute or commercial club (Commercial clubs cannot provide gaming and games of chance).

Licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and, therefore, is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit under the process are:

- (a) that the club is established primarily for gaming, other than gaming prescribed

- under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **6. Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" is contained in Part 8 of the Act. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

In referring to a set of premises, the Act provides that a set of premises is the subject of a Temporary Use Notice if 'any part' of the premises is the subject of a Notice. This prevents one large premises from having a Temporary Use Notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock.

A Temporary Use Notice must be submitted to the Licensing Authority not less than 3 months and one day before the first day on which the gambling event will begin.

In addition a copy of the notice must also be served on:

- the Gambling Commission,
- the Chief Officer of Police,
- the Commissioners of Customs and Excise,
- any other licensing authority in whose area the premises are situated.

(See appendix 2 for relevant addresses.)

The same premises may not be the subject of a temporary use notice for more than 21 days in any 12-month period, but may be the subject of several notices provided that the total does not exceed 21 days.

Should the Licensing Authority or the other bodies served with copies of the temporary use notice consider that the gambling should not take place, or only with modifications, they will issue a notice of objection within 14 days of the date of the temporary use notice.

Where relevant representations are made, a hearing will be held before the Council's Licensing and Public Protection Committee or Sub-Committee to consider representations.

The Licensing Authority will determine the notice after considering supporting evidence from the server of the notice and any objectors who have made representations.

If the Licensing Authority considers that a temporary use notice should not have effect a counter-notice will be issued which may:

- prevent the temporary use notice from taking effect;
- limit the activities that are permitted;
- limit the time period of the gambling; or
- allow the activity to take place subject to a specified condition

## **7. Occasional Use Notices**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

In considering an occasional use notice the Licensing Authority will consider the definition of a 'track' and whether the server of the notice is permitted to avail themselves of the notice.

Betting on a track will be permitted by an occasional use notice providing it is for 8 days or less in a calendar year. The calendar year will commence on the 1<sup>st</sup> January.

The notice must be served by a person who is responsible for the administration of events on the track, or by an occupier of the track.

A notice must be served on the Licensing Authority and copied to the Chief of Police.

The notice must specify the day on which it has effect, and may be given in relation to consecutive days providing the overall limit of 8 days is not exceeded in a calendar year.

The Licensing Authority will maintain a record of the number of notices served in a calendar year to ensure the limit of 8 days is not exceeded.

Providing that a notice will not result in betting facilities being available for more than 8 days in a calendar year, no counter notices or objection can be submitted.

No gaming machines may be provided by virtue of an occasional use notice.

## **8. Registration of Small Society Lotteries**

All applications for registration must be made in the form specified by the Secretary of State, and accompanied by any supporting documents specified by the Secretary of State or required by the Licensing Authority.

The Licensing Authority, when considering an application for registration, may request any additional information it deems appropriate. This may include a declaration from the governing body of the society stating:

- the application is on behalf of a bona fide non-commercial society;
- that all persons to be connected with the promotion of the lottery have no relevant convictions or cautions recorded against them;
- the purpose of the Society and; the purpose of the fund raising;
- confirmation of the appointment of two members of the society who have the authority to sign and complete the required financial returns.
- where a society intends to employ an external lottery manager evidence that person holds an operators licence issued by the Gambling Commission.

If the Licensing Authority is intending to refuse an application to join the register the applicant will be notified in writing of the reasons why it is considering refusal, and the evidence on which it has based that preliminary conclusion. The applicant will then be given the opportunity to provide further evidence in support of the application or to make representations regarding these matters.

Further guidance about the processes and procedures under the Gambling Act 2005 can be obtained from **The Licensing Service, Crystal Court, Rocky Lane, Aston, Birmingham, B6 5RQ.**

Tel No: 0121 303 9896.

e-mail: [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)

website: [www.birmingham.gov.uk/licensing](http://www.birmingham.gov.uk/licensing)

**APPENDIX 1**

**DELEGATION OF FUNCTIONS REGARDING THE GAMBLING ACT 2005**

Subject	Full Council	Licensing & Public Protection Committee	Licensing Sub-Committees	Officers
Three year licensing policy	X			
Policy to permit casino	X			
Fee setting (when appropriate)		X		
Application for premises licence			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Gambling Commission	Where no representations received or representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Review of a premises licence			X	
Application for a club/gaming club machine permits			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Cancellation of club gaming/club machine permits			X	
Application for other permits			Where an application is received to operate more than 4 gaming machines on an alcohol licensed premises	Where an application is received to operate 4 or less gaming machines on an alcohol licensed premises
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	



# Draft Statement of Gambling Principles – to be effective from 31<sup>st</sup> January 2016

Decision to attach/exclude a premises licence condition			<del>Where any of the relevant parties withhold their agreement to the proposed attachment or exclusion of condition(s).</del> X <sup>4</sup>	<del>Where all relevant parties agree to the proposed attachment or exclusion of condition(s).</del>
To administer and carry out all other functions not specifically mentioned in the delegation to the Licensing & Public Protection Committee, which are capable of being delegated to an officer as provided in the Gambling Act 2005 and any regulations made under that Act, together with any related functions				X

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<sup>4</sup> This matter should be referred to a sub-committee for determination, although there are provisions to dispense with a hearing if all parties are in agreement ( in some circumstances)

**RESPONSIBLE AUTHORITIES – CONTACT ADDRESSES**  
**ALL TO BE VERIFIED AND UPDATED WHERE NECESSARY**

Birmingham City Council Licensing Section new address tbc	West Midlands Fire Service HQ 99 Vauxhall Road Nechells Birmingham, B7 4HW <a href="mailto:firesafety.admin@wmfs.net">firesafety.admin@wmfs.net</a>	Planning Control Division PO Box 28 1 Lancaster Circus Birmingham, B1 1TU <a href="mailto:planning.enquiries@birmingham.gov.uk">planning.enquiries@birmingham.gov.uk</a>
Environmental Health New address tbc <a href="mailto:pollution.team@birmingham.gov.uk">pollution.team@birmingham.gov.uk</a>	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500	HM Revenue & Customs National Registrations Unit Portcullis House 21 India Street Glasgow G2 4PZ Tel: 0141 555 3492 Email: <a href="mailto:nrubetting&amp;gaming@hmrc.gsi.gov.uk">nrubetting&amp;gaming@hmrc.gsi.gov.uk</a>
Environment Agency Midlands Regional Office Sapphire East 550 Streetbrook Road West Midlands B911 1QT Tel: 08708 506506	Birmingham City Council Safe Guarding Children Board Council House Extension, Room 554 Margaret Street Birmingham B3 3B Tel: 0121 303 8402	In respect of a vessel Canal and River Trust West Midland Region Peel's Wharf Fazeley B78 3QZ 01827 252000

**WEST MIDLANDS POLICE OPERATION COMMAND UNITS AND CONTACT ADDRESSES**

(To ensure that applications are served on the correct Police Station it is recommended applicants contact the West Midlands Police Switchboard on 101)

Birmingham East Local Policing Unit Stechford Police Station 338 Station Road Stechford Birmingham B33 8RR  (Covers Hodge Hill, Yarley and Hall Green)	Birmingham North Local Policing Unit Sutton Coldfield Police Station Lichfield Road Sutton Coldfield B74 2NR  (Covers Sutton Four Oaks, New Hall, Trinity, Vesey & Sutton Town Centre, Erdington, Tyburn, Castle Vale, Stockland Green and Kingstanding)	Birmingham South Local Policing Unit Bournville Lane Police Station 341 Bournville Lane Birmingham B34 1QX (Covers Northfield, Selly Oak & Edgbaston)	Birmingham West & Central Local Policing Unit Birmingham West & Central Police Station Steelhouse Lane Birmingham B4 6NC (Covers Soho, Ladywood, Nechells, Aston, Perry Barr, Oscott, Lozells, Handsworth & City Centre)
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## APPENDIX 3

**SUMMARY OF MACHINE PROVISIONS BY PREMISES<sup>5</sup>**

	Machine Category						
Premises type	A	B1	B2	B3	B4	C	D
<b>Large casino</b> (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 machines (subject to machine./table ratio)					
<b>Pre-2005 Act Casino</b> (no machine/table ratio)		Maximum of 20 machines in categories B to D (except B3A machines), or any number of C or D machines instead					
<b>Betting premises and tracks occupied by pool betting</b>		Maximum of 4 machines categories B2 to D (except B3A machines)					
<b>Bingo premises</b>			Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**			No limit on Category C or D machines	
<b>Adult gaming centre</b>			Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**			No limit on category C or D machines	
<b>Family entertainment centre</b> (with premises licence)						No limit on category C or D machines	
<b>Family entertainment centre</b> (with permit)						No limit on category B machines	
<b>Club of miners; welfare institute</b> (with permits)						Maximum of 3 machines in categories B3A or B4 to D*	
<b>Qualifying alcohol-</b>						1 or 2 machines of category C or D automatic upon	

<sup>5</sup> Appendices 3-5 have been removed. The content of these appendices is outside of the control of the LPPC, and can be located on the Gambling Commission Website which will reflect any changes made to the content without the need to amend the Policy document.

