

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

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 APOLOGIES

To receive any apologies.

3 - 12

3 MINUTES

To Confirm and sign the Minutes of the meeting held on 17 January 2018.

13 - 42

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

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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5 PENALTY POINTS SYSTEM FOR LICENSED DRIVERS AND VEHICLE PROPRIETORS

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6 REVIEW OF HEALTH AND SAFETY INCIDENT INVESTIGATION WORK 1 JANUARY 2016 - 31 DECEMBER 2017

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

- 63 - 80** 7 **UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS**
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REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
- 113 - 114** 12 **SCHEDULE OF OUTSTANDING MINUTES**
To consider the schedule of Outstanding Minutes.
- 13 **OTHER URGENT BUSINESS**
To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
- 14 **AUTHORITY TO CHAIRMAN AND OFFICERS**
Chairman to move:-

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

BIRMINGHAM CITY COUNCIL

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| LICENSING AND PUBLIC PROTECTION COMMITTEE 17 JANUARY 2018 |
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 17 JANUARY 2018 AT 1000
HOURS IN COMMITTEE ROOMS 3 AND 4
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Alex Buchanan, Liz Clements,
Lynda Clinton, Ian Cruise, Basharat Dad, Carol Griffiths,
Chaman Lal, Mike Leddy and Rob Sealey

NOTICE OF RECORDING/WEBCAST

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

APOLOGIES

- 959 Apologies were received on behalf of Councillor Ian Cruise for lateness and from Councillors Nawaz Ali, Des Flood, Nagina Kauser and Changese Khan for non-attendance.

MINUTES

- 960 The Minutes of the meeting held on 13 December 2017, having been previously circulated were confirmed as a correct record and signed by the Chairman.
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**LICENSING AND PUBLIC PROTECTION – BUDGET MONITORING 2017/18
(MONTH 8)**

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

(See Document No. 1)

Parmjeet Jassal, Head of City Finance, provided a detailed presentation of the report and responded appropriately to comments and questions from Members of the Committee.

She reported that the legal expenses at present in relation to the 1974 Inquest were approximately £1m, and understood, that a verbal commitment had been made by the Government to pay for the charges. She added that the Chief Executive of Birmingham City Council had written to the Government seeking that approval in writing, and were presently awaiting a formal response with the expectation that it would be forthcoming in the near future.

With regard to the capital project, it was understood that the estimate was double the cost originally anticipated. As it was funded through prudential borrowing approximately £25,000 per annum for this committee and resources for those were identified and already available. Therefore, the addition of an extra £25,000 was being sought within the portfolio, and would, have to be found either by services within Licensing or from another budget yet to be explored.

She reported that with any new developments within the Mortuary and Coroners Service relating to any large purchase there would have to be a business case presented by officers. This would include an explanation on how the purchase would be funded and she subsequently detailed the financial options on how this could be sourced. She added that all of the financial options would be considered within the business case at officer level before it was presented to the Chair and Cabinet Member.

At this juncture, Chris Neville, Head of Licensing confirmed that funding from the Proceeds of Crime Act was not time limited and that once it was in the reserve account it remained there. He highlighted that the main intention of the funding was that it should be reinvested into similar criminal investigations particularly around money laundering.

Mark Croxford, Head of Environmental Health referred to the £600,000 pressure on income and confirmed that they would be able to close the gap with the £360,000 underspend within Environmental Health, and they were looking to make more savings with employment vacancies not being filled.

Chris Neville referred to the project that was being funded by the National Trading Standards Service whereupon the city had been asked to put forward a bid. As a result of this, the city was co-ordinating on behalf of all the National Trading Standards Services an investigation into a nationwide counterfeiting illegal set up of which the city was being paid to do this. He added that they would be reporting back to the National Trading Standards

who would then manage the investigation that had arisen from this. He highlighted that it had an impact on the city as it had links to this crime network and ultimately, when the investigation had been completed, and the people responsible were prosecuted, this would benefit the city as they would no longer be operating there.

In response to further comments from members, Mark Croxford confirmed that he would investigate to see whether a more formal footing with regard to payment could be obtained from the Government relating to the legal expenses of the 1974 Inquest. He further confirmed that he would contact the coroner's office with regard to the progress of the digital imagery.

In response to an enquiry relating to the request for a progress update on the new cemetery, Parmjeet agreed to contact the relevant officer for the required information and that it would be subsequently circulated to the Committee.

The Chair thanked Parmjeet Jassal for attending the meeting and reporting.

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

961

RESOLVED:-

To note the latest Revenue budget position at the end of November 2017 (Month 8) and Forecast Outturn as detailed in Appendix 1 of the report.

To note the position with regard to the Savings Programme for 2017/18 as detailed in Appendix 2 of the report.

To note the expenditure on grant funded programmes in Appendix 3 of the report.

To note the position on Capital projects, as detailed in Appendix 4.

To approve the appropriations to and from reserves relating to Proceeds of Crime Act.

To note the position on reserves and balances, as detailed in Appendix 5.

INTRODUCTION OF THE SINGLE JUSTICE PROCEDURE

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

(See Document No. 2)

Mark Croxford, Head of Environmental Health, presented the report and highlighted that the Government had signed a new Statutory Instrument which expands the availability of this procedure to a group of additional prosecutors that now included local authorities.

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

Mark highlighted that this process was similar to the Fixed Penalty Notice (FPN) process where people were prosecuted but that there was a change in the way that it was dealt with. People did not have to attend court if they pleaded guilty however the bench would still make a decision on the penalty. He added that it would not affect Sub-Committees and that people found guilty under this process would still have a criminal record just as if they had attended court.

He reported that the control on the cases accepted by the courts was for the courts and that the city was just accessing their process. He stated that the prosecutions would only be low level ones, adding that there was no process for appeal if a person had pled guilty.

He stated that the impact on the introduction of this way of working saved time for the Courts and the person committing the offence and, overall, these changes would help colleagues in Legal Services in that it reduced their need to attend court where guilty pleas were entered.

The Chair concluded by thanking Mark for presenting the report

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

962

RESOLVED:-

That the report be noted.

HOUSE OF LORDS SELECT COMMITTEE ON THE LICENSING ACT 2003
GOVERNMENT RESPONSE

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

(See Document No. 3)

Emma Rohomon, Licensing Operations Manager, made introductory comments relating to the report and responded appropriately to comments and questions from Members of the Committee.

Emma referred to Licensing and Planning and confirmed that they were completely separate and although the two regimes looked at the same businesses, they were considered by both in different ways. She added that it was something that they were looking to clarify in more detail when they reviewed the statement of licensing policy just to make sure what the links were and also the separation which would in turn be helpful for officers, elected members and also applicants.

Emma reported that they would be reinstating the officer responsible authorities working groups whereupon in the past, they had held regular meetings between all the responsible authorities in order to share best practice. She confirmed that they were looking to do this again in order to make the necessary connections and work more closely together.

She stated that they had identified some mutual training needs between the two areas, and therefore, officers could benefit from general input from planning officers and vice versa just to ensure that everyone was up to speed with what they should be doing.

Sanjeev Bhopal, Senior Solicitor referred to an earlier comment and stated that based on the review of the Constitution and BCC's Code of Practice for elected members, he expected that any legal adviser advising a member of a Licensing Sub-Committee would provide the appropriate advice on any potential conflict of interest or any perceived conflict before a decision actually took place. He reiterated that it would be part of a wider review and that officers in Licensing would receive assistance as well.

The Chair concluded by thanking Emma for presenting the report

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

963

RESOLVED:-

That the report be noted.

THE EFFECT OF REDUCING THE FREQUENCY OF FOOD HYGIENE INSPECTIONS AND THE FUTURE ROLE OF FOOD REGULATION

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

(See Document No. 4)

Nick Lowe, Operations Manager Food, provided a detailed report and presentation and subsequently responded to appropriate comments and questions from Members of the Committee.

The Chair and Members of the Committee thanked Nick for providing a very comprehensive report and for the work that had been carried out in support of the report.

Nick stated that with regard to the issue on whether regular inspections were a burden to businesses, he stated that when inspections were carried out, businesses were generally compliant and were prompted to maintain standards. He added that a properly resourced well maintained inspection programme was not a burden but a positive support for businesses

He reported that if businesses had not been inspected for a number of years and they were not meeting the required standards, then it was more of a burden for the business and the local authority in having to close it down.

He stated that a good business should welcome regular and routine interventions in order that they could discuss with local officers and seek their help if required, adding that an inspection takes approximately 90 minutes.

With regard to certified regulatory auditors, he confirmed that there was some real concern, as in the past the city had visited businesses where they had had their own monthly audit undertaken which had not met the same required standards as the city audit. He added that the private auditors often based their ratings more on presentation than actual hygiene.

With regard to concern that there could be the introduction of a two tier system, Nick fully agreed that this could be the case with the more affluent businesses opting out, and the less affluent businesses remaining under local authority control.

Nick reported that regarding the enforcement side, the local authority was led to believe that the role of the certified regulatory auditor was to carry out the inspection albeit they did not have any enforcement powers, and therefore, if they did find serious failures then it would revert back to local authority control.

He highlighted that the real concern was that if the auditor was employed by a major business and undertook an audit of the business, would they report back to the local authority if problems were found. He added that there was not the surety of how robust the scheme was and also the issue of a conflict of interest.

He further highlighted the concern that with the private assurance schemes how much credibility could the local authority give to them as they were not independent assessments.

At this juncture, Councillor Cruise was welcomed to the meeting.

The Chair highlighted that the food rating scheme in the city had been well publicised.

Nick agreed that the scheme had been well publicised and that the Birmingham Mail was a very big supporter of the ratings and regularly undertook a review of all the zero ratings in the city. He stated that the local authority had worked with companies such as 'Just Eat' to ensure that if eateries dropped their ratings, they were removed from those types of web sites therefore providing an incentive for businesses to maintain standards, otherwise they would lose their accreditation.

He suggested that if in future private regulators were able to give food ratings, the local authority could consider whether they were part of the National Food Hygiene Rating Scheme, or introduce their own in the city. If they introduced their own, then the city could refuse to publish ratings that were issued by anyone other than the local authority.

Mark Croxford highlighted that when a business was scored a zero as a result of an inspection, the business was not re-scored until after another unannounced inspection was undertaken and although they may have improved since the original inspection, it was important that they should publicise the fact that they had since improved.

Nick concluded by stating that the Chartered Institute of Environmental Health was looking at the proposal, and as the local authority was part of the West Midlands Food Liaison Group, it would be making representation, as well as on behalf of the Licensing and Public Protection Committee on the serious concerns that this presented.

Following a further discussion, it was suggested and agreed by the Committee that a copy of the letter that was to be forwarded by the Chair to the Food Standards Agency and Secretary of State, be also forwarded to all of the MPs of the city.

The Chair concluded by thanking Nick for presenting the report

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

964

RESOLVED:-

That based on the findings, the Chair of Licensing and Public Protection Committee write to the Food Standards Agency, and the Secretary of State for Health, outlining the Committee's concerns that a reduced regulatory system could weaken food safety and protection for consumers.

That a copy of the above-mentioned letter be forwarded to all of the MP's representing the city.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING OCTOBER 2017

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

(See Document No. 5)

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

The Chair thanked Chris for reporting.

965

RESOLVED:-

That the report be noted

FIXED PENALTY NOTICES ISSUED NOVEMBER 2017

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

(See Document No. 6)

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

In response to concern relating to litter issues, Mark agreed to investigate as to whether the reports relating to the cleanliness of Wards were still be compiled and if so request the circulation of the information.

Mark made reference to the litter officers that operated in the outer city wards which were mainly in the shopping centres. He highlighted the difficulties in working in residential areas, however, suggested that if Members were aware of areas where people were actively littering then patrols could be directed in those areas.

In response to a further concern relating to litter spillage as a result of operatives emptying bins and not clearing up after themselves appropriately and the general increase of cigarette butts and chewing gum, Mark agreed to contact Darren Share, Fleet and Waste Management directly.

The Chair thanked Mark for reporting.

966

RESOLVED:-

That the report be noted

PROSECUTIONS AND CAUTIONS – NOVEMBER 2017

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

(See Document No. 7)

Mark Croxford, Head of Environmental Health made introductory comments relating to the report and subsequently referred to various prosecutions and cautions.

967

RESOLVED:-

That the report be noted

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 8)

Chris Neville, Head of Licensing, updated the dates for which reports would be forthcoming in relation to various Outstanding Minutes.

He confirmed that Minute No. 934 (ii) the report required a public consultation and therefore would expect that the report would not be available until June 2018.

In response to an enquiry from the Chair relating to a previous outstanding minute pertaining to engine sizes which was no longer on the schedule, Chris confirmed that it had been removed from the list when the report was presented in October 2017 on the emissions policy.

He stated that they had since had a meeting with the working party and as a consequence, they were proposing to submit a report to Licensing and Public Protection Committee in March 2018 outlining the proposals for a new draft policy on vehicle engine sizes, and to facilitate the licensing of electrically powered private hire and taxi vehicles within Birmingham, which could be added to the schedule.

It was -

968

RESOLVED:-

That Outstanding Minutes be continued.

That a report be submitted to the Licensing and Public Protection Committee in March 2018 outlining proposals for a new draft policy on vehicle engine sizes and to facilitate the licensing of electrically powered private hire and taxi vehicles within Birmingham.

AUTHORITY TO CHAIR AND OFFICERS

969

RESOLVED:-

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

The meeting ended at 1145 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

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

14 FEBRUARY 2018
ALL WARDS

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

1. Summary

- 1.1 The Corporate Charging Policy and Financial Regulations require that fees and charges levied by the Licensing and Public Protection Committee be reviewed on an annual basis to ensure the continued full recovery of costs.
- 1.2 It should be noted that some of the fees relating to areas which come within your Committee's remit are set nationally through statute, and these cannot be varied by your Committee. These are indicated in the report.
- 1.3 All fees and charges have been set to with the objective of maximising income so far as is possible within legal constraints.
- 1.4 This report deals with all fees and charges within the control of your committee other than the fees charged by the Licensing Service, which are considered in a separate report.

2. Recommendations

- 2.1 That the changes to the fees and charges as detailed below be approved to take effect from 1 April 2018:
 - i. Trading Standards Services as detailed in Appendix 1.
 - ii. Environmental Health and Pest Control Services as detailed in Appendix 2 (excluding Appendix 2a Fixed Penalty Notices).
 - iii. Register Office Services as detailed in Appendix 3; statutorily set charges are shown in Appendix 3(a) and a benchmarking comparison is shown in Appendix 3(b).
 - iv. The Coroner's Service as detailed in Appendix 4.
- 2.2 That Committee consider and agree the Tariff for Unauthorised Distribution of Free Literature FPNs at a recommended level between £65 and £150.