Draft Statement of Gambling Principles – to be effective from 31<sup>st</sup> January 2016

<b>licensed premises</b>					notification
<b>Qualifying alcohol-licensed premises</b> (with gaming machine permit)					Number of category C-D machines as specified on permit
<b>Travelling fair</b>					No limit on category D machines

~~\*It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3AA to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.~~

~~\*\* Adult gaming centre and bingo premises are entitled to make available a number of Category Gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available Four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.~~

**APPENDIX 4****SUMMARY OF GAMING MACHINE CATEGORIES AND ENTITLEMENTS**

Category of machine			Maximum stake (from July 2011)	Maximum prize (from July 2011)
<b>A</b>	— No category A gaming machines are currently permitted			
<b>B1</b>			£2	£4,000
<b>B2</b>			£100 (in multiples of £10)	£500
<b>B3A</b>			£1	£500
<b>B3</b>			£2	£500
<b>B4</b>			£1	£250
<b>C</b>			£1	£70
<b>D — non-money prize (other than a crane grab machine or a coin pusher penny falls machine)</b>			30p	£8
<b>D non-money prize (crane grab machine)</b>			£1	£50
<b>D money prize (other than a coin pusher or penny falls machine)</b>			10p	£5
<b>D combined money and non-money prize (other than a coin pusher or penny falls machine)</b>			10p	£8 (of which no more than £5 may be a money prize)
<b>D — combined money and non-money prize (coin pusher or penny falls machine)</b>			10p	£15 (of which no more than £8 may be a money prize)

**SUMMARY OF GAMING ENTITLEMENTS FOR CLUBS AND ALCOHOL-LICENSED PREMISES**

	<b>Members' club or MW Institute with club gaming permit</b>	<b>Bridge or whist club</b>	<b>Members' club or commercial club with club machine permit</b>	<b>Members' club, commercial club or MW Institute without a club gaming permit or club machine permit</b>	<b>Pubs and other alcohol-licensed premises</b>
<b>Equal chance gaming</b>	Yes	Bridge and/or Whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<u>Poker</u> £1000 per week £200 per day £10 per person per game <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £200 per day £10 per person per game <u>Other gaming</u> No limit	<u>Poker</u> £100 per premises per day <u>Other gaming</u> £5 per person per game <u>Cribbage &amp; dominoes</u> No limit
<b>Limits on prizes</b>	No limit	No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £100 per game <u>Other gaming</u> No limit
<b>Maximum participation on fees – per person per day</b>	<u>Bridge and/or Whist</u> £20 <u>Other gaming</u> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<u>Bridge and/or Whist</u> £18 <u>Other gaming</u> £3 (commercial club) £1 (members' club)	<u>Bridge and/or Whist</u> £18 <u>Other gaming</u> £1	None permitted
<b>Banker or unequal chance gaming</b>	Pontoon <i>Chemin de Fer</i>	None permitted	None permitted	None permitted	None permitted
<b>Limit on bingo</b>	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £22,000 per week in stakes/prizes. If more then will need an operating licence	Maximum of £22,000 per week in stakes/prizes. If more then will need an operating licence	Maximum of £22,000 per week in stakes/prizes. If more then will need an operating licence

**BIRMINGHAM CITY COUNCIL**

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

**16 SEPTEMBER 2015**  
**ALL WARDS**

**MODERNISATION OF LICENSING APPLICATION PROCESSES**

1. Summary

- 1.1 This report details some of the actions that the Licensing Service is taking to reduce costs and make better use of officer time in line with Service Review recommendations.
- 1.2 It explains the first stages of a channel shift process, the move towards card-only payments for customers, leading ultimately to online applications and renewals. It encompasses a move to new offices and the introduction of a new licensing computer system.

2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Chris Neville, Head of Licensing  
Telephone: 0121 303 6920  
E-mail: [chris.neville@birmingham.gov.uk](mailto:chris.neville@birmingham.gov.uk)

### 3. Background

- 3.1 The hackney carriage and private hire licensing team currently employs 14 full and part-time members of staff. With the exception of a full time officer employed to prepare reports for Licensing Sub-Committee and appeal files and a part time officer employed to prepare and conduct the knowledge tests, the non-managerial staff are predominantly engaged in frontline service delivery, answering telephone calls, covering reception, or working at the counter transacting licence applications.
- 3.2 A Licensing Officer's duties are not restricted to processing applications and dealing with enquiries from licensees; additional administrative work is associated with the booking process for driving tests, medicals, Disability Awareness Training (DAT) and Disclosure and Barring Service (DBS) applications. These additional administrative tasks would seem to be obvious opportunities for channel shift.
- 3.3 The Licensing Service is also responsible for processing the payments for these pre-application requirements and consequently carries all the costs associated with taking credit and debit card payments and banking cash.
- 3.4 When a driver requires any of the services identified in paragraph 3.2 the Licensing Service must set up records so that we can take payment and issue receipts. Consequently, we create records long before an application is ready to be processed. In many cases, the application will be abandoned and never progress to the stage where it can be processed.
- 3.5 The Licensing Service faces challenges in the short to medium term in respect of its IT system and an imminent move from Crystal Court to Birmingham City Council owned premises at Ashted Lock on Aston University Science Park. This was a recommendation that came directly out of the Service Review process.
- 3.6 The most significant IT issue is the requirement to replace the Sopra Licensing System; a bespoke IT package used to process and record all hackney carriage and private hire transactions as well as much of the work undertaken by General Licensing. The need to replace it is driven by the fact it is based on comparatively old technology, which is no longer compatible with modern servers. The existing server running SOPRA will not meet revised government security standards for IT systems, hence the need to replace the system.
- 3.7 Service Reviews have identified channel shift as a priority for the Licensing Service, in particular a move to online applications and a more streamlined application process. To this end, the Licensing Service has started to identify necessary requirements for online applications, such as the obvious need to move away from accepting cash payments.



#### 4. Identifying Opportunities for Channel Shift

- 4.1 For channel shift to work effectively officers must address the pre-application processes and tests referred to above in paragraph 3.2. To streamline the application process officers are designing a system in which applicants must have completed all the pre-application processes and tests before the Licensing Service can consider their application.
- 4.2 Transferring those administrative tasks online and/or to the direct service providers would save time, money and have a significant effect on the number of personal callers and telephone enquiries dealt with by the Licensing Service. From a trade perspective, it would reduce the number of personal callers to the office, reduce the pressure on car parking and significantly reduce the volume of telephone enquiries to the service that are not directly related to licensing matters.
- 4.3 The Birmingham City Council Occupational Health Service undertakes all driver medicals under a Service Level Agreement (SLA), however, the Licensing Service books those medicals and takes payments on behalf of Occupational Health. Consequently, the administrative costs associated with making the bookings, taking payments, processing credit and debit cards and banking cash are borne by the Licensing Service. Additionally much officer time is spent dealing with enquiries about medicals and cancelling or rearranging appointments, all of which carries an administrative cost and serves to tie up officers and telephone lines. During 2013/2014, Licensing Officers conducted 1993 payment transactions to a value of £129,545.00 on behalf of the Occupational Health Service.
- 4.4 Similarly, Fleet and Waste Management (F&WM) undertake all driving assessments for new applicants under another SLA, but Licensing undertakes the administrative task of referral and taking test and re-test fees on behalf of F&WM. The Licensing Service took 79 driving test fees during 2013/2014, to a value of £3,750.00.
- 4.5 The Disability Resource Centre delivers Disability Awareness Training (DAT) under contract to Birmingham City Council, however, once again the administrative burden of booking courses and processing payments falls on the Licensing Service, which took 66 DAT fees during 2013/2014, to a value of £3,300.00. In total, the Licensing Service undertook a minimum of 2,042 transactions on behalf of those three organisations, as well as dealing with all associated enquiries, cancellations and re-bookings.
- 4.6 As we develop systems and technology to move applications on-line we will inevitably need to move to a card-only payment system. It will be necessary to withdraw the option for customers to pay with cash. Taking cash carries with it consequential costs around security and cash collections. The Crystal Court office has been designed with high security screens for the counters, similar to those found in high street banks. We have to meet the audit requirements of a controlled cash-handling environment, carry out daily cash reconciliation and pay for regular cash collections to bank the money.

Officers are, therefore, using the move to the new Licensing office at Ashted Lock (in October/November 2015) as an opportunity to stop taking cash payments and move to card-only payments. This will deliver on-going savings and will reduce the cost of the new accommodation, which will not require the same levels of security at the counter. It will also improve staff safety overall as the office will no longer be seen as a potential target for robbery if it is known that it does not have cash on the premises.

## 5. Implementation

- 5.1 The Licensing Service has started negotiations with the Occupational Health Service and Fleet and Waste Management, with a view to their taking responsibility for booking their own appointments and taking the associated payments. The Occupational Health Service has made provision to take card only payments and is liaising with the Licensing Service to agree the details of necessary changes to procedure.
- 5.2 The Licensing Service made similar arrangements with the Disability Resource Centre as part of the 2015 contract negotiation and the next DAT course to be held in September 2015 will be the last one booked by licensing officers. For subsequent courses, the provider will take payments and arrange bookings directly.
- 5.3 The Licensing Service proposes to cease processing cash transactions upon moving to the new premises at Ashted Lock. We are now taking more money through cards than through cash, so it would appear that the majority of drivers have access to bank accounts with cards. For those who do not have access to a bank account there are cards available which can be pre-loaded with cash. Taking that shift in payment preference into consideration alongside the requirement to move away from cash transactions in anticipation of a move to online applications, it makes sense to make the change now.
- 5.4 Although primarily affecting Hackney Carriage and Private Hire Licensing, General Licensing does handle a small amount of cash and consequently has to abide by the audit requirements applicable to a cash-handling environment, as well as arranging for cash collection. Senior Officers from the General Licensing Team advise a move to card only payments would not be problematic.
- 5.5 In the medium to long term, the Licensing Service will engage with Service Birmingham to implement an online application process tied in with the introduction of new licensing software.