- 2.3 That Committee consider and agree the Tariff for Graffiti and Flyposting FPNs at a recommended level between £65 and £150.
- 2.4 That Committee consider and agree the Tariff for Litter FPNs at a recommended level between £65 and £150.
- 2.5 That the Committee consider and agree the tariffs for all other fixed penalties in appendix 2a.
- 2.6 That Committee agree to not offering a discount for early payment of an FPN.
- 2.7 That Committee agree that the new tariffs for all FPNs are effective from 1 April 2018.
- 2.8 That authority be delegated to the Director of Regulation and Enforcement and Heads of Service to authorise the negotiation of variations to the fees and charges identified in this report, in the interests of commercial flexibility.

Contact officer: Mark Croxford, Head of Environmental Health
Telephone: 0121 303 6350
Email: mark.croxford@birmingham.gov.uk

3. Background

- 3.1 The City Council's Corporate Charging Policy and Financial Regulations require that Chief Officers, at least annually, report to and seek approval from Committee on a review of all fees and charges levied for services provided.

4. Proposals

- 4.1 The fees proposed in this report are calculated to maximise income and recover the full cost of carrying out the various services in line with City Council policy. This includes all overheads, administrative costs, expenses and any appropriate recharge of officers' time.
- 4.2 The areas covered are as follows:
 - Appendix 1 – Review of Charges for Trading Standards.
 - Appendix 2 – Review of Charges for Environmental Health and Pest Control Services.
 - Appendix 3 – Review of Charges for Register Office.
 - Appendix 4 – Review of Charges for the Coroner's Service.

- 4.3 Where the fees are not covered by the appendices or a recovery of monies is to be levied then the recharge will be based on the following table. It includes full overhead recovery and is broken down by the seven salary grading bands the Local Authority appoints its officers under.

| OFFICER SALARY GRADE | CHARGEABLE HOURLY RATE 2017/18 | CHARGEABLE HOURLY RATE 2018/19 |
|-------------------------------------|-----------------------------------------------|-----------------------------------------------|
| Grade 2 | £33 | £34 |
| Grade 3 | £43 | £46 |
| Grade 4 | £58 | £61 |
| Grade 5 | £73 | £77 |
| Grade 6 | £93 | £99 |
| Grade 7 | £124 | £132 |

- 4.4 In carrying out this annual review of charges reference has been made to the requirements of the Corporate Charging Policy. Particular attention has been paid to the need to ensure that income is maximised insofar as possible.
- 4.5 With regard to matters which relate to trading in the open market consideration has been given to competitors pricing and what the market can sustain. Where a fee has been proposed that does not achieve full cost recovery (for instance due to the need to compete with alternative providers), it has been indicated in the relevant appendix.
- 4.6 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.

5. Consultation

- 5.1 A draft version of this report was presented to Corporate Director - Finance and Governance {the Section 151 Officer for the Council}. He has agreed the draft report and for Committee to make the decisions laid out in the recommendations.

6. Implications for Resources

- 6.1 The proposals do not represent any substantial increases to budgeted income for 2018/2019. The proposed increases to charges for Pest Control and Registrars are designed to bridge the ongoing financial pressures that both services are under and take into account market forces.

7. Implications for Policy Priorities

- 7.1 The recommendations are in accordance with Financial Regulations, budget requirements and the Corporate Charging Policy.

8. Public Sector Equality Duty

- 8.1 There are no specific implications identified.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Birmingham City Council – Corporate Charging Policy

REVIEW OF CHARGES – TRADING STANDARDS 2018/2019

It is proposed that the revised fees are based on the 2017/2018 fees with a 3% increase; this takes account of the 2018/2019 pay award and increased superannuation costs. Fees have been rounded up or down as appropriate.

1.1 **Measuring Instruments for Measuring Liquid Fuel or Lubricants or Mixtures Thereof**

| | Current Charge 2017/2018 | Proposed Charge 2018/2019 |
|------------------------------|-------------------------------------|--------------------------------------|
| Unsubdivided container types | £89 | £92 |
| 1 meter tested | £112 | £115 |
| 2 meters tested | £183 | £188 |
| 3 meters tested | £255 | £263 |
| 4 meters tested | £321 | £331 |
| 5 meters tested | £384 | £396 |
| 6 meters tested | £470 | £484 |
| 7 meters tested | £535 | £551 |
| 8 meters tested | £591 | £609 |

All work undertaken under the Measuring Instruments Directive will be charged on the basis of time on site at the appropriate officer (GR5) hourly rate £77.00 and where tested outside the Birmingham boundary, the charges imposed will be subject to mileage costs from base plus an overhead of 10%. For equipment tested off-site within the Birmingham boundary this will not be subject to the 10% overhead.

1.2 **Other Weighing Or Measuring Equipment Or Other Forms Of Test**

A minimum charge, equivalent to one hour of the appropriate officer (GR5) hourly rate £77.00 will apply to all jobs carried out on the Garretts Green site. Please note that some services have been discontinued and are, therefore, not shown below. (VAT is applicable to those charges at the prevailing rate.)

1.3 **Other Fees And Charges**

| | Current Charge 2017/2018 | Proposed Charge 2018/2019 |
|-------------------------------------------------------------------|-------------------------------------|--------------------------------------|
| Duplicate certificates or duplicate statements of accuracy (each) | £21 | £22 |

1.4 Metrology (out of hours)

All of the fees assume that the work will be undertaken during the standard opening times of the City Council, that is to say 9.00 am – 5.15pm Monday – Thursday and 9.00 am – 4.15pm on Friday. Work undertaken, at the request of the trader or person submitting the item, outside of these hours will be charged at an extra 50%.

1.5 Metrology (cancellation of appointments)

Where an appointment is made in advance and that appointment is subsequently cancelled at short notice by the trader (less than 24 hours) a fee equivalent to one hour at the appropriate officer (GR5) hourly rate £77.00 shall be payable.

1.6 Bespoke seminars/training

A charge for businesses or trade sectors expressing an interest in a bespoke seminar or training on Trading Standards legislation relevant to that business or trade sector; this would include certification of Weighbridge Operators. It is proposed that the charge is £84 + Vat per attendee (minimum of 10 attendees) remains unchanged.

1.7 Primary Authority Partnership

This is part of a national programme to enable local authorities and businesses to work together to help improve consistency in regulation. The programme is overseen by the Better Regulation Delivery Office and enables local authorities to recharge for the time spent on servicing the partnership. Primary Authority Partnerships are agreed on a cost recovery basis.

The current charging arrangements which have already been agreed with our current partners are based on an officer's hourly rate. The proposed charge, therefore, reflects the 2018/2019 Grade 5 Officer hourly rate of £77 plus expenses. (Current 2017/2018 charge is £73.)

1.8 Business Support

Where Businesses request business support but without entering into a Primary Authority Agreement, the local Authority would seek cost recovery and charge at Grade 5 Officer hourly rate of £77.

1.9 Private Hire Access to Knowledge Course

This course is available to potential drivers in relation to preparation for the Licensing Private Hire Knowledge Test. It is proposed that the charge is £37 per attendee in 2018/2019. This is an increase from £35 per attendee in 2017/2018.

1.10 Private Hire Driver Knowledge Test

This private hire knowledge test was previously delivered by the Licensing Section. Licensing has commissioned Trading Standards to conduct the test on its behalf. It is proposed that the charge is £58 per applicant in 2018/2019 which remains unchanged from the charge administered by the Licensing Section.

1.11 Financial Investigations

Accredited Financial Investigators within Trading Standards are able to provide financial investigation services to both internal and external (public sector) clients. It is proposed that where services are provided outside Birmingham Trading Standards that the charge be at a GR5 hourly rate of £77.00 plus expenses. Any incentivisation money resulting from a Proceeds of Crime Act 2002 investigation will be shared according to the Home Office incentivisation scheme. The current Home Office Asset Recovery Incentivisation Scheme (ARIS) stipulates:

- Under the Home Office Asset Recovery Incentivisation Scheme (ARIS) 50% of the monies recovered from a particular defendant is given to the Home Office and the remaining 50% is distributed amongst the agencies involved in the Confiscation.

These agencies will receive the appropriate share (of the 50%) from their asset recovery activities allocated as follows:

Confiscation order receipts

Criminal Justice Service Ministers have agreed that confiscation order receipts will be split three ways thus:

- Investigation (Local Authority) – 18.75%;
- Prosecution (Local Authority) – 18.75% and
- Enforcement (Her Majesty's Court Service) – 12.5%.

Cash Forfeitures

The ARIS 'rules' for cash forfeitures are different in that the agency seizing the cash receives 50% share of the forfeited amount. If the offender has the ability to pay prosecution costs after the 'confiscation proceedings' have concluded these are also recoverable.

Providing Service to other Local Authorities

It is proposed that where the services of the Accredited Financial investigator are provided by Birmingham Trading Standards on behalf of another local authority and this has resulted in cash forfeiture, then 25% of the total forfeited amount will be retained by Birmingham Trading Standards.

It is proposed that where the services of the Accredited Financial Investigator have resulted in a successful confiscation order receipt the 18.75% investigation allocation will be retained by Birmingham Trading Standards.

Regional Investigations Team

The Regional Investigations Team is hosted by Birmingham Trading Standards. The grant agreement requires that 50% of the any ARIS payment awarded and received by the hosting Local Authority is returned to National Trading Standards (NTS). It is, therefore, proposed that any successful financial investigation undertaken on behalf of this team will result in the retention of 25% of the remaining ARIS money after payment is made to the NTS. This amounts to 9.375% of the total amount of a confiscation order and 12.5% of total cash forfeiture.

Negotiation

Financial investigation is a growing service within the public sector and many local authorities are now offering these services. There are many different charging policies and in some circumstances it may be beneficial to have the ability to negotiate the charges with the client to secure the job. The Director of Regulation and Enforcement and the Head of Trading Standards have the discretion to agree any negotiated changes to the proposed fees and charges relating to financial investigations.

1.12 Trading Standards Fixed Penalty Notice and Penalty Charge Tariffs

All of the tariffs in the table below are set by statute except for the tariff for early payment discount in respect of nuisance parking and it is not proposed to change that tariff.

| OFFENCE | LEGISLATION | FPN TARIFF Existing FPN or PN 2017/2018 | FPN TARIFF FOR 2018/2019 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|---------------------------------------------|
| Nuisance parking | s.6(1) Clean Neighbourhoods and Environment Act 2005 | £100 No discount for early payment | £100 No discount for early payment |
| Energy Performance Certificates (duty to provide to prospective buyers, tenants or owners) (also to provide recommendations pertaining to the report and provide a copy of the reports etc to an officer of the enforcing authority) | Energy Performance of Buildings (England and Wales) Regulations 2012; Regulation 6(2), 6(5), 7(2), 7(3), 7(4), 7(5) and 36 | £200 set by statute | £200 set by statute |

| | | | |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------|
| Energy Performance Certificates (duty to display) | Energy Performance of Buildings (England and Wales) Regulations 2012; Regulation 10(2), 14(3)(a) and 14(3)(b) | £1,000 set by statute £500 set by statute | £1,000 (EPB 14(3)(a) set by statute £500 (EPB 14(3)(b) set by statute |
| Energy Performance Certificates (duties of controllers of air conditioning systems) | Regulation 18(1), 20 and 21 | £300 set by statute | £300 set by statute |
| Redress schemes (requirement of estate agents to belong to a redress scheme) | Estate Agents (Redress Scheme) (Penalty Charges) Regulations 2008 | £1,000 set by statute | £1,000 set by statute |
| Minimum Efficiency Standards for Buildings (Coming into force April 2018) | Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 Non Domestic Property Reg 27, 36 and 41 | £5,000-£10,000 or 10%-20% of rateable value Set by statute | £5,000-£10,000 or 10%-20% of rateable value |

1.13 Surveillance assistance and test purchases

Officers are trained in surveillance techniques and this service can be offered to other law enforcement agencies, including local authorities. Recent examples of work undertaken for colleagues in Central England Trading Standards Authorities (CEntSA) included following suspects and procuring a test purchase using covert surveillance techniques with the provision of an evidence package. The recharge will be based on the hourly rate appropriate for the officers engaged in the exercise; either GR4 at £61.00 or GR5 at £77.00.

**REVIEW OF CHARGES – ENVIRONMENTAL HEALTH
AND PEST CONTROL 2018/2019**

For 2018/2019 Environmental Health and Pest Control have used the rationale of maximising their income, based on market forces, to assist in meeting the income targets for the sections.

2.1 Issuing of Food Condemnation/Surrender Notes by Environmental Health Officers

It is proposed that the fee for issuing condemnation/surrender notes for freezer breakdowns and for similar insurance purposes be increased to £105 per hour (from £100). This is based on the hourly rate for a GR5 officer plus administration support cost. (Non-Business activity VAT exempt (Tax Code A8 applies))

2.2 Provision of Food Export Certificates

It is proposed that where an inspection of the premises is required, this will be subject to a minimum of £140 (current charge £135) plus an administrative charge of 10%. Inspections that are longer than one hour will be charged at an hourly rate for a GR5 Officer per hour or part of an hour thereafter. (Non-Business activity VAT exempt (Tax Code A8 applies)).

Where no visit is required it is proposed that the fee remain at £95 for the certificate. (Non-Business activity VAT exempt (Tax Code A8 applies)).

New Fee: where Export Certificates have been produced and are no longer required, there will be a charge of £25 cancellation fee for each certificate produced.

2.3 Food Hygiene Rating Scheme revisits

It is proposed to increase the charge for all FHRS revisits that are requested by businesses to obtain a new food hygiene score to £175 (currently £150). These requests are received following a programmed inspection that gave a lower score than a business would like to trade under and is additional work over and above our statutory duty for food interventions. (Non-Business activity VAT exempt (Tax Code A8 applies)).

2.4 Health and Safety

On occasions solicitors request copies of health and safety accident reports. The Health and Safety at Work etc. Act 1974, Section 28, sub-section 9, allows a disclosure by an authorised officer of a “written statement of relevant facts observed by him” (Employment Protection Act 1975). It is proposed to make a minimum charge of £154 (two hours at GR5) plus the hourly rate of

£77 per hour or part hour thereafter. (Current charge is £146 and £73 per hour). VAT will be applied at its appropriate rate, in addition to this cost.

- 2.5 Your officers can deliver a range of bespoke training courses specifically for other local authority officers for example on practical incident investigation. This service assists other local authorities who have less experience and smaller health and safety teams. It is proposed that the charge is increased to £80 per delegate for one day's training [excluding any refreshments] with a minimum number of ten delegates per course (currently £75). This proposed cost brings it in line with other training providers offering similar courses and will enable your officers to continue to be a centre of excellence in the field of health and safety. (VAT exempt if only L/A officers attend. VAT would be payable for external delegates and must be added to their charge).

2.6 Food and Health and Safety Primary Authority Partnerships.

Environmental Health and Health and Safety have set up a number of Primary Authority Partnerships with national multisite businesses. This is part of a national programme to enable local authorities and businesses to work together to help improve consistency in regulation. The programme is overseen by the Better Regulation Delivery Office and enables local authorities to recharge for the time spent on servicing the partnership. Primary Authority Partnerships are agreed on a cost recovery basis.

The current charging arrangements which have already been agreed with our current partners are based on an officer's hourly rate. The proposed charge, therefore, reflects the 2018/2019 Grade 5 Officer hourly rate of £77 plus expenses. (Current charge £73). (VAT applies but is currently zero rated for this work).

2.7 Environmental Conveyancing Searches

A number of requests are made (usually by solicitor firms) for environmental information held by the Service to assist in conveyancing. The information has to be supplied (where held) under the Environmental Information Regulations. Although no charge can be made for providing the raw information, a charge can be made for the cost of processing the information into a usable report. In order to remain competitive it is proposed that the fees remain unchanged, £68 for a Basic Search and £100 for an Advanced Search.

2.8 Statutory Default Work

Where work is carried out in default, reasonable costs of the work are recovered i.e. the officers' time (at their respective hourly rates) plus the costs associated with the work necessarily required from third party agents such as locksmiths or vehicle recovery contractors. It would also include any statutory fees and daily charges that are applicable. It is proposed to charge £90 (previously £84) for administration costs for invoices. This work is undertaken by a GR4 officer and the costs reflect both the raising of the invoice and

chasing up and close down of invoices that are paid. The total time of this is estimated to be 1½ hours on average per invoice. Officer time relating to seizure of sound equipment is charged at a fixed rate of £100. This is designed to minimise the likelihood of seized equipment not being reclaimed by owners, which would potentially result in excessive/on-going storage and disposal costs for the council that may not be rechargeable.

2.9 Attendance at Exhumations

It is proposed to increase the fixed fee from £284 to £300 (plus VAT) to be received in advance of an exhumation. This is inclusive of early starts and completion of documentation before and after such work. If human remains are to be added to an existing grave requiring an exhumation approval then the charges for this work will be based on an hourly rate of a GR5 officer.

2.10 Licences for the Distribution of Free Literature

The three areas of the city which are designated as consent areas for the distribution of free literature are: the City Centre, Digbeth and Hurst Street. The current charge for consents is £260 and it is proposed not to increase this as the income supports the implementation and enforcement of this consent regime and this avoids putting any further burdens on businesses advertising in the City by way of free literature. Under the legislation local authorities may only make reasonable charges for setting up and enforcement activities within the consent zones and the consent zones are designed to prevent the defacement that can be caused by discarded material. All of the receipts from the scheme must be reinvested in its implementation, operation and enforcement and no charge can be levied for clear-up costs.

2.11 Pest Control

The Pest Control service has an income target for 2018/2019 of £0.7m for the financial year.

DOMESTIC

| Chargeable Service | Current Charge 2017/2018 | Proposed Charges 2018/2019 |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <u>Rats</u> | | |
| All domestic treatments | Free of charge | Free of charge |
| Pest proofing of holes on site when treating for rats | No change, as there has been very little take up in this service. | No change, as there has been very little take up in this service. |
| Covering of broken or defective air vents on site when treating for rats | No change, as there has been very little take up in this service. | No change, as there has been no take up in this service. |
| <u>Cockroaches</u> | | |
| All treatments | £85.00 for first visit, any follow up visits for the same treatment £30 per half hour thereafter plus materials and VAT | £85.00 for first visit, any follow up visits for the same treatment £30 per half hour thereafter plus materials and VAT |

| | | |
|------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <u>Bedbugs</u> | | |
| All treatments | £85.00 for first hour and £60 per hour thereafter plus materials and VAT | £85.00 for first hour and £60 per hour thereafter plus materials and VAT |
| <u>Mice</u> | | |
| All enquiries requesting control of mice (see notes below) | Free mouse poison is provided via Neighbourhood Offices | Free mouse poison is provided via Neighbourhood Offices |

1. Customers will be offered break-back traps plus advice on how and where to set the traps at a cost of £50.00 plus VAT. This is only when already on site and the infestation is mice rather than rats. There is no charge as there has been no take up last year.
2. A chargeable service for mice minimum initial charge of £85.00 plus materials and VAT for first hour on site plus £30 plus VAT thereafter for every half hour connected with the same treatment plus materials.

| | | |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------------------------------------------------------------------------------------------|
| <u>Wasps</u> | Current Charge 2017/2018 | Proposed Charges 2018/2019 |
| Minimum call out charge for a treatment | £60.00 including VAT | £60.00 including VAT (Prices are unchanged due to a significant drop in demand last year) |
| Treatments where there are 2 or more nests entailing multiple treatments. Revisits are free within one month of treatment. | £70.00 including VAT | £70.00 including VAT (Prices are unchanged due to a significant drop in demand last year) |

| | | |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Insects</u> | Current Charge 2017/2018 | Proposed Charges 2018/2019 |
| Fleas (includes up to 3 treatments/monitoring visits approximately one week apart) | Visit to put in monitoring traps £30 plus materials and VAT. Treatment £135.00 per property for two treatment visits plus materials and VAT | Visit to put in monitoring traps £30 plus materials and VAT. Treatment £135.00 per property for two treatment visits plus materials and VAT |
| Squirrels (excludes proofing works) | To be quoted at £85 per hour plus materials and VAT for pest proofing, lopping branches or trapping. Each reset trap is charged at £85 per hour for subsequent visits. No charge for final visit to collect of trap. (No change due to no take up last year) | To be quoted at £85 per hour plus materials and VAT for pest proofing, lopping branches or trapping. Each reset trap is charged at £85 per hour for subsequent visits. No charge for final visit to collect of trap. (No change due to no take up last year) |
| Ants (one visit, demonstrate how to treat ants and sale of appropriate bait stations excludes pharaoh ants). | No change, as there has been very little take up in this service. | No change, as there has been very little take up in this service. |

| | | |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Other insect treatments | Any requests to treat a property for insects (not specified in the appendix) will be charged at £85.00 for the first hour and £30.00 for every half hour thereafter. | Any requests to treat a property for insects (not specified in the appendix) will be charged at £85.00 for the first hour and £30.00 for every half hour thereafter. |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|

COMMERCIAL

| Chargeable Service | Current Charge 2017/2018 | Proposed Charges 2018/2019 |
|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| All treatments for commercial / non-domestic and landlords that are responsible for property wide infestations | £85.00 plus materials and VAT £60 (increased from £55) per hour for a further revisit plus materials and VAT or competitively quoted see 1 below. | £85.00 plus materials and VAT £60 per hour for a further revisit plus materials and VAT or competitively quoted see 1 below. |
| <u>Bedbugs / All Pharaoh Ants</u> | | |
| All treatments for commercial landlords that are responsible for property wide infestations | £85.00 (plus materials and VAT) for first hour on site. £30 (Increased from £27.50) thereafter for every half hour (plus materials and VAT) | £85.00 (plus materials and VAT) for first hour on site. £30 thereafter for every half hour (plus materials and VAT) |
| <u>Clearance work</u> | | |
| Rodent/insect control, bird control and clearance of premises including land (see notes below) | £85 per officer for the first hour then £60 (increased from £55) per officer per hour thereafter plus materials and VAT | £85 per officer for the first hour then £60 per officer per hour thereafter plus materials and VAT |

1. Commercial jobs that are competitively tendered, at a rate above or below the agree rate above will be authorised by the Head of Service or Director, plus materials and VAT.
2. Additional charges will apply at a minimum of £150.00 for jobs involving hazardous waste. This may include clinical waste, such as faeces or used needle clearance.

| Chargeable Service | Current Charge 2017/2018 | Proposed Charges 2018/2019 |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land clearance and associated weed control when treating for rodents | £85.00 per hour per officer plus materials (consumables such as herbicides etc.) and VAT and £30 (increased from £27.50) per half hour thereafter. Any hired equipment will be fully recharged. Re-charge for costs incurred | £85.00 per hour per officer plus materials (consumables such as herbicides etc.) and VAT and £30 plus VAT per half hour thereafter. Any hired equipment will be fully recharged. Re-charge for costs incurred |
| Materials | All materials will be charged at retail prices plus 10% and rounded up to the nearest full pound. | No change |

2.12 Animal Welfare – Stray Dog Charges

It is proposed to alter the charges applied to dogs that have strayed. Where dogs are reclaimed from the Birmingham Dogs Home or where dogs are returned directly to their owners there will be a £25 charge made. (The £25 fee from a collection centre is prescribed in the Environmental Protection Act 1990. The charge where the dogs are taken to the owners premises is not). Failure to pay this charge, will lead to the raising of an invoice and this will incur an additional £115 made up of £25 plus £90 (increase from £84) as per paragraph 2.8. Where dog(s) have strayed more than once from a household, then the £115 plus all officers time, at GR3 hourly rate, will be charged. (Assistance dogs will be exempt from this.)

It is proposed to charge £90 (previously £85) for dog handling services, in respect of restraining or removing dogs for example at an eviction or forced entry. Where the attendance on site extends beyond an hour additional time spent will be charged at GR3 per hour or part thereof. Any additional Dog Wardens that need to attend for multiple or large / difficult dogs, will be charged at an additional GR3 per officer per hour.

2.13 Animal Welfare Licensing

The regulations in respect of animal licensing are currently under review and as part of that process, guidelines on fee setting are likely to be provided by government later in the year. This may result in an increase in licence fees. In advance of this, officers have reviewed the average time taken for processing licence applications for these premises and some licence fees have been increased accordingly. It was identified that there has been some significant under recovery of the cost to the city for administering licensing for animals. The tables below identify animal related licensed premises and associated fees. The proposed fees are in-line with charges made by other local authorities and have been based on the average times taken by GR4 and GR5 officers undertaking this work.

Where officers carry out assessments of dogs kept by any person looking to adopt or foster a child, it is proposed to charge £90 (previously £85). This includes providing a report on the suitability or otherwise of any dog(s) kept by the potential parents to the adoption/fostering team. Assessments out of the Birmingham area will be charged at full hourly rate of GR4 (minimum £90), to cover travel time.

A new agreement with social services involving the removal of animals where their owners have been admitted into hospital or found to be deceased is now in place. There is a standard charge of £85 to attend and remove animals and a further £46 per hour charged for any subsequent visits required.

| Type of Licence | Fee 2017/2018 | Fee 2017/2018 Renewal | Fee 2018/2019 | Fee 2018/2019 Renewal |
|---------------------------------------------------|---------------------------|-----------------------------|------------------|-----------------------------|
| Riding Establishments* | £210 Plus vets fees | £185 Plus vets fees | £220 | £190 |
| Animal (Commercial) Boarding Establishments | £175 | £140 | £220 | £150 |
| Home Dog Boarding | £135 | £110 | £140 | £115 |
| Pet Shops | £155 | £125 | £220 | £130 |
| Performing Animals | £140 | n/a | £150 | N/A |
| Dangerous Wild Animals* | £205 Plus vets fees | £190 Plus vets fees | £220 | £190 |
| Breeding of Dogs* | £145 Plus vets fees | £125 | £220 | £150 |

*The cost of an independent vet required to be used by the Council as part of the application process will be charged to the applicant as an additional fee. Should any premises need a veterinary inspection; this will also be charged as an additional fee

| Type of Licence | Current Fee | Proposed Fee |
|----------------------------|-------------|--------------|
| Zoos | | |
| - 4 year licence (new) | £2,670 | £2,670 |
| - 6 year licence (renewal) | £2,670 | £2,670 |

Costs for periodic inspections required to be carried out by the Inspector appointed by the Secretary to State are charged to the applicant as an additional fee.

2.14 Fixed Penalty Notice Tariffs

The Fixed Penalty Notice (FPN) tariffs are detailed at Appendix 2(a). Previous Licensing and Public Protection Committees have set FPN tariffs at their maximum permissible levels where legislation allows for variable tariffs.

2.15 The Environmental Offences (Fixed Penalties) (England) Regulations 2017 come into force on 1st April 2018. The effect of these regulations is to significantly change 3 FPNs to be considered here. These being

- Unauthorised Distribution of Free Literature
- Graffiti and Flyposting
- Litter

2.16 Currently the tariff is set at the maximum of £80 with no discount for early payment. If no decision is made on a tariff, the regulations would set a new default level of £100 for these 3 offences. However the committee is being asked to consider the tariffs for these FPNs. The consideration is as follows:

- i. FPN Tariff to be set between £65 and £150 (currently £80)
- ii. Should an early discount apply it can be set from £50 for litter and £65 for the other 2 FPNs.

2.17 Few FPNs are served for Unauthorised Distribution of Free Literature and Graffiti and Flyposting. The majority of the former are served on businesses and the latter ones tend to be referred for prosecution as the fixed penalty does not reflect the level of damage the offence causes.

2.18 With regard to the Littering FPN committee are asked to consider the following:

- The current payment rate of FPNs is approximately 85%
- Approximately 600 prosecutions for non-payment were submitted last year (10% of FPNs issued)
- The remainder had reasons not to be pursued.

- Increasing the tariff to the maximum may dissuade littering
- Increasing the tariff may decrease the repayment rate and increase the prosecution rate. An increased prosecution rate would require extra staff to administer this process.
- Keeping the tariff at £80 does not reflect the Governments default level (£100) if no action were taken.

2.19 Early repayment discounts were discontinued as few people took note of the timelines and most paid the lower payment significantly after the expiry of the discounted period. This led to inequalities and administration difficulties. It is your officers recommendation that committee do not reinstate early payment rates.