## 6. Consultation

- 6.1 The initiatives detailed above are internal administrative arrangements designed to address issues raised in the service reviews. We have informed

taxi trade representatives of our modernisation proposals and that the Licensing Service will refuse cash payments when our new office accommodation opens. We will write to all drivers and customers individually to tell them of the same and the cash payment change before it is introduced.

7. Implications for Resources

- 7.1 There will be direct cash savings associated with these initiatives, most obviously the £12.15 daily charge for cash collection (cash is collected three days a week), but also transaction and banking charges and transferring budgets between departments or making payments to external organisations.

8. Implications for Policy Priorities

- 8.1 The issues addressed in this report relate to the City Council priorities associated with providing excellent services and help to deliver the recommendations of previous service reviews.

9. Implications for Equality and Diversity

- 9.1 There has been a perception historically that the taxi trade in particular prefers to deal in cash and is reluctant to use other payment methods. Daily transaction figures tend to show this is no longer the case. However, it is possible there are members of the trade who do not have credit or debit cards to make card payments.
- 9.2 Officers have undertaken research and identified a wide range of pre-paid cards available to the public. Although some providers do charge for their use, most charges are modest and indeed some cards do not carry a fee at all for the first year. Cards can be pre-loaded with cash at many places, including but not limited to, banks, Post Offices and any premises belonging to the Pay Point network. Many of these cards can be managed using a smart phone application for convenience. Accordingly, it should be possible even for a driver who does not have a bank account to make card payments and unlike credit cards, the pre-paid nature of the cards means the card holder is in no danger of getting into debt as a result of using it.

## **SERVICE DIRECTOR REGULATION AND ENFORCEMENT**

Background Papers: Nil



<b>Report to:</b>	<b>LICENSING AND PUBLIC PROTECTION COMMITTEE</b>	
<b>Report of:</b>	<b>SERVICE DIRECTOR REGULATION AND ENFORCEMENT AND DIRECTOR OF FINANCE</b>	
<b>Date of Decision:</b>	<b>16 SEPTEMBER 2015</b>	
<b>SUBJECT:</b>	<b>LICENSING AND PUBLIC PROTECTION – REVENUE BUDGET MONITORING 2015/16 (MONTH 4)</b>	

**1. Purpose of Report:**

- 1.1 This report sets out the position on the Licensing and Public Protection Committee's Revenue Budget at the end of July 2015 and the forecast outturn position for the year end. It highlights any issues that have arisen and informs the Licensing and Public Protection Committee of any action being taken to contain spending within the approved cash limits.
- 1.2 The report also details the latest performance within the Licensing and Public Protection Committee including progress against the approved Savings Programme for 2015/16.
- 1.3 The report is in line with the current City Council established financial monitoring framework to ensure that expenditure is managed within cash limits.

**2. Decision(s) Recommended:**

The Licensing and Public Protection Committee is requested to :

- 2.1 Note the latest Revenue budget position at the end of July 2015 (Month 4) as detailed in Appendix 1.
- 2.2 Note the position with regard to the Savings Programme for 2015/16 as detailed in Appendix 2.
- 2.3 Note the position on reserves and balances, as detailed in Appendix 3.

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

### **3. Consultation**

#### **3.1 Internal**

The financial position on the revenue budget is reported on a monthly basis to the Management Team and the Service Director of Regulation and Enforcement is briefed on the major financial issues, as required in line with the Council's framework.

#### **3.2 External**

There are no additional issues beyond consultations carried out as part of the budget setting process for 2015/16.

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

The budget is integrated with the Council Business Plan, and resource allocation is directed towards policy priorities.

#### **4.2 Financial Implications (Will decisions be carried out within existing finances and Resources?)**

The Licensing and Public Protection Revenue Budget Monitoring document attached gives details of monitoring of service delivery within available resources.

#### **4.3 Legal Implications**

Section 151 of the 1972 Local Government Act requires the Director of Finance (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Management Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.

#### **4.4 Public Sector Equality Duty**

There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.



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

### Revenue Budget

- 5.1 The City Council approved the overall budget on 3<sup>rd</sup> March 2015. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £3.990m (as detailed in Appendix 1). The budget has been increased by £0.457m (as detailed in the table below).

	£'m
<b>Original Budget 2015/16 Reported to LPPC 18 March 2015</b>	<b>3.990</b>
Centralisation of Marketing and Communications Budgets	(0.007)
Repatriation of Districts SLA Budgets (Pest Control)	0.514
<b>Approved Net Revenue Budget 2015/16 (Reported at Month 2)</b>	<b>4.497</b>
Transfer of 1 FTE Post to Future Council Team (2 years)	(0.082)
Additional Resource for Voluntary Redundancy	0.032
Additional Employee Expenditure (until March 2019)	0.191
Additional Funding for Employee Expenditure from WMPolice	(0.191)
<b>Current Approved Net Revenue Budget 2015/16 – Month 4</b>	<b>4.447</b>

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

### Revenue

- 5.3 The Licensing and Public Protection Committee has spent £2.374m as at the end of Month 4, compared to a profiled budget of £1.747m and results in a net overspend of £0.627m.
- 5.4 The table below provides a high level summary of the Licensing and Public Protection Committee's financial performance as at the end of July 2015 and the year-end projection (the full details are set out in Appendix 1).

Budget Head	Month End Variation £'m	Year End Projection	
		Savings Programme £'m	Base Budget Pressures £'m
Employees	0.030	-	-
Premises	(0.176)	-	-
Transport	(0.016)	-	-
Supplies and Services	(0.067)	-	0.180
Third Party Payments	0.002	-	-
Asset Charges	-	-	-
Recharge Expenditure	0.010	-	-
<b>Sub-Total</b>	<b>(0.217)</b>	-	-
Income	0.844	1.300	0.300
Interest Received	-	-	-
<b>Total</b>	<b>0.627</b>	<b>1.300</b>	<b>0.480</b>

5.5 The main factors contributing to the position at the end of Month 2 are as follows :

- The additional cost of £0.032m from voluntary redundancy at Registrars has now been funded corporately as identified in LPPC Report 15<sup>th</sup> June 2015.
- The Employees budget has also been reduced by £0.082m representing the transfer of resources for one FTE post to the Future Council budget.
- Additional staff resources have also been transferred to Mortuary and Coroners for 5 Investigators, previously paid directly by WMPolice. The transfer is under the TUPE arrangements and will be fully funded through a SLA with WMPolice. This does not affect the bottom-line budget in net terms and does not create a pressure (or financial benefit) to LPPC.
- Premises and Supplies are underspent, however even at this late stage, a number of regular charges have still not commenced for 2015/16 – i.e. repairs, laboratory fees.
- As expected and identified in LPPC Report 15<sup>th</sup> July 2015, there is a significant under-recovery of income (£0.844m). The services under pressure are Pest Control and Registrars.

#### **Savings Programme**

- 5.6 The Committee had a significant Savings Programme of £2.316m for 2015/16 relating to all service areas. The full details are set out in Appendix 2 and include: £0.172m for Environmental Health, £0.100m for Registrars, £0.283m for Coroners, £1.300m for Pest Control, £0.122m for Trading Standards and £0.339m for Licensing.
- 5.7 The rigorous management action and financial control of officers has ensured that 32% of the programme will be achieved through operational efficiencies and income generation.
- 5.8 There is a significant risk relating to Pest Control where £1.300m savings target is unlikely to be achieved in 2015/16. A plan requiring service remodelling is underway.



## **Year End Forecast**

- 5.9 An overspend of £1.780m position is forecast for the year end including three elements:
- Pest Control pressure of £1.300m (relating to the savings programme) will be subject to consultation on service remodelling later in the financial year.
  - Mortuary and Coroners is under pressure due to Deprivation of Liberty Safeguard legislation, which has brought additional obligations on the service. This has been calculated at £0.180m for 2015/16. However, a contribution from funds made available by Department of Health toward this pressure has been approved in principle. The value will be confirmed in the next report to LPPC.
  - Registrars Income continues to be under pressure, a detailed review is in progress, however a realistic forecast pressure for the year has been calculated at £0.300m.
- 5.10 Managers in consultation with the Service Director Regulation and Enforcement will ensure that any identified pressures are minimised and are working towards achieving the cash limited budget by continuing:
- Stringent control of discretionary expenditure.
  - New areas of service provision for the generation of income.
  - Careful management of vacancies, temporary staff and redeployment.

## **Capital**

- 5.11 Currently there are no Capital projects for 2015/16.

## **Illegal Money Lending Team**

- 5.12 The Illegal Money Lending Team investigates and takes action against Illegal Money Lending or Loan Shark perpetrators across the whole of England.
- 5.13 This is a national project funded through specific grant jointly from National Trading Standards Board and the Financial Conduct Authority.
- 5.14 The expenditure at the end of July was £0.992m, which is in line with the profiled budget expectations for this stage in the year.
- 5.15 This budget is strictly ring-fenced to this grant funded service.

## **Scambusters**

- 5.16 The Scambusters team investigates and takes action against fraudsters operating across council boundaries in the central region.
- 5.17 This is a regional project funded through specific grant of £0.260m through the National Trading Standards Board.
- 5.18 The expenditure at the end of July was £0.067m, compared to a profiled budget position of £0.087m.
- 5.19 This budget is strictly ring-fenced to this grant funded service.

### **Proceeds of Crime Act (PoCA)**

- 5.20 Regulatory Services secures funding through the Proceeds of Crime Act 2002 in response to financial investigations undertaken post sentencing by the courts.
- 5.21 This money is strictly ring-fenced and can only be utilised by the Council for community and crime prevention projects.
- 5.22 The Trading Standards Team and the Illegal Money Lending Team have so far spent £0.036m on such specific PoCA projects.

### **Balances and Reserves**

- 5.23 The balances and reserves for the Committee are shown in Appendix 3.
- 5.24 The balances brought forward on 1<sup>st</sup> April 2015 total £1.360m and these are specific ring-fenced resources and there are no available general balances to the Committee.
- 5.25 Income of £0.206m from Home Office for Proceeds of Crime Act has been received and paid into the appropriate balances, therefore the total currently held in reserves is £1.566m.

### **6. Evaluation of Alternative Option(s):**

- 6.1 During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary, and alternative savings proposals developed to meet new and emerging pressures

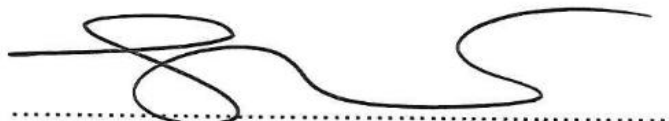
### **7. Reasons for Decision(s):**

- 7.1 The Report informs the Licensing and Public Protection Committee of the Revenue Budget position for 2015/16 at the end of July 2015.
- 7.2 The latest position in respect of the Licensing and Public Protection Committee's year-end projections, use of reserves, the Savings Programme and the present risks identified in its delivery.

### **Signatures**

Jacqui Kennedy  
Acting Strategic Director – Place .....

Jon Warlow  
Director of Finance



Date

2/9/15

<b>List of Background Documents used to Compile this Report:</b>
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Licensing & Public Protection - Revenue and Capital Budget 2015/16

Licensing & Public Protection - Revenue Budget Monitoring 2015/16 (Month 02)

<b>List of Appendices accompanying this Report (if any):</b>
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1. Appendix 1 - Financial Performance Statement Month 4
2. Appendix 2 - Savings Programme Performance 2015/16 Month 4
3. Appendix 3 - Balances and Reserves at Month 4

<b>Report Version</b>	2.1	<b>Dated</b>	28 August 2015
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# Licensing and Public Protection Committee - 2015/16 Month 4 - Revenue Expenditure

## APPENDIX 1

### Net Expenditure Across Subjective Headings

Original Budget 2015/16	Subjective Categories	Budget as Reported 15Jul2015	Movement 2015/16 (Jun-Jul)	Current Budget 2015/16	Profiled Budget Year to Date	Actuals Year to Date	Variance Year to Date	Forecast Year End Variance	Savings Programme at Risk	Pressures
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
£'000		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
9,409	Employees	9,594	141	9,735	3,225	3,255	30	0	0	0
975	Premises	975	0	975	467	291	(176)	0	0	0
196	Transport and Moveable Plant	196	0	196	53	37	(16)	0	0	0
2,468	Supplies and Service	2,276	0	2,276	700	633	(67)	180	0	180
1	Third Party Payments	1	0	1	0	2	2	0	0	0
222	Capital Financing	222	0	222	74	74	0	0	0	0
11	Recharge Expenditure	11	0	11	1	11	10	0	0	0
13,282	Gross Expenditure	13,275	141	13,416	4,520	4,303	(217)	180	0	180
0	Grants	0	0	0	0	(2)	(2)	0	0	0
(71)	Reimbursements	(71)	0	(71)	(23)	0	23	0	0	0
(4,960)	Fees and Charges	(4,960)	0	(4,960)	(1,601)	(918)	683	1,600	1,300	300
(4)	Rents etc	(4)	0	(4)	(1)	(5)	(4)	0	0	0
(3,787)	Miscellaneous Income	(3,273)	(191)	(3,464)	(1,017)	(905)	112	0	0	0
(470)	Recharge Income	(470)	0	(470)	(131)	(99)	32	0	0	0
(9,292)	Income	(8,778)	(191)	(8,969)	(2,773)	(1,929)	844	1,600	1,300	300
0	Interest from Previous Periods	0	0	0	0	0	0	0	0	0
3,990	Net Expenditure	4,497	(50)	4,447	1,747	2,374	627	1,780	1,300	480

### Net Expenditure Across Individual Service Headings

Original Budget 2015/16	Service Areas	Budget as Reported 15Jul2015	Movement 2015/16 (Jun-Jul)	Current Budget 2015/16	Profiled Budget Year to Date	Actuals Year to Date	Variance Year to Date	Forecast Year End Variance	Savings Programme at Risk	Pressures
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
£'000		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
3,532	Environmental Health	3,532	0	3,532	1,199	992	(207)	0	0	0
(874)	Licensing	(874)	0	(874)	(206)	(40)	166	0	0	0
1,025	Mortuary and Coroners	1,025	0	1,025	396	505	109	180	0	180
(1,720)	Pest Control	(1,206)	0	(1,206)	(398)	27	425	1,300	1,300	0
386	Registrars	382	32	414	259	406	147	300	0	300
1,593	Trading Standards	1,590	(82)	1,508	490	523	33	0	0	0
3,942	Net Expenditure - Regulatory Services	4,449	(50)	4,399	1,740	2,413	673	1,780	1,300	480
74	Access and Development	74	0	74	25	20	(5)	0	0	0
(88)	Highways Regulatory	(88)	0	(88)	(39)	(59)	(20)	0	0	0
62	Surveying Services	62	0	62	21	0	(21)	0	0	0
48	Net Expenditure - Highways Services	48	0	48	7	(39)	(46)	0	0	0
3,990	LPPC - Net Expenditure	4,497	(50)	4,447	1,747	2,374	627	1,780	1,300	480

Note: figures exclude: PoCA, IMLT and Scambusters

0	IMLT + Scambusters	0	0	0	0	0	0	0	0	0
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3,990	LPPC+Grant Funded Expenditure	4,497	(50)	4,447	1,747	2,374	627	1,780	1,300	480
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## Savings Programme and Tracker at Month 4 (end July) 2015/16

	Total Programme 2015/16 (2)	Progress against specific Savings with Actions Required					TOTAL (7)
		Actions in place to fully achieve Savings (3)	Actions in place to Achieve savings in year only (4)	Actions in place but some risk to delivery (5)	Actions not in place and solutions to be identified (6)		
(1)	£'000	£'000	£'000	£'000	£'000	£'000	
Environmental Health	(172)	(172)	0	0	0	(172)	
Licensing and Enforcement	(339)	(339)	0	0	0	(339)	
Mortuary and Coroners	(283)	0	0	(283)	0	(283)	
Pest Control	(1,300)	0	0	0	(1,300)	(1,300)	
Registrars	(100)	(100)	0	0	0	(100)	
Trading Standards	(122)	(122)	0	0	0	(122)	
Regulatory Services	(2,316)	(733)	0	(283)	(1,300)	(2,316)	
Highways Regulatory	0	0	0	0	0	0	
Surveying Services	0	0	0	0	0	0	
Access and Deveopment	0	0	0	0	0	0	
Highways Services	0	0	0	0	0	0	
Total Savings Programme	(2,316)	(733)	0	(283)	(1,300)	(2,316)	



Reserves and Balances	(1)	Entertainment Licensing (2)	Hackney Carriage and Private Hire (3)	Illegal Money Lending Team (4)	PoCA Trading Standards (5)	PoCA Illegal Money Lending (6)	Total Ringfenced Reserves (7)	General Balances (8)	Total Reserves and Balances (9)
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Reserves and Balances Brought Forward 01 April 2014		(152)	(341)	(279)	(286)	(189)	(1,247)	0	(1,247)
Appropriations to Reserves during 2014/15		0	0	0	(54)	(48)	(102)	0	(102)
Appropriations from Reserves on 31 March 2015		235	0	0	133	96	464	0	464
Appropriations to Reserves on 31 March 2015		0	(227)	(110)	(77)	(61)	(475)	0	(475)
Net Movements 2014/15		235	(227)	(110)	2	(13)	(113)	0	(113)
Reserves and Balances Brought Forward 01 April 2015		83	(568)	(389)	(284)	(202)	(1,360)	0	(1,360)
Transactions to/from Balances 2015/16									
Appropriations (to) and from Reserves in 2015/16		0	0	0	(118)	(88)	(206)	0	(206)
Net Movements 2015/16		0	0	0	(118)	(88)	(206)	0	(206)
Total as at 31st July 2015		83	(568)	(389)	(402)	(290)	(1,566)	0	(1,566)
Each account is strictly ring fenced in accordance with legislation									

**BIRMINGHAM CITY COUNCIL**

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

**16 SEPTEMBER 2015**  
**ALL WARDS**

**FIXED PENALTY NOTICES ISSUED JUNE/JULY 2015**

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 June and July 2015.
2. Recommendation
  - 2.1 That the report be noted.