FIXED PENALTY NOTICE TARIFFS

APPENDIX 2(a)

| OFFENCE | LEGISLATION | EXISTING TARIFF 2017/2018 Existing FPN & Early Discount | PENALTY CAN BE SET | FPN TARIFF FOR 2018/2019 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| Community Protection Notice. (For fixed penalty notices repealed under Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005, including former Street Litter Control notices and Litter Clearing Notices) | s.52(7) Anti-social Behaviour Crime and Policing Act 2014 | £100 No discount for early payment | Maximum £100 Indeterminate discount can be offered for early payment (the range is not specified) | £100 No Discount for early payment |
| Unauthorised distribution of literature in a consent area | Schedule 3A, para.7(2) Environmental Protection Act 1990 | £80 No discount for early payment | Between £65 - £150 Minimum discount for early payment £50 | Default £100 No Discount for early payment |
| Graffiti and Flyposting | s.43 Anti-social Behaviour Act 2003 | £80 No discount for early payment | Between £65 - £150 Minimum discount for early payment £65 | Default £100 No Discount for early payment |
| Litter | s.88(1)Environmental Protection Act 1990 | £80 No discount for early payment | Between £65 - £150 Minimum discount for early payment £65 | Default £100 No Discount for early payment |
| Failure to produce written particulars of waste [waste transfer notes] | s.34A (2) Environmental Protection Act 1990 | £300 set by statute No discount for early payment | Set by statute Minimum discount for early payment £180 | £300 No Discount for early payment |
| Failure to furnish documentation of waste carriers registration | s.5B(2) Control of Pollution (Amendment) Act 1989 | £300 set by statute No discount for early payment | Set by statute Minimum discount for early payment £180 | £300 No Discount for early payment |
| Failure to comply with notice for commercial or industrial waste receptacles and presentation | s.47ZA, 47ZB of the Environmental Protection Act 1990 | £100 No discount for early payment | Between £75 - £110 Minimum discount for early payment £60 | £110 No Discount for early payment |

| OFFENCE | LEGISLATION | EXISTING TARIFF 2017/2018 Existing FPN & Early Discount | PENALTY CAN BE SET | FPN TARIFF FOR 2018/2019 |
|--------------------------------------------------------------------------------|---------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------|
| Failure to comply with notice for household waste receptacles and presentation | s.46, Environmental Protection Act 1990 | £60 | Set by statute No discount allowed | £60 |
| Noise from domestic dwellings exceeding a permitted level | s.8 Noise Act 1996 | £110 No discount for early payment | Between £75 - £110 Minimum discount for early payment £60 | £110 No Discount for early payment |
| Noise from licensed premises | s.8 Noise Act 1996 | £500 | Set by statute No discount allowed | £500 |
| Unauthorised deposit of waste (fly-tipping) | 33A Environmental Protection Act 1990 | £400 No discount for early payment | Between £150 and £400 Minimum discount for early payment £120 | £400 No Discount for early payment |
| Abandoning a vehicle | s.2A (1) Refuse Disposal (Amenity) Act 1978 | £200 set by statute No discount for early payment | Set by statute Minimum discount for early payment £120 | £200 No Discount for early payment |
| Smoking in a smoke free place or vehicle | S.7 Health Act 2006 | £50 £30 If paid in 15 days | Set by statute Discount set by statute £30 if paid within 15 days | £50 £30 If paid in 15 days |
| Failure to display no smoking signs | s.6 Health Act 2006 | £200 £150 if paid in 15 days | Set by statute Discount set by statute £150 if paid within 15 days | £200 £150 if paid in 15 days |

REVIEW OF CHARGES - REGISTER OFFICE 2018/2019

Relevant Background

- 1.1 In reviewing these fees and charges, officers from the Directorate have considered:
- the budget strategy for 2018/2019.
 - the need to ensure that relevant expenditure and income targets are met and full cost recovery achieved.
 - fees and charges levied by neighbouring districts.
 - consultation responses.
- 1.2 The non-statutory fees and charges have been set in accordance with the above considerations.
- 1.3 The Register Office fees and charges have been set to generate an additional net income of £0.172m and will ensure that the provision of both statutory and non-statutory services will be delivered within budget.

Approved Buildings

- 1.4 Birmingham City Council has responsibility for approving non-religious venues for Civil Marriage and Partnerships. Some fees relate to services that are traditionally booked well in advance. For these services the fees are set out for more than one financial year.
- 1.5 Following a consultation exercise, fees for non-religious venues have been increased by 8% rather than the proposed 24%. This will mitigate potential loss of income and damage to the reputation of the city from non-renewal of licences by venues and cancelled ceremonies.

| Approved Building Fees | Current Fees 3 Yr Approval 2017/18 | Current Fees 6 Yr Approval 2017/18 | <i>Proposed Fees 3 Yr Approval 2018/19</i> | <i>Proposed Fees 6 Yr Approval 2018/19</i> |
|-----------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------|
| New Application for approval of premises to include ONE room | £3,150 | n/a | £3,402 | n/a |
| Renewal of existing approved premises to include ONE Room | £2,200 | £3,900 | £2,376 | £4,212 |
| Additional rooms included in the application (per room) | £700 | £1,000 | £756 | £1,080 |
| Additional rooms added after the application approved | £800 | £800 | £864 | £864 |
| Application for approval of religious building for Civil Partnerships | £600 | £600 | £668 | £668 |

Register Office Ceremony Suites

- 1.6 Enriched marriage/ civil partnership services in Rooms 2 and 3 will continue to be available for which an increased fee will be charged for these bookings.
- 1.7 The fees for a ceremony within the Superintendent Registrar's office are statutory by nature. There is no indication that any statutory fees will be changed for this

forthcoming year. By setting the fees so far in advance it allows couples, wishing to marry, to plan and budget ahead with confidence.

1.8 Prices include:

- One certificate.
- Fees vary depending on whether a standard, partly enhanced or fully enhanced option is chosen.

1.9 Standard ceremonies consist of joint interview limited music, declaration and reading choice.

1.10 Partly enhanced ceremonies consist of joint interview, a wider choice of music, declarations and readings.

1.11 Fully enhanced ceremonies consist of separate interviews, own music choices on entry, signing of register and exit, own reading choices and choice of additional declarations.

1.12 All ceremony suite fees are subject to room availability

| 2018/19 | Register Office Room (2 guests) £ | Ceremony Suite 1 (capacity 20) £ | Ceremony Suite 2 (capacity 50) £ | Ceremony Suite 3 (capacity 100) £ |
|---------------------------|-----------------------------------------|----------------------------------------|----------------------------------------|-----------------------------------------|
| Tuesday am | 46 | - | - | - |
| Monday, Wed , Thursday am | - | 120 | 180 - 230 | 180 - 230 |
| Monday, Wed, Thursday pm | - | 180 - 230 | 180-230 | 180 - 230 |
| Tuesday PM | - | 180 - 230 | - | - |
| Friday | - | 180 - 230 | 230 | 230 |
| Saturday AM | - | 180 -230 | 230 | 230 |
| Saturday PM | - | 180 -230 | 260 | 325 |

| 2019/20 | Register Office Room (2 guests) £ | Ceremony Suite 1 (capacity 20) £ | Ceremony Suite 2 (capacity 50) £ | Ceremony Suite 3 (capacity 100) £ |
|--------------------------|-----------------------------------------|----------------------------------------|----------------------------------------|-----------------------------------------|
| Tuesday am | 46 | - | - | - |
| Monday, Wed, Thursday am | - | 130 | 195- 250 | 195 - 250 |
| Monday, Wed, Thursday pm | - | 195- 250 | 195-250 | 195- 250 |
| Tuesday pm | - | 195- 250 | - | - |
| Friday | - | 195- 250 | 250 | 250 |
| Saturday am | - | 195 - 250 | 250 | 250 |
| Saturday pm | - | 195 - 250 | 280 | 350 |

Attendance at Approved Premises

1.13 Fees for registration staff to attend a ceremony taking place at one of the City's 60 approved venues are also set out for more than one financial year for the same reason as above.

| Attendance Fees | Current Fees 2017/18 | Proposed Fee 2018/19 | Proposed Fee 2019/20 |
|-----------------------------|---------------------------------|---------------------------------|---------------------------------|
| Monday to Friday | £420 | £520 | £540 |
| Weekend and Public Holidays | £530 | £660 | £690 |

Other Fees

- 1.14 The charge for making an advanced booking for a ceremony at the Register Office will increase to £40.

| Other Fees | Current Fees 2017/18 | Proposed Fee 2018/19 | Proposed Fee 2019/20 |
|------------------------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Advanced Booking and Change of Appointment Fee | £30 | £40 | £40 |

- 1.15 It is proposed to continue to provide a tiered priority service and the production of a certificate in line with other Local Authorities, the fees for which will increase following a review of staff time and resources.

| Certificates | Current Fees 2017/18 | Proposed Fee 2018/19 | Proposed Fee 2019/20 |
|-------------------------------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Certificate Priority Fee (additional charge) Same Day | £30 | £40 | £40 |
| - Next Working Day | £20 | £22 | £25 |
| - 3 Working Days | £10 | £11 | £12 |

- 1.16 Following a review of The Nationality Checking Service (NCS) fees there will be an increase to fees from 1st April 2018 as shown below which will help to cover costs of the provision of this service. UK Visa and Immigration are withdrawing this service from local registration services and the expectation is that this service will no longer be available via local registration services by October 2018. The fee increases reflect the cost of service delivery until such time as this service ceases.

- 1.17 Other than the international postage fee, change of name certificate additional certificate fee, special celebration certificate fee, DVD fee and checking service for a minor making application to remain indefinitely fees, it is proposed to increase the remaining fees following a benchmarking exercise from 1st April 2018 as shown below.

| Other Fees and Charges | Current Fees 2017/18 | Proposed Fee 2018/19 | Proposed Fee 2019/20 |
|--------------------------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Nationality Checking service - one adult | £85 | £110 | £0* |
| Nationality Checking service - couple | £125 | £160 | £0* |
| Nationality Checking service - family (up to 4) | £145 | £180 | £0* |
| Nationality Checking service - additional minors | £50 | £60 | £0* |
| Private Citizenship Ceremony | £160 | £170 | £170 |
| NCS change of appointment fee | £30 | £40 | £0* |
| NCS additional appointment fee | £30 | £40 | £0* |
| Fee for talk by genealogist | £40 | £50 | £0* |
| Fee for change of ceremony appointment | £30 | £40 | £40 |
| Fee charged for research (per half hour) | £30 | £40 | £40 |

| | | | |
|--------------------------------------------------------------------------------------|-------|-------|-------|
| Fee for international postage via on-line application | £3 | £3 | £3 |
| Additional appointment/ change of appointment | £30 | £40 | £40 |
| Celebratory Certificates (at time of birth registration) | £7 | £10 | £10 |
| Change of Name deed (includes certificate) | £50 | £60 | £60 |
| Change of name certificate additional copies | £10 | £10 | £10 |
| Checking service for adult making application to remain indefinitely | £95 | £120 | £120 |
| Checking service for minor making application to remain indefinitely | £65 | £80 | £80 |
| DVD of ceremony (where available) | £20 | £20 | £20 |
| Special Celebratory Certificates (birthday, grandparents, anniversary) | £20 | £20 | £20 |
| Photographs and flowers package | POA | | |
| Pitch at Wedding Fayre | £35 | £40 | £40 |
| Hire of ceremony rooms 2 or 3 for function/event - half day or full day | POA | | |
| Hire conference room for function/event - half / full day | POA | | |
| Training for authorised person to register marriages / quarterly returns | £60 | £70 | £70 |
| Appointment to check completeness / validity of notice for Marriage (non-refundable) | £30 | £40 | £40 |
| Save the day – approved premise- ceremony > 12 months in advance | £75 | £90 | £90 |
| Save the day – ceremony suites- ceremony > 12 months in advance | £50 | £60 | £60 |
| Priority service at approved premises – to take place within 12 weeks (additional) | £75 | £90 | £90 |
| Provision of folder | £1.00 | £1.25 | £1.30 |
| Provision of envelope | £0.50 | £0.65 | £0.70 |
| Postage | £1.50 | £1.85 | £1.95 |

* Those fees identified as £0 for 2019/20 will cease in Autumn 2018.

| | | | |
|---------------------------------------------------------------------------|-----|-----|-----|
| Priority Correction/ Re-registration Appointment | £30 | £40 | £40 |
| Production of further documents for notice of marriage/civil partnerships | £30 | £40 | £40 |
| Declaration fee | TBA | TBA | TBA |
| Keepsakes/additional products | POA | POA | POA |
| Administration of post-dated passport forms | £20 | £20 | £20 |
| European Passport Return Service | £20 | £20 | £20 |
| Postage per application up to and including 500g | £8 | £8 | £10 |
| Postage per application up to and including 1kg | £10 | £10 | £10 |
| Postage per application up to and including 2kg | £12 | £12 | £12 |
| Postage per application up to and including 10kg | £30 | £30 | £30 |

| | | | |
|-----------------------------------------------------------------------------------------|-----|-----|-----|
| Postage per application up to and including 20kg | £45 | £45 | £50 |
| Joint Citizenship and Passport Application Service at time of a Citizenship application | £10 | £10 | £10 |
| Settlement Checking Service per application | £95 | £95 | £95 |
| Settlement Checking Service per additional dependent | £20 | £20 | £20 |
| Register Office ceremony advance booking | £50 | £50 | £50 |
| Register Office ceremony change to a booked ceremony | £50 | £50 | £50 |
| Approved Premises advance ceremony booking fee | £75 | £75 | £80 |
| Approved Premises change to a booked ceremony | £75 | £75 | £80 |
| Advice in advance of taking notice of marriage per applicant | £5 | £5 | £7 |
| Processing of a non-priority application for a standard certificate after registration | £5 | £6 | £6 |

New Fees and Charges for 2018/19 Onwards

- 2.1 It is proposed to introduce a commemorative photograph service in line with some neighbouring districts.
- 2.2 Following on from the withdrawal of the NCS there may be an opportunity for local registration services to deliver services which support the UK Visa and Immigration Service, i.e. a biometric data collection service.
- 2.3 If these services are to be delivered through local registration services appropriate fees, yet to be determined will be levied. The National Document Return Service is only available via local registration until Oct 2018

| New Fees and Charges | Proposed Fees 2018/19 | Proposed Fees 2019/20 |
|----------------------------------------------------------------------------------------|-----------------------|-----------------------|
| Commemorative Photograph | £13 | £15 |
| UKVI - Nationality document return service/ Biometric collection change of appointment | TBA | TBA |
| UKVI- Nationality document return service- fee yet to be determined. | TBA | TBA |
| UKVI - Biometric collection-fees yet to be determined | TBA | TBA |