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

### 3. Background

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

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

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

### 4. Enforcement Considerations and Rationale

4.1 Set out in Appendix 1 to this report is a table showing on a ward and constituency basis where FPNs were issued during the period June and July 2015. Of the people who receive a FPN, Appendix 2 indicates in which Birmingham ward the person lives. As approximately one third of those receiving FPNs do not live in the city [visitors or those who work in the city], Appendix 3 identifies where those people live.

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.

## **SERVICE DIRECTOR REGULATION AND ENFORCEMENT**

Background Papers: FPN records



**WARD WHERE FIXED PENALTY NOTICES ISSUED BY CONSTITUENCY / WARD****APPENDIX 1**

CONSTITUENCY	WARD	FPN APR	FPN MAY	FPN JUNE	FPN JUL	FPN AUG	FPN SEPT	FPN OCT	FPN NOV	FPN DEC	FPN JAN	FPN FEB	FPN MAR	TOTAL FPNS
Edgbaston	Bartley Green		0		1									1
	Edgbaston		0											0
	Harborne	7	1											8
	Quinton	1	0	1										2
Erdington	Erdington	7	2	7	3									19
	Kingstanding		1	1										2
	Stockland Green		1	2	1									4
	Tyburn	2	12		10									24
Hall Green	Sparkbrook		3	4	1									8
	Springfield	2	2	1										5
	Moseley and Kings Heath	1	5	3										9
	Hall Green		2											2
Hodge Hill	Bordesley Green	2	2	2	4									10
	Hodge Hill	3	0	2										5
	Shard End	3	1	1										5
	Washwood Heath	1	3	2	2									8
Ladywood	Aston	5	3		1									9
	Ladywood	441	457	495	532									1925
	Nechells	64	51	36	32									183
	Soho	1	3											4
Northfield	Longbridge	1	0											1
	Northfield		0											0
	Weoley	1	0	1										2
	Kings Norton	1	1											2

Perry Barr	Handsworth Wood	1	0											1
	Lozells & East Handsworth		0											0
	Oscott	1	0		1									2
	Perry Barr	1	0		1									2
Selly Oak	Bournville	2	0											2
	Brandwood		0											0
	Billesley	2	0											2
	Selly Oak	3	1	5										9
Sutton Coldfield	Four Oaks		1											1
	New Hall	1	0											1
	Trinity		0											0
	Vesey		0											0
Yardley	Sheldon	1	2											3
	Stechford & Yardley North	2	0											2
	South Yardley	1	5											6
	Acocks Green	3	1											4
<b>TOTALS</b>		<b>605</b>	<b>560</b>	<b>563</b>	<b>589</b>									<b>2317</b>

**WARD OF PERSON RECEIVING FIXED PENALTY NOTICES BY CONSTITUENCY/WARD**

**APPENDIX 2**

CONSTITUENCY	WARD	FPN APR	FPN MAY	FPN JUNE	FPN JUL	FPN AUG	FPN SEPT	FPN OCT	FPN NOV	FPN DEC	FPN JAN	FPN FEB	FPN MAR	TOTAL
Edgbaston	Bartley Green	6	3	4	3									16
	Edgbaston	8	4	8	7									27
	Harborne	6	3	7	5									21
	Quinton	14	8	11	5									38
Erdington	Erdington	7	5	8	6									26
	Kingstanding	3	7	6	9									25
	Stockland Green	7	4	9	7									27
	Tyburn	7	3	7	4									21
Hall Green	Sparkbrook	5	4	14	6									29
	Springfield	7	7	4	6									24
	Moseley and Kings Heath	4	10	4	8									26
	Hall Green	5	4	2	2									13
Hodge Hill	Bordesley Green	6	10	3	8									27
	Hodge Hill	13	3	5	6									27
	Shard End	10	7	10	3									30
	Washwood Heath	4	6	6	5									21
Ladywood	Aston	9	10	7	8									34
	Ladywood	24	27	17	28									96
	Nechells	9	18	13	14									54
	Soho	8	5	7	9									29
Northfield	Longbridge	6	0	5	7									18
	Northfield	6	3	5	13									27
	Weoley	6	8	3	4									21
	Kings Norton	5	3	10	4									22

Perry Barr	Handsworth Wood	6	2	5	1									14
	Lozells & East Handsworth	7	8	6	4									25
	Oscott	6	8	3	6									23
	Perry Barr	3	3	5	7									18
Selly Oak	Bournville	3	6	3	7									19
	Brandwood	7	5	5	5									22
	Billesley	4	4	6	3									17
	Selly Oak	7	1	11	4									23
Sutton Coldfield	Four Oaks	4	4	2	4									14
	New Hall	5	4	3	2									14
	Trinity	5	1	2	2									10
	Vesey	1	4	3	3									11
Yardley	Sheldon	3	4	5	4									16
	Stechford & Yardley North	5	4	11	3									23
	South Yardley	7	14	3	5									29
	Acocks Green	8	4	6	5									23
Outside of Birmingham	Outside of Birmingham	339	322	308	347									1316
<b>TOTALS</b>		<b>605</b>	<b>560</b>	<b>562</b>	<b>589</b>									<b>2316</b>





























































































































































































































































































**FIXED PENALTY NOTICES ISSUED TO PERSONS RESIDING OUTSIDE THE BIRMINGHAM AREA**

<b>RESIDENCE OF FPN RECIPIENT</b>	<b>April</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>
Aberdeen			1					
Adur				1				
Amber Valley	1							
Arun		1						
Aylesbury Valley	1		2	1				
Barrow in Furness				1				
Basildon		1						
Basingstoke	1		1					
Bedford		2	1					
Blackpool		1	1					
Bolton				2				
Borough of Pool	1							
Boston			2					
Bournemouth		3						
Bracken Forest			1					
Bradford	1		1					
Brighton and Hove			1					
Bristol	4	1	2	2				
Bromsgrove	9	7	4	5				
Broxtowe			1					
Burnley		1	1					
Bury		1						
Cambridge	1	1	1	2				
Cannock Chase	4	3	2					
Cardiff	3		1	1				
Carlisle	1			1				
Central Bedfordshire				1				
Ceredigion	1							
Charnwood	2							

Chelmsford		2		2				
Cheltenham	1			1				
Cherwell	3							
Cheshire East				1				
Cheshire West and East	2	1						
Cheshire West and Cheshire				2				
Chesterfield			1	1				
Chorley	1							
Colchester	1							
City of York		1	1					
Cornwall	1		1	1				
Coventry	14	33	17	34				
Dartford				1				
Daventry			1	2				
Denbighshire				1				
Derby	1	2	2	5				
Derbyshire Dales		1	1	2				
Doncaster				2				
Dudley	19	29	16	24				
East Hampshire			2					
East Northamptonshire			2					
East Riding of Yorkshire		1	2					
Edinburgh			1					
East Staffordshire		1		1				
Elmbridge		1		1				
Exeter			2					
Falkirk	1							
Fareham				1				
Flintshire		1						
Gateshead	2							
Gedling	2							
Glasgow			1	1				
Gloucester	2	2		1				

Great Yarmouth				1				
Guildford				1				
Halton	2			1				
Hambleton			1					
Hampshire	3							
Harrogate				1				
Hart			1					
Hartlepool	1							
Herefordshire	3		3					
Hertfordshire		5		6				
Highlands				1				
Hinckley and Bosworth	1	2						
Horsham		1						
Huntingdonshire		1						
Isle of Wight	1							
Kettering				2				
Kingston Upon Thames	1	1						
Kirklees				1				
Lancaster	2			2				
London Borough of Barnet	2	1		1				
London Borough of Bexley	2		2					
London Borough of Brent	1	1						
London Borough of Bromley	3	3	1	1				
London Borough of Camden		1		1				
London Borough of Croydon			1					
London Borough of Ealing	3	1		1				
London Borough of Enfield			2	1				
London Borough of Hackney	3	1	1					
London Borough of Hammersmith and Fulham	1	1		1				
London Borough of Haringey	1	1	2	2				
London Borough of Harrow	1	1	1	1				
London Borough of Hillingdon		1						

London Borough of Hounslow	2							
London Borough of Islington	2			1				
London Borough of Lambeth	1			3				
London Borough of Merton				1				
London Borough of Newham		1	1	1				
London Borough of Redbridge		2						
London Borough of Southwark			3	2				
London Borough of Sutton			1					
London Borough of Tower Hamlets		1						
London Borough of Waltham Forest		1	1					
London Borough of Wandsworth				1				
Leeds	3	1	1	2				
Leicester	4	4	4	6				
Lichfield	6	1	5	2				
Lincoln	2	2	1					
Liverpool	1	3	3					
Luton		1						
Maidstone	1		1					
Malvern Hills		1						
Manchester	6	1	8	4				
Mansfield	1							
Medway	1			1				
Melton	1							
Mendip	1							
Middlesbrough	1							
Mid Suffolk				1				
Milton Keynes	2	3	3					
Mole Valley	1							
Monmouthshire	1							
Neath Port Talbot				1				
Newark	1							
Newcastle Under Lyme		2						
Newcastle Upon Tyne	1							