Statutory Fees and Charges

- 3.1 A table of the current statutory fees is detailed below. These are set externally / nationally and are provided for information.

| Statutory or PPC Fees | Current Fee 2017/18 | Expected Fee 2018/19 | Statutory or PPC |
|--------------------------------------------------------------------|---------------------|----------------------|--------------------|
| Superintendent Registrar's Certificate of Birth, Death or Marriage | £10 | £10 | Statutory/National |
| Registrar's Certificate issued at the time of Registration | £4 | £4 | Statutory/National |

| | | | |
|------------------------------------------------------------------------------------------------------|------|------|--------------------|
| Registrar's Certificate after Registration | £7 | £7 | Statutory/National |
| A general search in indexes not exceeding 6 hours | £18 | £18 | Statutory/National |
| Certificate of Worship | £29 | £29 | Statutory/National |
| Registration of a religious building for marriage | £123 | £123 | Statutory/National |
| Registration of a religious building for marriages for same sex couples (That is already registered) | £64 | £64 | Statutory/National |
| Notice of Marriage | £35 | £35 | Statutory/National |
| Notice of Marriage subject to immigration Act | £47 | £47 | Statutory/National |
| Notice of Civil Partnership subject to immigration Act | £47 | £47 | Statutory/National |
| Notice of Civil Partnership | £35 | £35 | Statutory/National |
| Fee to reduce the legal waiting period of a notice of marriage/civil partnership | £28 | £28 | Statutory/National |
| Fee payable to Registrar for marriage Ceremony at register Office | £46 | £46 | Statutory/National |
| Fee payable to Registrar for marriage Ceremony at registered building | £86 | £86 | Statutory/National |
| Attendance of Civil Partnership Registrar at Register Office | £46 | £46 | Statutory/National |
| Notice given at Housebound Person's abode SR attendance | £47 | £47 | Statutory/National |
| Notice given at Detained Person's abode SR Attendance | £68 | £68 | Statutory/National |
| Attendance of Registrar at Housebound Person's Marriage | £81 | £81 | Statutory/National |
| Attendance of Registrar at Detained Person's Marriage | £88 | £88 | Statutory/National |
| Attendance of Superintendent Registrar at Housebound Person's marriage | £84 | £84 | Statutory/National |
| Attendance of Superintendent Registrar at Detained Person's marriage | £94 | £94 | Statutory/National |
| Attendance of CP Registrar at Housebound Person's CP | £81 | £81 | Statutory/National |
| Attendance of CP Registrar at Detained Person's CP | £88 | £88 | Statutory/National |
| Registrar General's Licence for Marriage | £15 | £15 | Statutory/National |
| Standard Conversion Civil partnership to marriage | £45 | £45 | Statutory/National |
| Two stage procedure stage 1 conversion civil partnership to marriage | £27 | £27 | Statutory/National |
| SR attendance Conversion Civil partnership to marriage according to Jews / Society of Friends | £91 | £91 | Statutory/National |
| SR attendance Conversion Civil partnership to marriage Housebound | £99 | £99 | Statutory/National |
| SR attendance Conversion Civil partnership to marriage detained | £117 | £117 | Statutory/National |
| Registrar General's Licence for Civil Partnership | £15 | £15 | Statutory/National |

| | | | |
|----------------------------------------------------------------------------------------------|-----|-----|--------------------|
| CP Registrar's attendance at religious building | £86 | £86 | PPC/Local |
| CP certificate issued after registration | £4 | £4 | Statutory/National |
| CP certificate issued after registration | £10 | £10 | Statutory/National |
| Adult attending communal citizenship ceremony | £80 | £80 | Statutory/National |
| First short birth certificate issued at time of registration | £4 | £4 | Statutory/National |
| Consideration by a Superintendent Registrar of a divorce/Civil Partnership dissolution | £50 | £50 | Statutory/National |
| Consideration by a Registrar / Superintendent Registrar of a correction application | £75 | £75 | Statutory/National |
| Consideration by the Registrar General of a correction application | £90 | £90 | Statutory/National |
| Consideration by the Registrar General of divorce/ CP dissolution from outside British Isles | £75 | £75 | Statutory/National |
| Consideration of a reduction in the 28 day notice to marry / civil partnership | £60 | £60 | Statutory/National |
| Amendment | £40 | £40 | Statutory/National |

Benchmarking

- 4.1 A benchmarking table with participating neighbouring authorities is detailed at Appendix 3A

Implication for Resources

- 5.1 For the provision of many of the Register Office services, statutory fees are set nationally by the General Register Office, there is an expected cost burden to the City Council resulting from providing these services, this pressure has been addressed as part of the budget setting process.
- 5.2 Non statutory fees are calculated to reflect the time and resources used in the delivery of the services provided by the Register Office. This allows for the recovery of costs via non-statutory fees.
- 5.3 The changes proposed in this report represent pay/price inflation along with the stated budget aim for the service to move further towards self-funding.
- 5.4 The fees in this report are expected to generate an additional net income of £0.172m and will ensure that the provision of both statutory and non-statutory services will be delivered within budget.
- 5.5 It is expected that approval of the revised budget, alongside the approval of the new proposed fee structure will allow the Register Office to operate without causing a financial pressure to Regulatory Services or Birmingham City Council.

APPENDIX 3A
REGISTER OFFICE BENCHMARKING COMPARISONS

| Proposed Fees | Birmingham | | Dudley | | Worcestershire | |
|----------------------------------------------|--------------------------|-------------------|--------------------------------------------------------------------|-------------------|------------------------------------------------------|---------------------------------------------------------------|
| | 18/19 | 19/20 | 18/19 | 19/20 | 18/19 | 19/20 |
| <i>Certificate Production</i> | | | | | | |
| Non priority fee | £6.00 | £6.00 | £10.00 | £10.00 | £12.00 | |
| Priority / same day express fee | £40.00 | £40.00 | £44.00 | £45.00 | £23.00 | |
| Next day priority fee | £22.00 | £25.00 | £25.00 | £25.00 | £23.00 | |
| Postage | £1.85 | £1.95 | £5.50 | £5.50 | £2.00 | |
| International postage fee | £3.00 | £3.00 | £5.50 | £5.50 | £6.00 | |
| Do you offer recorded delivery? | No | | Registered signed for | | Yes | |
| Refunds – do you refund the certificate fee? | Yes | | Yes | | | |
| On line ordering processing fee | Same as in person/postal | | Same as in person/postal | | | |
| <i>Ceremonies</i> | | | | | | |
| Decommissioned Rooms | | | | | | |
| Monday to Thursday | £120.00 – £230.00 | £130.00 – £250.00 | £210.00 – £280.00 | £220.00 – £290.00 | £170.00 – £225.00 | £175.00 - £235.00 |
| Friday | £180.00 - £230.00 | £195.00 - £250.00 | £380.00 | £390.00 | £250.00 | £260.00 |
| Saturday | £180.00 - £325.00 | £195.00 - £350.00 | £545.00 | £555.00 | £250.00 | £260.00 |
| Sunday and Bank Holidays | n/a | | £545.00 | £555.00 | n/a | n/a |
| <i>Approved Premises</i> | | | | | | |
| Monday to Thursday | £520.00 | £540.00 | £400.00 | £410.00 | £430.00 | £445.00 |
| Friday | £520.00 | £540.00 | £400.00 | £410.00 | £460.00 | £475.00 |
| Saturday | £660.00 | £690.00 | £460.00 | £470.00 | £490.00 | £510.00 |
| Sunday | £660.00 | £690.00 | £540.00 | £550.00 | £525.00 | £545.00 |
| Bank Holidays | £660.00 | £690.00 | £540.00 | £550.00 | £525.00 | £545.00 |
| <i>Special Days</i> | | | Variable | | £630.00 | £650.00 Xmas Day/Boxing Day NY Day |
| e.g. Valentine's Day | | | None | | £580.00 | £600.00 Good Friday, Easter Monday on application |
| Out of Usual Hours | £50.00 | £50.00 | £50.00 | £50.00 | £50.00 | £50.00 |
| Advanced Booking Fee | £90.00 | £90.00 | £50.00 | £50.00 | £100.00 | £100.00 |
| Advance Booking Fees Approved Premises | £50.00 | £50.00 | £20.00 | £20.00 | | |
| Cancellation / Rebooking Fees | | | Minimum £50 of fee is non-refundable plus sliding scale re refunds | | Scaled depending on when cancelled. Rebooking £25.00 | |

APPENDIX 3A
REGISTER OFFICE BENCHMARKING COMPARISONS

| Proposed Fees | Birmingham | | Dudley | | Worcestershire | |
|---------------------------------------------------|------------|---------|-----------------------------------------------|-----------|-------------------------------|-----------|
| | 18/19 | 19/20 | 18/19 | 19/20 | 18/19 | 19/20 |
| Celebratory Ceremonies e.g. Baby Naming | | | Same as marriages | | £170.00 | £175.00 |
| | | | | | £225.00 | £235.00 |
| | | | | | £250.00 | £260.00 |
| | | | | | £430.00 | £445.00 |
| | | | | | £460.00 | £475.00 |
| | | | | | £490.00 | £510.00 |
| | | | | | £525.00 | £545.00 |
| Private Citizenship Ceremonies | £170.00 | £170.00 | £155.00 | £165.00 | £75.00 | £75.00 |
| NCS change of appointment fee | | | None, lose money if less than 1 weeks' notice | | n/a | n/a |
| <i>Building Approvals</i> | | | | | | |
| 3 Year Licence (inc. 1 room) | £3,402.00 | | £1,700.00 | £1,700.00 | £1,750.00 | £1,750.00 |
| | | | | | £2,800.00 | £2,800.00 |
| | | | | | £3,300.00 | £3,300.00 |
| Additional Rooms (per room) | £756.00 | | £75.00 | | £100.00 | £100.00 |
| Amendment to existing licence | £864.00 | | £1700.00 | | £100.00 | £100.00 |
| Do you offer a longer licence | Per room | | No | | Yes | Yes |
| If so for how long and what is the fee? | | | | | See above | See above |
| Renewal 3 years (inc. 1 room) | £2,376.00 | | £1,700.00 | | £1,750.00 | |
| Renewal additional rooms inc. in application | £2,376.00 | | £75.00 | | Included in cost | |
| Renewal fee with longer licence | £4,212.00 | 6 years | | | Included in cost | |
| <i>Nationality Checking</i> | | | | | | |
| Single | £110.00 | £0.00 | £95.00 | £100.00 | £65.00 | |
| Couple | £160.00 | £0.00 | £140.00 | £150.00 | £130.00 | |
| Family | £180.00 | £0.00 | £180.00 | £190.00 | £130.00 plus £30.00 per child | |
| Additional Child | £60.00 | £0.00 | £90.00 | £100.00 | | |
| Passport Application | | | £10.00 | £10.00 | n/a | |
| European passport return service | | | £10.00 | £10.00 | £10.00 | |
| Checking service for minor to remain indefinitely | | | £130.00 | £140.00 | n/a | |
| Checking service for adult to remain indefinitely | | | £90.00 | £100.00 | n/a | |

APPENDIX 3A
REGISTER OFFICE BENCHMARKING COMPARISONS

| Proposed Fees | Birmingham | | Dudley | | Worcestershire | |
|------------------------------------------|------------|--------|-----------------------------------------------|--------|--------------------------------------|--------|
| | 18/19 | 19/20 | 18/19 | 19/20 | 18/19 | 19/20 |
| <i>Additional Fees</i> | | | | | | |
| Birth Wallets | £1.25 | £1.30 | £1.00 | £1.00 | n/a we get them free | |
| Name Change | | | £50.00 | £50.00 | £50.00 | £50.00 |
| <i>Any other fees you charge?</i> | | | | | | |
| Decommissioned Rooms Ceremony package | | | Various for many different goods and services | | Varies depending on what couple want | |
| Appointment Fees | | | £25.00 ceremony prep | | n/a | |
| Commemorative Certificates | £10.00 | £10.00 | £5.00 | | £10.00 | |
| Advertising in folder | | | Yes, but can't remember last fee charged | | n/a | |

REVIEW OF CHARGES – CORONER’S SERVICE 2017/2018

- 4.1 Fees that are chargeable are set out nationally in the Coroners Allowances, Fees and Expenses Regulations 2013.
- 4.2 There are:
 - 4.2.1 After inquest, a document disclosed as a paper document is charged at £5 for a document of 10 pages or less, with an additional 50p payable for each subsequent page.
 - 4.2.2 A fee of £5 per document where it is disclosed in any form other than email or paper – i.e. CD copies of inquests.
 - 4.2.3 For a transcription of an inquest of 360 words or less the fee is £6.20, 361-1,439 words is £13.10 and 70p for every additional 72 words or part thereof.
- 4.3 The only locally set fee is the search fee for archive documents. It is proposed to increase the fee to £46 per hour (from £43 per hour) which is the GR3 hourly cost.

BIRMINGHAM CITY COUNCIL

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

14 FEBRUARY 2018
ALL WARDS

**PENALTY POINTS SYSTEM FOR LICENSED DRIVERS AND VEHICLE
PROPRIETORS**

1. Summary
- 1.1 Hackney Carriage, Private Hire Drivers and Vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, The City Council's Byelaws and the Conditions set by the Licensing and Public Protection Committee.
- 1.2 Should Drivers or Proprietors of Vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the offices for an interview and then once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the persons' file.
- 1.3 The outcome of investigations may result in no further action being taken, a formal warning, referral to the Licensing (sub) Committee and/or prosecution.
- 1.4 There are a number of low level breaches which are continually being identified by officers and other enforcement agencies or reported by members of the public which represent infractions of conditions attached to licences issued in respect of hackney carriage and private hire vehicles.
- 1.5 We currently have no way of dealing with these minor 'offences' and the sanctions of prosecution, cautioning or the suspension or revocation for a single transgression would in these circumstances seem as unduly harsh.
- 1.6 The aim of a penalty point scheme is to work in conjunction with other enforcement options.
- 1.7 The primary objective of the penalty point scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.

2. Recommendations

- 2.1 That Committee approves in principal the introduction of a penalty points system for licensed drivers and vehicle proprietors.
- 2.2 That Committee instruct Licensing Enforcement to consult with the trade and the wider public for a period of six weeks, to consider a penalty points system as outlined in Appendix 1.
- 2.3 A final version with comments from the consultation to be brought back to committee for ratification and to agree an implementation date.