Newport	1		1					
North Devon			2					
North Lincolnshire		2		1				
North Norfolk			2	4				
Northampton	2	2	3	8				
Nottinghamshire		2	2	3				
Nuneaton and Bedworth	1	1	2					
Outside UK		3	2	1				
Oxford	5	3	3	3				
Pembrokeshire	2							
Peterborough	2	1		1				
Plymouth			1					
Portsmouth			1					
Royal Borough of Kensington Chelsea			1					
Royal Borough of Windsor and Maidenhead	1	1		1				
Redcar and Cleveland		1						
Redditch	4	7	5	4				
Reigate and Banstead			2					
Richmondshire	1			1				
Rochdale		1	1	1				
Rotherham	1							
Rugby	3	3	3	2				
Runnymede	1							
Rushcliffe	1							
Rushmoor		1						
Sandwell	26	19	39	31				
Sefton			1					
Sheffield			1	1				
Shepway				1				
Shropshire	5	4	4	1				
Slough		1						
Solihull	25	18	18	22				
South Buckinghamshire				1				

South Derbyshire				1				
South Somerset	2							
South Staffordshire	3	5	6	2				
South Tyneside			1					
Southampton	1	2						
Southend on Sea			1					
St Helens		2						
Stafford	8	7	7	7				
Staffordshire Moorlands		2	2					
Stockport		2	2					
Stockton on Tees		1						
Stoke on Trent	3	2		2				
Stratford on Avon	3	2	2					
Stroud				1				
Suffolk Coastal				1				
Sunderland	3	1	2					
Surrey Heath	1		4	3				
Swale		1	1					
Swansea			1					
Tameside	1		1	1				
Tamworth		4		4				
Taunton Dean	1							
Teignbridge	1		1					
Telford and Wrekin	5	4	5	7				
Torbay	1							
Torridge		1		1				
Trafford				1				
Vale of ????	1							
Walsall	15	21	16	32				
Warrington	1	1						
Warwick	12	2	7	6				
Watford		1						
Wealden			2	1				

Wellingborough		1						
West Berkshire				1				
West Devon			1					
West Oxfordshire			1					
Westminster	1			1				
Wigan		2		1				
Wiltshire	2	1		3				
Wirral				2				
Woking				2				
Wolverhampton	30	21	21	16				
Worcestershire	5	9	9	10				
Wrexham	1		1					
Wychavon				1				
Wycombe	1							
Wyre		4	1	1				
<b>TOTAL</b>	<b>333</b>	<b>312</b>	<b>308</b>	<b>347</b>				
<b>CUMMULATIVE TOTAL</b>	<b>333</b>	<b>645</b>	<b>953</b>	<b>1300</b>				

## APPEND IX 3

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**BIRMINGHAM CITY COUNCIL**

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

**16 SEPTEMBER 2015**  
**ALL WARDS**

**ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE  
CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE:**  
**JULY 2015**

1. Summary
  - 1.1 This report advises the Committee of actions taken by the Chief Officer in consultation with the Chair under authority from the Licensing and 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](mailto: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 – meaning that the suspension or revocation takes effect immediately once notice of the authority's decision has been given to the driver – where this decision is considered necessary in the interests of public safety.

### 4. Summary of Actions Taken for July 2015

- 4.1 On 14 July 2015 information was received from the Police that driver 53068 had been named as the offender in a motoring incident whereby a pedestrian had been injured, therefore, in the interests of public safety, authority was granted by the Chair of your Committee to suspend the licence of driver 53068 with immediate effect. The suspension is to remain in force until the case is either finalised or dropped.
- 4.2 On 21 July 2015 information was received from the Police that driver 39119 had been arrested and was being investigated for an offence of sexual assault by touching, therefore, in the interests of public safety, authority was granted by the Chair of your Committee to suspend the licence of driver 39119 with immediate effect. The suspension is to remain in force until the case is either finalised or dropped.
- 4.3. On 27 July 2015 authority was granted by the Chair of your Committee to revoke the licence of driver 35085 with immediate effect for the protection of public safety based on evidence that came to the attention of the Licensing Service on 24 July 2015 that driver 35085 had collided with street furniture and a major traffic roundabout, causing injury to six fare-paying passengers. One of the passengers stated that driver 35085 "was either asleep or drowsy or driving dangerously". This incident followed a decision by Licensing Sub Committee A on 20 July 2015 to suspend driver 35085 for a period of six months having heard that in March 2015 he had fallen asleep at the wheel of his hackney carriage, collided with a tree, and caused serious injury to six fare-paying passengers.
- 4.4 On 27 July 2015 information was received from the Police that driver 88617 had been arrested and was being investigated for an alleged offence of sexual assault on a female passenger, therefore, in the interests of public safety, authority was granted by the Chair of your Committee to suspend the licence of driver 88617 with immediate effect. The suspension is to remain in force until the case is either finalised or dropped.

### 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.

**SERVICE DIRECTOR REGULATION AND ENFORCEMENT**



**BIRMINGHAM CITY COUNCIL**

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

**16 SEPTEMBER 2015**  
**ALL WARDS**

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:**  
**MAY, JUNE AND JULY 2015**

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. This report includes details of three appeals finalised during May 2015 and not previously reported.
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](mailto:chris.Neville@birmingham.gov.uk)

3. Summary of Appeal Hearings for May, June and July 2015

	Magistrates'	Crown
Total	23	1
Allowed	1	
Dismissed	15	
Appeal lodged at Crown		n/a
Upheld in part	2	1
Withdrawn	5	

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 May, June and July 2015 costs have been requested to the sum of £13,094.65 with reimbursement of £12,289.65 (93.8%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2015 to July 2015, costs associated to appeal hearings have been requested to the sum of £13,454.65 with reimbursement of £12,494.65 (92.7%) 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.

**SERVICE DIRECTOR 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	Rub Nawaz	01.06.2015	Allowed	0 (against BCC)	0	On 7 January 2015, as the result of a complaint of highly inappropriate behaviour towards two young female passengers, Committee considered and resolved to revoke the licence. The witnesses failed to attend the hearing, although requested on numerous occasions. In their absence Deputy DJ Goodman was unable to dispute evidence put forward by the appellant, and therefore found in his favour.
2	Bahader Arif	n/a	Withdrawn pre-Court	0	0	On 20 January 2015 Committee considered and resolved to refuse the renewal of the licence in line with the policy relating to a private hire driver convicted for plying for hire and driving without insurance. The appeal was withdrawn following conviction for commission of the same offences on two further occasions.
3	Nazakat Ali	03.06.2015	Allowed in part	0 (against BCC)	0	On 20 January 2015 Committee considered and resolved to refuse the renewal of the licence in line with the policy relating to a private hire driver convicted for plying for hire and driving without insurance. The appeal was allowed in part inasmuch as refusal to renew was substituted by refusal to renew for six months. Whilst the Court supported the Council's view regarding plying for hire, it was felt that he should be given "one last chance".
4	Nasir Hussain	03.06.2015	Allowed in part	0 (against BCC)	0	On 20 January 2015 Committee considered and resolved to revoke the licence in line with the policy relating to a private hire driver convicted for plying for hire and driving without insurance. The appeal was allowed in part inasmuch as revocation was substituted by two months' suspension. Although requested, no feedback has been received regarding the Court's arrival at this decision.

5	Wajid Ali	08.06.2015	Dismissed	£250	0	On 20 January 2015 Committee considered and resolved to revoke the licence in line with the policy relating to a private hire driver convicted for plying for hire and driving without insurance. Although the appeal was dismissed, no costs order was made given Mr Ali's loss of livelihood and restricted financial circumstances.
6	Naeem Ajaib	10.06.2015	Dismissed	£260	£130	On 2 February 2015 Committee considered and resolved to revoke the licence in view of his conviction for an offence of violence.
7	Mohammed Said	19.06.2015	Dismissed	£250	0	On 17 February 2015 Committee considered and resolved to revoke the licence in line with the policy relating to a private hire driver convicted for plying for hire and driving without insurance. Although the appeal was dismissed, no costs order was made.
8	Shazad Zafar	22.06.2015	Dismissed	£300	£300	On 2 February 2015 Committee considered and resolved to revoke the licence in line with the policy relating to a private hire driver convicted for plying for hire and driving without insurance. Although the appeal was dismissed, information received from Legal Services suggests that DJ Fowler appeared not to agree with the Council's policy.
9	Waseem Khan	24.06.2015	Dismissed	£250	£175	On 16 March 2015 Committee considered Mr Khan's recent poor driving history and his consistent failure to report endorsements as required and resolved to suspend / refuse the renewal of the licence for a total period of three months. Mr Khan has now lodged an appeal to Crown Court.
10	Imran Khan	10.07.2015	Dismissed	£375	£375	On 16 March 2015 Committee considered and resolved to revoke the licence in line with the policy relating to a private hire driver convicted for plying for hire and driving without insurance.
11	Munir Lal	10.07.2015	Dismissed	£250	£150	On 8 April 2015 Committee considered and resolved to revoke the licence in view of the appellant's conviction for benefit fraud and his failure to report that conviction. Mr Lal has reported his intention to appeal to Crown Court.
12	Shahid Mahmood	n/a	Withdrawn pre-Court	n/a	n/a	On 13 March 2015 Committee considered several offences of speeding and resolved to refuse the renewal of the licence for a period of three months. The appeal was withdrawn prior to the hearing and no costs were ordered.