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3. Background

- 3.1 Under the Local Government (Miscellaneous Provisions) Act 1976 a Council must satisfy itself that all applicants for hackney carriage and private hire drivers licences are “fit and proper persons”, and as a licensing authority our aim is to protect fare paying passengers and members of the public and to improve the safety and standards of services provided by licence holders across the City.
- 3.2 During on-going road side compliance checks Licensing Enforcement continue to identify high levels of non-compliance regarding required signage and safety issues with licensed vehicles.
- 3.3 The primary objective of the penalty points system is to improve the levels of compliance and help improve standards, safety and ultimately the protection of the travelling public. It is intended to work in conjunction with other enforcement options and provides a formalised stepped enforcement plan. It does not prejudice the Council's ability to take other actions.
- 3.4 The proposed system would record a wide range of breaches, some of which in themselves may not be individually serious, but if added together, demonstrate a clear pattern of poor standards or behaviour that collectively warrant some type of action, such as the suspension or revocation of a licence.
- 3.5 Other matters identified may significantly impact on the safety of a vehicle and indicate the driver is failing to regularly inspect or maintain a vehicle.
- 3.6 As Licensing Authority the Council need to reinforce compliance with the conditions attached to the licences it issues and to promote the high standards expected of licence holders. We want residents and visitors to the City to feel safe when they use a hackney carriages or private hire vehicles so it is crucial that standards of licensed drivers and vehicles are consistently high.

- 3.7 The proposed penalty points system is intended as a means of recording repeated non-compliance, or activity that is other than in accordance with the standards expected of licensed hackney carriage and private hire drivers.
- 3.8 It should be stressed that the proposed penalty points system is intended to be used in the majority of cases where minor breaches are detected but in more serious cases the option of immediate suspension, revocation, simple caution or prosecution will still be retained.
- 3.9 It should also be noted that the proposed scheme has no impact on the conditions applied to licences or drivers, vehicles or operators.

4. Current Practice

- 4.1 There are a number of matters which fall the under remit of the Police or other enforcement agencies, or are matters that are dealt with at the scene as part of everyday enforcement activities which are currently not recorded but on reflection should be taken into account when considering if a licence holder is a "fit and proper person"
- 4.2 There are a number of matters which CAN result in the temporary suspension of a vehicle licence which are recorded but no further action taken e.g. a driver working with a tyre tread below legal limit, which is changed at the scene, missing signage, faulty lights etc. Because the matters are resolved at the scene or shortly after the suspension is issued no further action is taken against the driver or vehicle proprietor concerned.
- 4.3 Even though it is evident that some drivers and vehicle proprietors are failing to maintain their vehicle(s) to the standard expected, and thereby potentially putting members of the public and other road users at risk. The Department currently has no effective means to deal with these matters and it is a contributory factor in the continuing poor compliance rates especially in respect of the private hire trade.

5. Proposed New Procedure

- 5.1 It is evident that if we wish to improve standards of safety and services provided by licence holders we need to ensure such individuals are made aware they will be held accountable for all matters relevant to their licences and the test as to whether they are and continue to be a "fit and proper person" to hold the licence granted to them.
- 5.2 A penalty points system has a number of benefits:
- penalty points system is seen as a proportionate response in respect of minor infractions;
 - because the points are acquired before any major sanctions such as the suspension, or revocation of a licence are taken the licensee is

- clearly able to see the points tally accumulated and thereby given fair warning they could face a possible sanction;
 - as a licensee accumulates points, the nearer they get to the set points total resulting in a potential sanction they have a clear incentive and deterrent not to commit any further breaches; and
 - such a system is in accordance with the Government's Principles of Good Regulation.
- 5.3 The scheme proposed follows the examples of several other licensing authorities who currently deal with such matters, by means of a penalty points system. Attached as appendix 1 is an initial draft of a points system to demonstrate the types of issues regularly identified in relation to licensed vehicles.
- 5.4 The first table in the proposed scheme focuses on those matters identified on stop check exercise with the second table being a list of other potential addition to the scheme that occur on a regular basis, but are not identified on a stop check exercise.
- 5.5 Where a licensee accumulates more than 12 penalty points in any 12 month period, the matter will be referred to a Licensing Sub-committee to decide whether the driver is a fit and proper person. The Sub-committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending upon the circumstances.
- 5.6 Periods of suspension of a licence will be dependant on the nature of the breaches of the legislation/conditions and the compliance history of the individual.
- 5.7 Penalty Points will remain current for 12 months from the date the penalty points were issued. Points issued to either the proprietor of a vehicle or a driver will be confirmed in writing normally within 10 working days from the discovery of the contravention.
- 5.8 Attached at appendix 2 is a summary of vehicle inspections carried out since April 2017; the table shows the number and type of non-compliance matters identified during stop check exercises.
- 5.9 This shows that on initial inspection only approximately 30% of private hire vehicles and 70% of Hackney Carriage vehicles are fully compliant with the conditions of licence.
- 5.10 However apart from the inconvenience of re-presenting the vehicle for further inspection in a compliant state, there is no other incentive for drivers/proprietors to maintain the vehicle such that it complies with the conditions set by this Committee.
- 5.11 The process of refusing, suspending or revoking a licence can take time and allows the licensee to appeal the matter to the Magistrates' Court. If an appeal is lodged then, in most cases, the suspension/revocation is held in abeyance until the appeal has been determined.

- 5.12 A penalty points system would clearly show the principals of proportionality and fairness of any decisions made and would also provide good evidence of this fact in any subsequent appeal to the Magistrates Court.

6. Consultation

- 6.1 It is proposed that should this Committee be minded to approve the introduction of a penalty points system in principle then consultation will be carried out with trade representatives.

7. Implications for Resources

- 7.1 There is likely to be an initial additional cost resulting from the change to inspection forms and the creation of a recording system.

- 7.2 It is expected that this will be included in the new computer recording system due to be introduced to replace Sopra and so additional costs can be met within the current budget.

- 7.3 It is likely, at least initially, that this scheme will result in more drivers needing to appear before committee and this will have an additional burden on the number and/or frequency of sub-committees and officers that deal with the processing of reports to those committees.

8. Implications for Policy Priorities

- 8.1 The contents of this report are consistent with the Regulation and Enforcement Mission Statement - locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.

9. Implications for Equality and Diversity

- 9.1 The scheme proposed in this report seeks to improve the standards of vehicles that are used for the transport of the public and it will be applied to all drivers and vehicle proprietors.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: None

Penalty Points System for Hackney Carriage Driver/Private Hire Vehicle

- Those items marked with an asterisk (*) are direct contraventions of the Local Government (Miscellaneous Provisions) Act 1976 or other statutory requirement and may result in prosecution or simple caution in addition to any points penalty imposed.
- Ticks (✓) indicate potential recipients of penalty points for infringements. Certain infringements may result in both driver and vehicle proprietor if they are not the same person receiving penalty points.
- An accumulation of 12 or more points in a rolling 12 month period, a driver/vehicle proprietor will be subject to a recommendation that all matters identified be referred to the Licensing Sub Committee to consider if a suspension of their drivers licence is appropriate given the circumstances, the recommendation would be a suspension of 7 consecutive days.
- If a suspension is served, all points taken into account will be archived and only taken into account if a driver/vehicle proprietor incurs a further 12 points in the subsequent rolling 12 month period. A driver/vehicle proprietor will then be subject to a recommendation that all matters identified be referred to the Licensing Sub Committee to consider if a suspension of their drivers licence is appropriate given the circumstances, the recommendation would be a suspension of 14 consecutive days
- A driver/vehicle proprietor who accumulates 24 or more points in a rolling 12 month period, will be referred to the Licensing Sub Committee with a recommendation to suspend the drivers licence(s) for a period of 28 consecutive days.
- Vehicle proprietors who rent, lease or hire out licensed vehicles will be subject to the same standards and incur penalty points if their vehicles do not meet required standards. Where they have multiple vehicles the penalty points issued will be looked at collectively and not on an individual vehicle basis. (Officers will need to consider if the vehicle proprietor is at fault – e.g. semi-permanent door signs not being displayed on the vehicle) The onus will be on the vehicle proprietor to produce documents evidencing that at the time the vehicle went out on hire the vehicle was inspected by the hirer and they have signed to confirm it was fully compliant with the conditions attached to the vehicle licence.
- Local Government (Miscellaneous Provisions) Act 1976 section 60(1)
Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke, or (on application therefor under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:—
 - (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
 - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
 - (c) any other reasonable cause.
- All decisions in relation to the matters identified will be determined by a Licensing Sub Committee.
- Any driver or vehicle proprietor subject to suspension or revocation has a right to appeal to the Magistrates Court against the decision, and suspensions will of course be subject to a 21 day appeals period prior to implementation to allow for the formal appeals process.

| | Details of the misconduct | Maximum Points Applicable | Driver | Vehicle Owner |
|---|---------------------------------------------------------------------------------------------------|---------------------------|--------|---------------|
| 1 | Failure to wear driver's badge* | 4* | ✓ | |
| 2 | HC disabled ramps not in good order or additional securing belts unclear or not available for use | 3 | ✓ | ✓ |
| 3 | Unsatisfactory condition of vehicle, interior or exterior (allowing for weather conditions) | 4 | ✓ | ✓ |
| 4 | After manufacture tints applied to the vehicle windows | 4 | | ✓ |
| 5 | Failure to display external/internal licence plate* | 4* | ✓ | ✓ |
| | Offence/Breach of Condition | Maximum Points | Driver | Vehicle Owner |

| | | Applicable | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---|---|
| 6 | Failure to display semi-permanent door signs (points per sign) | 3 | ✓ | ✓ |
| 7 | Private hire operator door sign not displayed (points per sign) | 3 | ✓ | |
| 8 | no-smoking signage not being displayed as required* | 3* | ✓ | ✓ |
| 9 | Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle | 3 | ✓ | ✓ |
| 10 | driver call signs not being displayed (points per sign) | 2 | ✓ | |
| 11 | HC taxi meter not sealed or not within approved tolerance* (clock +3 or -5 minutes) | 6* | ✓ | ✓ |
| 12 | Displaying any feature on private hire vehicle that may suggest that it is a taxi (Private Hire) | 6 | | ✓ |
| 13 | PH lights fitted to the vehicle and not in working order (points per light) | 2 | ✓ | |
| 14 | Failure to provide copy of byelaws/conditions on request | 4 | ✓ | |
| 15 | Failure to carry legal spare wheel and tools | 4 | ✓ | ✓ |
| 16 | A licensed vehicle with a tyre below the legal limit | 4 per tyre | ✓ | ✓ |
| 17 | HC / PH radio or DATA unit unsecured | 3 | ✓ | |
| 18 | Failure to display a correct fare table (HC)* | 3* | ✓ | ✓ |
| 19 | evidence that smoking is being permitted inside the vehicle | 4 | ✓ | |
| 20 | Using unlicensed vehicle or vehicle without insurance | 12 | ✓ | ✓ |
| 21 | Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer | 12 | ✓ | ✓ |
| 22 | Using a vehicle for which the licence has been suspended or revoked | 12 | ✓ | ✓ |
| 23 | After examination by a qualified vehicle examiner the vehicle is deemed to be un-safe or un-roadworthy (immediate prohibition notice issued) | 12 | ✓ | ✓ |
| 24 | After examination by a qualified vehicle examiner matters are identified which require attention (delayed prohibition notice issued) | 6 | ✓ | ✓ |
| 25 | Carrying more passengers than stated on the vehicle licence | 6 | ✓ | |
| 26 | Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle | 3 | ✓ | |
| 27 | Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle | 12 | ✓ | ✓ |
| 28 | Carrying an offensive weapon in the vehicle | 12 | ✓ | |

Other potential points for non-compliance

| | Offence/Breach of Condition | Points Applicable | | Owner |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---|-------|
| 1 | Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee (including dishonoured cheques) | 6 | ✓ | ✓ |
| 2 | Failure to notify, in writing, the Council of change of address within 7 calendar days | 3 | ✓ | ✓ |
| 3 | Refusal to accept hiring without reasonable cause e.g. Drunk or rude customer (may be referred to the Sub-Committee) | 1-12 | ✓ | |
| 4 | Unreasonable prolongation of journeys or any misconduct regarding the charging of fares | 6 | ✓ | |
| 5 | Plying for hire by Private hire drivers | 9 | ✓ | ✓ |
| 6 | Failure to produce relevant documents with timescale when requested by an Authorised Officer | 4 | ✓ | ✓ |
| 7 | Failure to provide proof of insurance cover when requested | 6 | ✓ | |
| 8 | Failure to produce Hackney Carriage or Private Hire vehicle for testing when required | 4 | | ✓ |
| 9 | Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions | 4 | ✓ | ✓ |
| 10 | Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence | 4 | | ✓ |
| 11 | Failure to carry an assistance dog without requisite medical exemption certificate | 12 | ✓ | ✓ |
| 12 | Driver not holding a current DVLA licence | 12 | ✓ | ✓ |
| 13 | Failure to notify, in writing, a change in medical circumstances | 6 | ✓ | ✓ |
| 14 | Unsatisfactory behaviour or conduct of driver (may be referred to Sub-Committee) | 1-12 | ✓ | |
| 15 | Failure to notify the Council in writing, of any motoring or criminal convictions within 21 days or conviction or cautions during period of current licence | 6 | ✓ | ✓ |
| 16 | Failure to give assistance with loading/unloading luggage to or from any building or place (may be referred to the Sub-Committee) | 1-12 | ✓ | ✓ |
| 17 | Driving whilst using a mobile phone | 9 | ✓ | |
| 18 | Unsatisfactory appearance of driver | 3 | ✓ | |
| | | | | |

| BCC Stop Check Analysis Form | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-----|-----------|-----|-----------|-----------|------|-------------|-------------|-----------|---------------|---------------|--------|--------|-----------------|----------|-----------------------|-----------|--------------|-----------------|----------------|---------------|------------|----------|
| Date: Grand Total 2017/18 Exercises | | | | | | | Cautioned | | | | | Safety | | | | Breaches | | | | | | | |
| Name | PHV | Compliant | HCV | Compliant | Suspended | PG 9 | Badge HC/PH | Plate HC/PH | Byelaw HC | Meter Seal HC | Fare Table HC | Tyres | Lights | Radio/Data Unit | Bodywork | Vehicle Safety Issues | Call Sign | Advance Book | Operator Plates | Semi Permanent | Price List PH | No Smoking | Ramps HC |
| Apr - Jun | 129 | 42 | 82 | 59 | 5 | 0 | 5 | 8 | 3 | 0 | 4 | 3 | 57 | 2 | 8 | 62 | 37 | 1 | 14 | 12 | 20 | 35 | 5 |
| Jul - Sep | 72 | 17 | 28 | 16 | 13 | 9 | 1 | 7 | 0 | 0 | 1 | 11 | 28 | 1 | 10 | 43 | 25 | 0 | 15 | 8 | 10 | 12 | 0 |
| Oct - Dec | 122 | 37 | 36 | 27 | 4 | 3 | 5 | 7 | 1 | 1 | 0 | 8 | 30 | 0 | 3 | 37 | 47 | 0 | 22 | 13 | 30 | 26 | 0 |
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BIRMINGHAM CITY COUNCIL

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

14 FEBRUARY 2018
ALL WARDS

REVIEW OF HEALTH AND SAFETY INCIDENT INVESTIGATION WORK
1ST JANUARY 2016- 31ST DECEMBER 2017

1. Summary

- 1.1 The Local Authority has a legal duty under the Health and Safety at Work etc. Act 1974 to make adequate arrangements for the enforcement of health and safety legislation within its area. Generally, when a serious work related incident occurs it is symptomatic of a failure to manage work place health and safety. For this reason, investigation of work related incidents remains one of our core activities.
- 1.2 Over the 24 month period 786 incidents were reported to the City Council in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. These notifications were prioritized to ensure that all fatalities, specified injuries, or those which indicate a serious failing in health and safety standards were investigated.
- 1.3 Some incidents require lengthy investigation and these can take a number of months to complete. This report highlights some of the more significant investigations during this time frame.