13	Haytham Abdelkarem	22.07.2015	Dismissed	£480	£480	On 4 March 2015 Committee considered and resolved to revoke the licence in line with the policy relating to a private hire driver convicted for plying for hire and driving without insurance.
14	Abdul Hamid	23.07.2015	Dismissed	£250	£250	On 27 May 2015 Committee considered and resolved to revoke the licence in line with the policy relating to a private hire driver convicted for plying for hire and driving without insurance.
15	Nadeem Raja	23.07.2015	Dismissed	£250	£250	On 8 April 2015 Committee considered and resolved to revoke the licence in line with the policy relating to a private hire driver convicted for plying for hire and driving without insurance.
16	Tanveer Hussain	28.07.2015	Dismissed	£350	£350	On 16 March 2015 Committee considered and resolved to refuse the grant of a licence in line with the policy relating to conviction for drug-related offences.
17	Afzal Khan	29.07.2015	Withdrawn at Court	n/a	n/a	On 11 May 2015 Committee considered and resolved to refuse the grant of a licence in view of conviction for drug-related offences and allegations of “grooming” received from Home-To-School Transport Services. The appellant applied to adjourn, however, DJ Qureshi would not give the adjournment and indicated he would dismiss the appeal and order costs. The appellant took instruction, withdrew the appeal and no costs were ordered.
18	Siko Madlunga	31.07.2015	Dismissed	£300	£300	On 8 June 2015 Committee considered and resolved to revoke the licence in line with the policy relating to a private hire driver convicted for plying for hire and driving without insurance – in the appellant’s case, on two separate occasions.

# **MAGISTRATES' COURT – LICENSING ACT 2003**

1	Collingbourne Wines	17.06.2015	Dismissed	£1924.75	£1924.75	A routine inspection by Trading Standards revealed the presence of counterfeit and non-duty-paid alcohol on the premises. On 5 January 2015, as the result of a review of the premises licence, Committee considered and resolved to revoke the licence. The appellant failed to attend the Court hearing and consideration was made in his absence.
2	Caspian Way International Mini Market, Soho Hill, Hockley	11.05.2015	Dismissed	£2913.20	£2913.20	A routine inspection by Trading Standards revealed the presence of counterfeit and non-duty-paid alcohol and tobacco products on the premises. On 23 November 2014, as the result of a review of the premises licence, Committee considered and resolved to revoke the licence. DJ Zara dismissed the appeal as it was not lodged in time and he could not consider the merits of it. A costs order was nevertheless made.
3	M & S General Store, Herrick Road, Alum Rock		Withdrawn	£1500	£1500	A routine inspection by Trading Standards revealed the presence of counterfeit and non-duty-paid alcohol and significant quantities of tobacco products on the premises. On 8 December 2014, as the result of a review of the premises licence, Committee considered and resolved to revoke the licence. The appeal was listed to be heard on 6 May 2015 but was withdrawn; it was agreed that the appellant would pay costs to the Council.
4	Costcutter, Kitsland Road, Shard End	11.05.2015	Dismissed	£2291.70	£2291.70	Significant quantities of stolen cigarettes were found on the premises by the West Midlands Police. On 22 December 2014, as the result of a review of the premises licence, Committee considered and resolved to revoke the licence.
5	Supersam Mini Market, Rookery Road, Handsworth		Withdrawn	£900	£900	A routine inspection by Trading Standards revealed the presence of significant quantities of counterfeit and non-duty-paid alcohol and tobacco products on the premises. On 11 February 2015, as the result of a review of the premises licence, Committee considered and resolved to revoke the licence. The appeal was listed to be heard on 29 June 2015 but was withdrawn; it was agreed that the appellant would pay costs to the Council.

## CROWN COURT – PRIVATE HIRE DRIVER’S LICENCE

1	Tanveer Salim	19.06.2015	Allowed in part	0 (against BCC)	0	On 5 March 2014, as the result of abusive and aggressive behaviour towards the HCPH Police Liaison Officer, Committee considered and resolved to suspend / refuse the renewal of the licence for a total period of three months. The appeal was allowed in part inasmuch the three month period was substituted by refusal to renew for one month.
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**BIRMINGHAM CITY COUNCIL**

**LICENSING AND PUBLIC PROTECTION COMMITTEE**

**16 SEPTEMBER 2015**

**SCHEDULE OF OUTSTANDING MINUTES**

<b>MINUTE NO./DATE</b>	<b>SUBJECT MATTER</b>	<b>COMMENTS</b>
365(ii) 25/06/2014	<b><u>Committee Policy</u></b> – Service Director of Regulation and Enforcement to review the policy in respect of the engine size and age of private hire vehicles and report to Committee.	Report to be submitted October 2015.
387(ii) 16/07/2014	<b><u>Cost awarded in Legal Proceedings</u></b> – Service Director of Regulation and Enforcement be requested to report on the percentage of the costs received against those awarded in legal proceedings	Information to be submitted October 2015
455 21/01/2015	<b><u>Smartphone Technology</u></b> – Service Director of Regulation and Enforcement to submit a report on the use of Smartphone Technology in the private hire sector and impact on Committee policies.	Report to be submitted November 2015.
496 (ii) 15/04/2015	<b><u>Cumulative Impact Policy</u></b> – Service Director of Regulation and Enforcement to report on the implementation of Cumulative Impact Policies for the Digbeth Area, Erdington High Street and parts of Stratford Road and Ladypool Road (known as the Balti Triangle).	Report to be submitted October 2015
538 (ii) 15/07/2015	<b><u>Tuberculosis Cases within Birmingham</u></b> Service Director of Regulation and Enforcement to report on the data regarding Tuberculosis cases within Birmingham.	Report to be submitted October 2015.
539 (iv) 15/7/2015	<b><u>Budget Monitoring and Budget Pressures 2015-2016</u></b> That the Director of Regulation and Enforcement and the Director of Finance submit a report on the over expenditure in the budget as at Month 2 and to inform the Committee of the precise status of the budget to date.	Report to be submitted November 2015





**BIRMINGHAM CITY COUNCIL**

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

**16 SEPTEMBER 2015**  
**ALL WARDS**

**OBJECTION TO HACKNEY CARRIAGE AND PRIVATE HIRE  
FEES AND CHARGES**

1. Summary

- 1.1 At a meeting of the Licensing and Public Protection Committee on 18 February 2015, the Committee resolved to vary the fees for hackney carriage and private hire vehicles, drivers and operators.
- 1.2 Under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, a Local Authority is required to advertise changes to its fees and charges in respect of hackney carriage and private hire vehicles for 28 days before it can apply the new fees and it must consider any objections. A number of objections were received, which were considered by the Committee on 15 July 2015.
- 1.3 Having regard to the objections, the Committee again resolved to vary the fees for hackney carriage and private hire vehicles, drivers and operators, but also to incorporate into the fee calculation the use of one third of available carry forward balances.
- 1.4 These new proposed revised fees were advertised in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. One objection has been received.
- 1.5 The Licensing and Public Protection Committee must consider this objection before deciding whether to implement the fee structure that it approved on 15 July 2015
- 1.6 The matter has been brought before the Committee as urgent business as the proposed fees also include fees for 5-year Private Hire Operator licences which MUST take effect by 1<sup>st</sup> October 2015.

2. Recommendation

- 2.1 That the fees and charges approved by the Licensing and Public Protection Committee on 15 July 2015 set out in appendix 1 be implemented with effect from 1 October 2015.

Contact officer: Chris Neville, Head of Licensing  
Telephone: 0121 303 6103  
Email: [chris.neville@birmingham.gov.uk](mailto:chris.neville@birmingham.gov.uk)

### 3. Background

- 3.1 In accordance with the Corporate Charging Policy and Financial Regulations the fees and charges for the various licensing functions are reviewed on an annual basis. A report was presented to the Licensing and Public Protection Committee on 18 February 2015, which detailed the proposed variations to the fees.
- 3.2 Under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, a Local Authority is required to advertise changes to its fees and charges in respect of hackney carriage and private hire vehicles for 28 days before it can apply the new fees and it must consider any objections. A number of objections were received, which were considered by the Committee on 15 July 2015.
- 3.3 Having regard to the objections, the Committee again resolved to vary the fees for all relevant licensing functions, including hackney carriage and private hire vehicles and drivers by varying degrees, but also to incorporate the use of a proportion of available carry forward balances.
- 3.4 A copy of the fees and charges that were approved by the Committee in July is attached as Appendix 1.
- 3.5 The fees that were approved were calculated to recover the full cost of carrying out all elements of the Licensing services in line with City Council policy. This includes all overheads, administrative costs, expenses and any appropriate recharge of officers' time.
- 3.6 They are based on historic income and expenditure for 2013/14 (in line with previous practice) and include the direct costs of the delivery of services and a proportion of indirect central business support costs e.g. Human Resources, Legal, IT, Finance, Procurement and Democratic costs.
- 3.7 These new proposed revised fees were advertised in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. One objection has been received.