2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Gary James. Operations Team Manager (Health and Safety Lead)
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E-mail: gary.g.james@birmingham.gov.uk

3. Background

- 3.1 Health & Safety incidents in a work place have commonly been referred to as accidents. However, not all accidents are true accidents, many could be avoided and as such they are more generally being referred to as incidents. The term accident is now being reserved for unforeseen or exceptional occurrences.
- 3.2 The majority of our work is focused on investigating 'Significant' incidents and these are usually resource intensive, usually in time; analysis of what occurred; and/or identifying how and why a piece of equipment failed. Officers use the full range of investigative powers including interviewing witnesses; gathering evidence; seizure and detention of items and documentation; interviews under caution; engaging expert witnesses and preparation of prosecution files.
- 3.3 In all cases, it is the investigating officer's role to:
- establish the facts e.g. what happened;
 - take proportionate action to prevent a recurrence (serve Improvement or Prohibition Notices);
 - give consideration to instigate legal proceedings in accordance with our Enforcement Policy where unacceptable standards of health and safety management are identified and these amount to contraventions of the law;
 - highlight certain cases to the wider business and regulatory community to promote good practice and learn from previous mistakes.

4. Health & Safety Incidents

- 4.1 154 investigations into reportable incidents were carried out or completed 1st January 2016 – 31st December 2017. Six of those (more serious incidents) are summarized below. The number in brackets is the total officer time in hours taken to investigate each incident (does not include legal or counsel time).
- 4.2 Concluded Investigations:
- a) An employee at a supermarket was found to be incorrectly using a cardboard baler machine, by one of your officers, that was in a dangerous condition; the employee's arm was very close to being seriously injured by the compaction ram which would have led to a crush injury or potentially an amputation. The investigation found the door safety interlock was faulty, that enabled the baler to be used with the door open exposing the operators to the dangerous machinery inside. Immediate prohibition notices were served to protect the employees and the baler was not brought back into use. A Prosecution file was submitted, however the Limited company ceased trading a week before the court case and no further action was taken. There were some 10 to 15 employees found to be at risk from this. The damage to the interlocks enabled the machine to

be operated and loaded at the same time which was intrinsically dangerous. (27hrs work to investigate).

- b) Several members of public were injured when a small stage at a entertainment venue failed. The stage was regularly used for shows and cabaret type entertainment. Fifteen to twenty people accessed the stage, and whilst dancing, it failed leading to a broken ankle and a number of cuts and bruises. The investigation found that whilst the wooden stage had been used during events over a number of years previously, that on that particular night it was overloaded. There was no evidence of a failing warranting or that the stage was badly designed. No formal action was considered necessary however rather than enforcing against the company, the investigation found after considerable analysis that the company had acted in a reasonable manner and that the uncontrolled use was likely to have caused the failure. (64hrs work to investigate this).
- c) An employee was seriously injured when a machine weighing between half and three quarters of a ton was lifted and moved. During the lifting operation the machine was not secured properly and swung, changing the centre of gravity causing the lifting equipment to topple and fall. The person engaged in the operation was struck leading to multiple fractures of his face and arm. The investigation found that the employee (a manager) was the person who had planned the lifting operation and arranged the lifting equipment that was used. The international company were very cooperative and investigations found that the company was unaware of the operation to relocate the machinery, and had not been able to put in preventative steps. The injured party had decided to move the equipment and was not sufficiently competent to effect the move. As he sustained the injuries and no one else was injured on the basis of public interest no formal proceedings were brought against that manager. (12hrs work to investigate).
- d) An employee at a leisure company fell 3.64 metres through a rooftop skylight to the floor below and sustained bruising. The company was undertaking a roof top publicity photo-shoot on the spur of the moment. . The investigation found that the roof area had unprotected edges leading to a risk of falling 8 metres to the ground and broken skylights with tarpaulin covering. The member of staff trod on the covered skylight and dropped directly to the floor beneath. It is believed that the friction of the tarpaulin going through the skylight reduced the speed of fall such that lower limb and pelvic injuries that could have been life changing were not sustained. The employer pleaded guilty at Birmingham Magistrates Court and was fined £8,000 and was ordered to pay full costs of £1,088. The landlord responsible for the roof area also pleaded guilty at the same hearing, and was fined £6,000 and ordered to pay full costs of £1,160 for his building enable people to access the rooftop with edge protection or another suitable control. (35hrs work to investigate).
- e) An employee of a wholesalers fell backwards out of a delivery hatch 2.5 metres to the concrete floor below. CCTV footage showed him landing

almost flat to the ground with his back taking the initial impact followed by his limbs and head. The injured party broke a number of vertebra and fractured his skull. The investigation found that the hatch door lock was inadequate and defective and there was no safe system of work for use of the hatch. The hatch was located on a landing to an internal stair case. The hatch opened outwards and therefore when pushed from the inside would open, whereas if it had opened inwards pushing on it would have closed it into the rebates of the hatch framework. There were no removable rails to prevent someone falling nor significant locks to secure the hatch. As a result it could have been left open or the locking bolt failed such that when the injured person was carrying boxes down the stair he lent on the hatch and fell through. The company cooperated, pleading guilty at Birmingham Magistrates Court. It was fined £10,000 and ordered to pay full costs of £3,225. (44hrs work to investigate).

- f) An employee at a nightclub fell 4 metres down a lift shaft sustaining fractured vertebra. The investigation found that there was a fault with the middle floor door release to the lift. For some time employees were calling the lift as normal, but then used a screw driver to override the door interlocks and open the doors. On this occasion the injured party was carrying stock and saw the door was open. He, therefore, assumed the lift was present and walked into the lift shaft falling to the base of the lift well as the lift was actually above him. The company were aware of the defect (they admitted they had told staff not to use screw drivers) but failed to take any steps to rectify the defect or seal the defective. At Birmingham Magistrates Court the company pleaded guilty and was fined £10,000 and were ordered to pay full costs of £6,215.51. (42hrs work to investigate).

4.3 Due to the following being live investigations, it is not possible to discuss these in any detail as they are potentially subject to legal proceedings. Currently we are investigating;

- Another Employee who has fallen 4.4 metres through a skylight sustaining bruising.
- Employee had to have several fingers amputated after coming into contact with the dangerous moving parts of a mincing machine.
- Member of public sustained a serious head injury after a large mirror fell onto them at a restaurant.
- Several members of public injured when a ceiling collapsed at a function hall

4.4 Over the past 24 months, four companies have been fined a total of £34,500 and paid £12,919.88 in costs following your officers' investigations into work related incidents. Two sole traders were also prosecuted for failing to comply with Health and Safety Prohibition Notices. Your officers spent a total of 237hrs investigating these incidents.

- 4.5 In 2015 there was a serious incident where an employee had to have their hand amputated from using an unguarded mincing machine. As a result during food safety inspections machinery guarding has been the subject of proactive inspections by officers to ensure that the dangerous parts are guarded. For further information refer to Appendix 1.
- 4.6 The 2017-2018 Health and Safety Law Enforcement Plan includes interventions to target concerns identified during previous investigations as well as HSE national priorities. These are:
- Work at height / Workplace Transport / Occupational Health in warehousing, tyre, distribution, steel stock holders and timber premises.
 - Machinery guarding in food premises.
 - Work related violence.
 - Safe loading of delivery vehicles.
 - Shisha bars.
 - Reduce the risk of Legionella.
 - Investigations into work related diseases.

5 Implications for Resources

- 5.1 The investigation of accidents is carried out within existing resources.

6. Implications for Policy Priorities

- 6.1 Investigating work related incidents and cases of ill health will remain a core function of our health and safety related regulatory service. We will continue to investigate notifications relating to vulnerable groups but also share information with the business community to improve standards generally. This work will support a number of the City Council's priorities including Be Birmingham 2026 priorities – Succeed Economically and Be Healthy; Members' Priorities – Protect Vulnerable people.

7. Implications for Equality and Diversity

- 7.1 No specific implications have been identified.

8. Consultation

- 8.1 The work identified in this report is in response to our statutory duty and does not require consultation. However publishing this work may lead others to consider health and safety in their work place and this can only be positive.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

APPENDIX 1

Background – food machinery guarding interventions.

An employee at a supermarket had to have his left hand amputated after it was caught and dragged into the moving parts of a mincing machine he was using. The investigation found that the guard preventing access to the internal dangerous moving parts had broken off several weeks prior and yet the machine was still being used.

On 10th March 2015 at Birmingham Crown Court the owner of the supermarket pleaded guilty and was fined £4k, given an 8 month suspended prison sentence and ordered to pay full costs of £21,869.73 (96 hrs work to investigate this).

Following attendance at training and machinery guidance produced, officers commenced inspecting machinery safety during food safety inspections in 2014.

The table below records the number of legal notices which have been served. A number of other LA's have been provided with the machinery information and have also commenced food machinery guarding interventions.

| Year | Prohibition Notices | Improvement Notices | Compliance Without Enforcement | Number of inspections |
|----------|---------------------|---------------------|--------------------------------|-----------------------|
| 2014-15 | 23 | 2 | 16 | 171 |
| 2015-16 | 71 | 5 | 20 | 225 |
| 2016-17 | 22 | 3 | 9 | 200 |
| 2017-18* | 29 | 1 | 4 | 127 |

*Provisional figures –final figure 31st March 2018

The inspections have also identified breach of previous Prohibition Notice(s) served. to date this has resulted in one two traders being prosecuted in 2016.

- On 29th September 2013 at Birmingham Magistrates a sole trader pleaded guilty, was fined £480 and ordered to pay costs of £931.37
- On 8th December 2016 at Birmingham Magistrates a sole trader pleaded guilty, was given a 12 months suspended prison sentence and ordered to carry out 100 hours unpaid work. The court awarded £300 costs.

In 2017 three investigations commenced following breach of Prohibition Notice(s). As these are likely to lead to legal action no further information can released at this stage.

BIRMINGHAM CITY COUNCIL

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

14 FEBRUARY 2018
ALL WARDS

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

1. Summary

- 1.1 This report provides Committee with an update on work being undertaken to improve the response to unauthorised encampments in the city since the last report on the 15 November 2017.

2. Recommendations

- 2.1 That the report is noted and outstanding minute number 935(ii) be discharged.
- 2.2 That Committee ask for a further report to be brought in 3 months to update on the various work items contained within this report.

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

3. Background

- 3.1 This report is an update on activities since the last report to your Committee on 15 November 2017.
- 3.2 An unauthorised encampment is one which is established on land without the express permission of the landowner. The groups responsible generally comprise elements of Gypsy, Romany, Traveller or other ethnic groupings and are collectively known colloquially as “travellers” or more correctly GRT.

4. Injunctive Action

- 4.1 It has been necessary to apply for an Injunction against an individual from the GRT community. Following numerous threats to officers, bailiffs and antisocial behaviour to the wider community Birmingham County Court ordered that JOHN CASSIDY (Whether by himself or by instructing, encouraging or allowing any other person) shall not:
1. Use or threaten to use violence, harass or intimidate any person.
 2. Cause harassment, alarm and distress or nuisance and annoyance to any person when communicating with any employee or sub-contractor of Birmingham City Council or any other official agency including West Midlands Police officers to include by not limited to verbal or racial abuse, shouting or swearing.
 3. Enter or remain on any land within the area outlined in black on the Map attached, denoting the city boundary of the City of Birmingham for the purpose of establishing joining or being part of an encampment on that land.

The court further ordered that: A power of arrest made under section 4, Anti-social Behaviour Crime and Policing Act 2014 applies to all paragraphs of the above order.

5. Executive Management Team (EMT) Report

- 5.1 On the 23rd of January 2018, Cllr Trickett, the Cabinet Member for Clean Streets, Recycling and Environment, took a report to EMT, focusing on transit site provision. A copy of the report is attached at Appendix 1. The report was received and agreement was given to:
- i. Prioritise returning Tameside Drive back into a fully managed site, with the existing occupants having a tenancy agreement and the remaining pitches being made available for transit provision.
 - ii. To bring the 2 other sites in the Birmingham Development Plan into operation.
- 5.2 It is estimated that this could provide the city with 10 to 15 pitches on Tameside Drive, 10 to 15 pitches on Hubert Street car park and 4 pitches on Aston Brook Street North a total of 24 to 34 subject to specification.

- 5.3 In addition the Cabinet Member is to explore the possibility of identifying additional negotiated stopping sites. These are sites which are less formal than a transit site, where encampments could be tolerated for a short period of time. More information will become available once the officer group starts to investigate this option. It is based on the experience of Leeds in West Yorkshire. This is acknowledged by government as being good practice and more information is available at <http://leedsgate.co.uk/negotiated-stopping>.