### 4. Objections to the Hackney Carriage and Private Hire Fees

- 4.1 Under Section 70(2) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 76), a Local Authority is required to advertise changes to its fees and charges in respect of hackney carriage and private hire vehicles by placing an advert in a local newspaper for 28 days before it can apply the new fees and it must consider any objections. Although it must consider them it does not have to vary the proposal as a result of them. There is no requirement upon the local authority to advertise an alteration to driver fees. An advert was placed in the Birmingham Post on July 30<sup>th</sup> 2015. A copy of the advertisement is attached as Appendix 2

- 4.2 The Licensing Service has received one objection to the proposed fees and charges, which is in an e-mail from a Private Hire Driver, and is as follows:-
- “I am objecting to the increase of renewals fees as the council has funds already available over half a million pounds so it's unfair and unreasonable to increase fees when money is sitting in the pot enforcement needs to increase...”*
- 4.3 The reports presented to the Committee in February and July both proposed using the Licensing service’s carry forward balance to implement service improvements, such as channel shift, new IT equipment for Licensing and improved computer systems on the understanding that investing in service improvements now will be likely to produce greater efficiencies in the future that should result in lower fees over the longer term.
- 4.4 The Licensing service is currently actively procuring a replacement Licensing Software system to replace the existing product which will fail to meet the Council’s data security standards after 31 March 2016. Indicative costs for this work are likely to be in the region of £200,000.
- 4.5 The Licensing service is also in the process of moving office location from Crystal Court to Aston Science Park, which will involve additional expenditure, (e.g. removal costs, network installation, furniture and building alterations) including a dilapidation charge to restore Crystal Court to its original condition
- 4.6 Although the proposed fees are set using calculations from the last set of closed accounts in 2013/14, the future expenditure identified at paragraphs 4.4 and 4.5 should be taken into account when setting fees. The objector has referred to funds being available of over £0.5m. For the 2013/14 year upon which the proposed fees have been calculated the carry forward balance for hackney carriage and private hire licensing was £0.341m. By 1 April 2015 this had risen to £0.568m, but this balance will be taken into consideration when Licensing sets its fees for 2016/17. The proposals in appendix 1 have been calculated by using one third of the carry forward balance (£113,667).
- 4.7 The objector has asked for the carry forward balance to be used to pay for additional enforcement staff, however permanent employees could not be funded from reserves; they may only be employed on the basis of a permanent revenue stream.
- 4.8 By not utilizing the entire carry forward balance, the service is able to maintain a degree of protection from sharp changes to the licence fees in the event of anticipated expenditure such as these.

5. Legal considerations.

- 5.1 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 sets out the statutory mechanism for review and implementation of the fees charged by local authorities for the licences issued in respect of Hackney Carriage and Private Hire vehicles and operators. Section 53 of the Act provides a different mechanism for the setting of fees for the grant of drivers' licences for both hackney carriage and private hire vehicles.
- 5.2 In respect of the fees for drivers' licences, Section 53 states that the Council may charge such fee as is reasonable with a view to recovering the costs of issue and administration. There is no statutory requirement to advertise the fees or to consider objections. In respect of fees for vehicle and operators' licences, Section 70 provides that the Council may charge fees which are sufficient to cover in whole or part the reasonable costs of inspecting the vehicles for the purpose of determining whether a licence should be granted, providing hackney carriage stands and any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.
- 5.3 Whilst not a statutory requirement for the drivers fees to be advertised, the Council advertised these fees, in addition to the vehicle and operators fees for completeness and is therefore obliged to consider any objection to these proposed fees.
- 5.4 It must be noted the Council's fees and charges may be challenged through a number of routes, e.g. service complaints to the Local Government Ombudsman, complaints to the External Auditor by way of an objection to the Council's annual account and judicial review.

6. Implications for Resources

- 6.1 If the Committee is minded to further vary the fees and charges from those that were approved on 15 July 2015, there will be a further requirement to advertise the new fees and charges for a period of 28 days before they could be charged. This would delay our ability to charge the correct fee for our services.

7. Implications for Policy Priorities

- 7.1 The Licensing and Public Protection Committee has a stated public priority to improve the standard of all licensed persons, premises and vehicles in the City; this can only be achieved with an effective, efficient and appropriately resourced Licensing Service.

8. Implications for Equality and Diversity

8.1 No specific equality factors have been identified in this report.

A handwritten signature in dark ink that reads "J. Kennedy". The signature is written in a cursive style with a large, sweeping underline.

for  
**DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: nil

## Appendix 1

		2014/15 (current)	Proposed Revised 15/16
Hackney Carriage	Vehicle	£253	£230
	Vehicle renewal	£129	£125
	Driver grant 1 year	£239	£265
	Driver grant 2 year	£299	£315
	Driver grant 3 year	£358	£370
	Driver renewal 1 year	£117	£140
	Driver renewal 2 years	£218	£210
	Driver renewal 3 years	£262	£265
Private Hire	Vehicle	£239	£250
	Vehicle renewal	£117	£145
	Vehicle (with meter)	£262	£253
	Vehicle (with meter) renewal	£154	£148
	Driver* grant 1 year	£239	£265
	Driver* grant 2 years	£299	£315
	Driver* grant 3 years	£358	£370
	Driver* renewal 1 year	£117	£140
	Driver* renewal 2 years	£217	£210
	Driver* renewal 3 years	£262	£265
	Operator (one year grant)	£1,430	£1,260
	Operator (5-year grant)		£3,777
	Operator renewal (one year)	£805	£840
	Operator (5-year renewal)		2,728
	Operator 1-5 Vehicles only	£805	£1,050
	Operator 1-5 Vehicles only (5-year grant)		£3,567
	Operator 1-5 Vehicles only renewal	£447	£630
	Operator 1-5 Vehicles only (5-year renewal)		£2,518
Other / Additional Charges	Amendments to Private Hire Operator Trading Name/Address	£447	£160
	Replace/Lost/Stolen Vehicle Identity Plate/Door Plates	£36	£50
	Replacement/Lost/Stolen Driver Identity Badge	£30	£35
	Replacement/Copy Paper Licence	£30	£35
	Administration fee for DBS check	£10	£35
	Replacement/Transfer of Vehicle Licence	£75	£85
	Hackney Carriage Knowledge Test Folder	£20	£30
	Hackney Carriage Knowledge Test	£70	£85
	Private Hire Knowledge Test Folder	£15	£25
	Private Hire Knowledge Test	£40	£50
	Verbal Communication Test	£28	£42
	Photocopying	£0.20	£0.20

\*includes restricted private hire

BIRMINGHAM CITY COUNCIL LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 HACKNEY CARRIAGE AND PRIVATE HIRE VARIATION OF LICENCE FEES (AND IMPLEMENTATION OF NEW 5 YEAR OPERATOR LICENCE FEE). Notice is hereby given that the Licensing and Public Protection Committee at its meeting on 17th July 2015 determined that the fees charged by the Council for Vehicle Driver and Operator Licences granted under Part 2 of the above Act shall be varied in accordance with the provisions of the said Act as follows:			
		2014/15 (current)	Proposed Revised 15/16
Hackney Carriage	Vehicle	£253	£230
	Vehicle renewal	£129	£125
	Driver grant 1 year	£239	£265
	Driver grant 2 year	£299	£315
	Driver grant 3 year	£358	£370
	Driver renewal 1 year	£117	£140
	Driver renewal 2 years	£218	£210
	Driver renewal 3 years	£262	£265
Private hire  *includes restricted private hire	Vehicle	£239	£250
	Vehicle renewal	£117	£145
	Vehicle (with meter)	£262	£253
	Vehicle (with meter) renewal	£154	£148
	Driver* grant 1 year	£239	£265
	Driver* grant 2 years	£299	£315
	Driver* grant 3 years	£358	£370
	Driver* renewal 1 year	£117	£140
	Driver* renewal 2 years	£217	£210
	Driver* renewal 3 years	£262	£265
	1 year Operator	£1,430	£1,260
	1 year Operator renewal	£805	£840
	1 year Operator 1-5 Vehicles only	£805	£1,050
	1 year Operator 1-5 Vehicles only renewal	£447	£630
	5 year Operator	New fee effective	£3777
Other / Additional Charges	5 year Operator renewal	from	£2728
	5 year Operator 1-5 Vehicles only	from	£3567
	5 year Operator 1-5 Vehicles only renewal	October 2015	£2518
	Amendments to Private Hire Operator Trading Name/Address	£447	£160
	Replace/Lost/Stolen Vehicle Identity Plate/Door Plates	£36	£50
	Replacement/Lost/Stolen Driver Identity Badge	£30	£35
	Replacement/Copy Paper Licence	£30	£35
	Administration fee for DBS check	£10	£35
	Replacement/Transfer of Vehicle Licence	£75	£85
	Hackney Carriage Knowledge Test Folder	£20	£30
	Hackney Carriage Knowledge Test	£70	£85
	Private Hire Knowledge Test Folder	£15	£25
	Private Hire Knowledge Test	£40	£50
	Verbal Communication Test	£28	£42
	Photocopying	£0.20	£0.20

These fees have been calculated on a cost recovery basis.  
A copy of this notice will be available for inspection by members  
of the public during normal office hours, Monday to Friday at  
the address below for a period of 28 days from the date of  
this notice. Any objections should be made in writing to that  
address or to [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk) before the end of  
the 28 day period.  
**Licensing Section, Crystal Court, Aston Cross Business  
Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.**  
Should no objections be received these fees will have effect  
from 1st September 2015.