6. Consultation

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

7. Implications for Resources

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

8. Implications for Policy Priorities

- 8.1 This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

9. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

| | |
|-------------------------|----------------------------------------------------------------------------------|
| Report to: | Executive Management Team |
| Report of: | Joint Report of Corporate Director, Place and Corporate Director, Economy |
| Date of Meeting: | 22 January 2018 |

| | |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subject: | Provision of accommodation for the Gypsy, Romany and Travelling community |
| Relevant Cabinet Member(s): | Cllr. Lisa Trickett, Cabinet Member for Sustainability Cllr. Peter Griffiths, Cabinet Member for Housing Cllr Barbara Dring, Chair of Licensing and Public Protection Committee |
| Corporate Priority Supported: | Housing – A great city to live in |

| | |
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| 1 | Purpose of report |
| 1.1. | To inform EMT of the powers available to a local authority to manage unauthorised encampments. |
| 1.2. | To inform EMT of trends in unauthorised encamping within the Birmingham area. |
| 1.3. | To inform EMT of the current position with regards to accommodation within Birmingham, having regards to the needs of the travelling community and the provision of available sites. |
| 1.4. | To inform EMT of available options to better manage unauthorised encampments and as appropriate to provide for the needs of the travelling community. |

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| 2 | Decision(s) recommended |
| 2.1. | EMT agree that the Corporate Director Place identifies capital funding and submits a match funding bid to the Homes and Communities Agency in January 2018 to progress the two sites in the Birmingham Development Plan. |
| 2.2. | On completion of the updated Gypsy and Traveller Accommodation Assessment a report is brought by Corporate Director Economy to EMT to advise on the recommendations of the assessment. |
| 2.3. | That the Corporate Director Place report back in 2 months to EMT on the progress of bringing Tameside Drive back into operational use. |

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| 3 | Background |
| | <p><u>What is an unauthorised encampment?</u></p> <p>3.1. An unauthorised encampment (UE) is a collection of vehicles incorporating caravans established on land for the purposes of residing on that land for a period of time without the landowner's consent. It is sometimes also referred to erroneously as an "illegal encampment" – see 3.6 below.</p> <p>3.2. UEs are typically established by members of the Gypsy, Romany and Traveller communities (GRT).</p> <p><u>Report Context</u></p> <p>3.3. On the 2nd October 2017 the Cabinet Member for Sustainability held a summit with some local MPs, Chair of Licensing and Public Protection Committee, Police and Crime Commissioners Office and officers. The details of attendees and agreed actions are attached in appendix 5</p> <p>3.4. The purpose of the summit was to consider the impact of unauthorised encampments in Birmingham. It was acknowledged that there are some encampments which cause little to no damage however there are some which have caused significant damage and anti-social behaviour where ever they camp. It was generally agreed that the lack of suitable and sufficient alternative accommodation for the travelling community leaves our open spaces open to unauthorised encampments.</p> <p>3.5. Where suitable alternative facilities are available then additional powers are available allowing those camping on land to be directed to the alternative provision. Additionally it would support the application of a more generalised injunction to protect the open spaces. This report is to inform the debate on the provision of transit sites in Birmingham.</p> <p><u>Powers related to unauthorised encampments</u></p> <p>3.6. The establishment of a UE is not a criminal act; there is no immediate sanction against a UE. It is a civil matter derived from the tort of trespass.</p> <p>3.7. There are a range of powers available to landowners and specifically Local Authorities (L/As) to regain possession of their land. There are also a range of powers available to the Police to deal with UEs. Guidance is given in Dealing with Illegal and Unauthorised Encampments, issued in March 2015 by the Department for Communities and Local Government. A copy is attached at Appendix 1.</p> <p><u>Summary of available powers</u></p> <p>3.8. The main provisions to recover sites can be categorised in 3 ways.</p> <ul style="list-style-type: none"> • Court Order on application by the local authority. • Notice issued by Police to leave site • Common Law powers <p>3.9. Court Orders are slow as they require notice to be given to those likely to be subject to the order of the hearing dates (including 2 clear days' notice) and require evidence and case files to be prepared and submitted in advance of the hearings. It is reported by the other West Midlands Councils that use this process it can take 7 to 14 days to be completed and costs are significant for each application. If a Court order for recovery of land is granted, this enables the L/As to employ bailiffs to recover the land and it is a criminal / arrest-able offence to obstruct a bailiff in the exercise of the court order.</p> <p>3.10. Sections 61 & 62 of Criminal Justice and Public Order Act 1994 gives the police discretionary powers to direct trespassers to leave land and remove any property or vehicles they have with them. The Section</p> |

62A-E power enables the Police to direct those subject to the notice to a suitable site (most likely a transit site but it could be another more acceptable open space).

- 3.11. Under common law any land owner is entitled to recover their land from trespassers. Once the trespassers have been advised the land owner wishes to recover their land, a bailiff can be employed to use reasonable force to remove those trespassing. There is no court order which allows a speedier resolution however it is not an arrestable offence to obstruct a bailiff in these circumstances.
- 3.12. Birmingham City Council has used this common law power since the 1990s as a cost effective and expedient method of recovering vacant possession. It is not unlawful however successive guidance from Government has recommended L/As not use this power and instead use the Court Order powers. Guidance from Barristers is that it is not unlawful to use this power but it needs to have a strong policy behind it. That policy is in the Joint Protocol for Managing Unauthorised Encampments.

Joint Protocol for Managing Unauthorised Encampments

- 3.13. The Council, in partnership with West Midlands Police (WMP) employ a joint protocol (Joint Protocol) to direct how unauthorised encampments will be managed within The Council's area. This joint protocol, or memorandum of understanding, has been in operation since 2000, is regularly reviewed and is currently at edition 8 dated October 2015.
- 3.14. The Joint Protocol informs that the Council will use common law powers and explains how and under what circumstances they will be used and how The Council will work with WMP, including under what circumstances WMP will consider using their powers under CJPOA 94. The Joint Protocol allows the Council and WMP to manage unauthorised encampments in a transparent and consistent format.
- 3.15. The processes around the re-possession of land are maintained, managed and undertaken by the Environmental Health service within the Regulation & Enforcement Division. There is no statutory duty on The Council to manage unauthorised encampments, nor to regain possession of land. This is a non-statutory function presently undertaken by Environmental Health.

Legal position related to unauthorised encampments

- 3.16. Previous cases confirm that the Gypsy, Romany and Travellers are protected under Article 8 of The Human Rights Act, specifically Right to way of life. ("Right to respect for private and family life")
- 3.17. The Courts have confirmed that Romany Gypsies and Irish Travellers are ethnic groups under the Equalities Act and are protected against discrimination.
- 3.18. Public Authorities are legally required to consider welfare issues for anyone on an unauthorised encampment prior to deciding any course of action to recover vacant possession. This is due to all public authorities to a greater or lesser amount having a responsibility to the health, welfare and education of everyone in their district. As a result a welfare check is carried out on each new encampment (however, see 3.20 below).
- 3.19. In 2006 a case was taken against Crawley Borough Council for automatically deciding to evict unauthorised encampments from their land. In the judgement of R. (on the application of Casey) v Crawley BC [2006] every council should consider 3 pathways before deciding on any course of action.

"Effectively, if an unauthorised encampment arises and there are no alternative authorised pitches in the area, local authorities have three clear paths relating to how they can resolve the encampment. Each option should be carefully considered:

- *Path 1 - To seek and obtain possession of the occupied site (eviction proceedings).*
- *Path 2 - To 'tolerate' the Gypsy or Traveller occupiers, if only for a short time, until an alternative site can be found or the occupiers move on voluntarily.*
- *Path 3 - To find an alternative site, if only on a temporary basis, and offer the Gypsy or Traveller occupiers the chance to move onto it."*

3.20. In the opinion of your officers, the lack of provision of suitable sites/pitches leads to the tension between the settled and travelling community and the repeated eviction and reoccupation of parks and open land in the city. It is also very difficult for those undertaking the evictions to undertake full welfare checks. This does not serve the GRT community well, nor BCC in deciding to recover land if it is unaware of all relevant circumstances that exist on site as required by the Crawley BC decision. Best practice would be for a multidisciplinary team consisting of health, education and social work to undertake such visits. Currently Environmental Health and the Police make such enquiries and signpost any issues as best they can.

3.21. It is also the Police and Crime Commissioners position and that of his officers, that all of the 7 Metropolitan Authorities in the WM Policing area should have a transit site. The PCC has also stated that if the authority has such provision then it is more likely the Police would intervene and direct U/Es to these sites – see Appendix 2.

Current transit site provision in Birmingham

3.22. The City Council does not currently have an operational Transit Site. It should be noted that there is no legal requirement to provide one. The only duty from this matter flows from the assessment in the Birmingham Development Plan (BDP). An officers group has been established to bring the allocated BDP sites forward and also to further identify other sites based on identified additional need. This group includes representatives from Planning, Legal Services, Housing and Environmental Health. Appendix 3 details these sites.

3.23. There is one historical transit site at Tameside Drive which although previously designated for transit purposes it is permanently occupied by a single family. Housing and Legal Services are working to bring part of the site into use for transit purposes, accepting that the current occupiers now have permanent rights of occupation of a proportion of the site. Previous legal challenge by BCC to evict that family was unsuccessful which has provided the current occupiers a firm legal basis to reside there permanently. There are currently 17 plots/pitches on Tameside Drive. Current occupiers are up to date with rent on a double plot but do occupy a larger section of the site. Housing and Legal Services are negotiating with the occupiers to regularise their occupation.

3.24. The Tameside Drive site is not in an ideal location when considering Homes and Community Agency (HCA) Guidance on this (see indent below) and also further compounded with the location of the HS2 line development works adjacent. It could however assist in Environmental Health and WM Police being able to justify the use of relevant powers to expedite evictions if it became an operational transit site.

"It is essential to ensure that the location of a site will provide a safe environment for the residents. Sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will obviously have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children." HCA

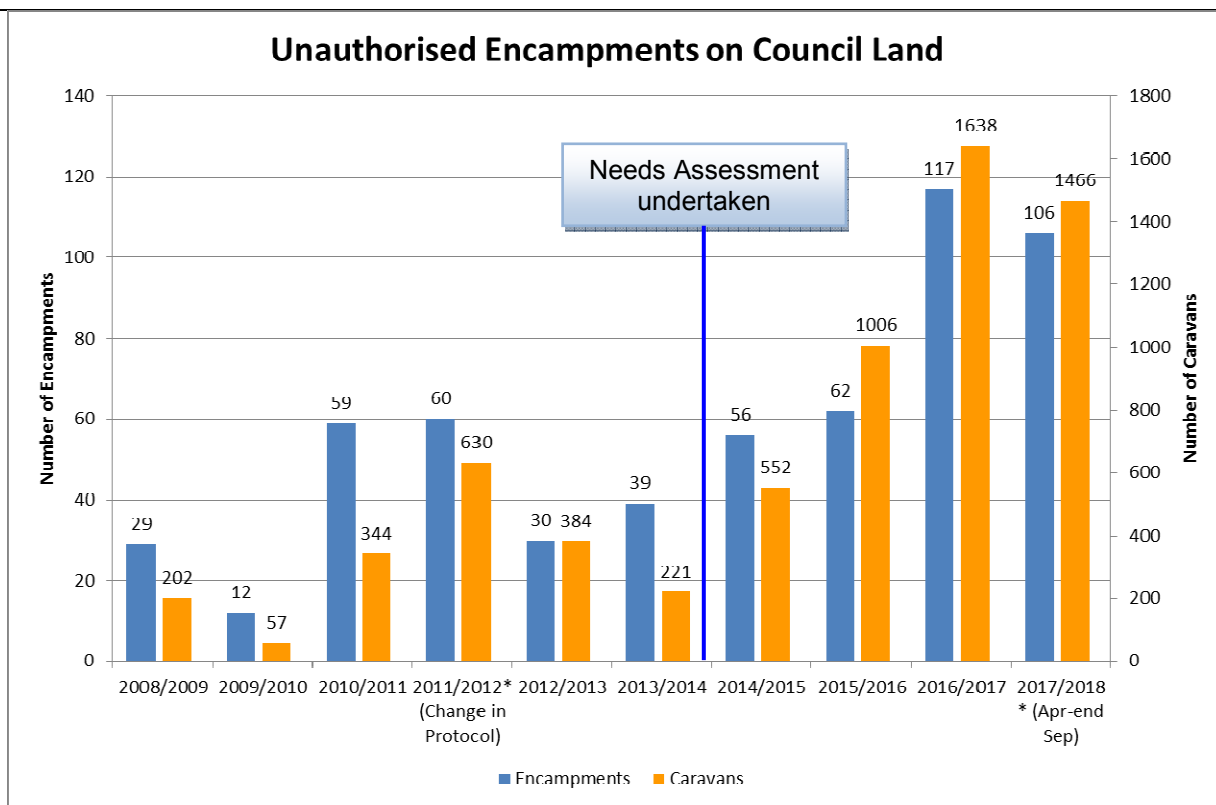
3.25. Both of the sites allocated in the BDP are in the process of being progressed for development through Housing and BPS. The design and costs are being determined and planning applications are being prepared for change of use.

Planning policy for Traveller sites

- 3.26. Under national 'Planning Policy for Traveller Sites' (PPTS) (2015), local planning authorities, when preparing local plans, are required to:
- Include a criteria based policy to provide a basis for decision making.
 - Establish accommodation needs in terms of numbers of pitches required.
 - Identify a supply of specific deliverable sites sufficient to provide five years' worth of sites against the identified need.
 - Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.
- 3.27. The Birmingham Development Plan (BDP) was adopted in January 2017. It includes a criteria based policy which sets out the criteria which will be used to assess the suitability of potential sites and to determine planning applications.
- 3.28. The Gypsy and Traveller Accommodation Assessment (undertaken as part of the BDP in 2014) identified a need for 8 permanent pitches and 10-15 transit pitches in Birmingham by 2031. It also recommended that 5 stopping places be provided.
- 3.29. Two sites were identified in the BDP at Hubert Street/Aston Brook Street North and Rupert Street/Proctor Street, both in the Nechells Ward. Both sites are owned by the City Council and at the time of the last needs assessment they were deemed sufficient to provide at least a five year supply of permanent pitches and meet all identified need for transit pitches.

Update of Needs Assessment

- 3.30. Recent trends in unauthorised encampments has required that consideration be given to update the Gypsy and Traveller Accommodation Assessment. The following graph identifies the numbers of caravans and sites used each fiscal year. It is noteworthy that the last needs assessment was undertaken in 2014 which coincided with a drop in GRT visitors to the city. The trend prior to 2014 was a downward one. However in 2014 /15 this trend reversed and numbers have increased markedly.



- 3.31. For this reason Economy Directorate will undertake an updated assessment to provide a robust evidence base for the size and type of additional sites that will be required including the requirement for settled and transit site(s). It is anticipated that the update is completed early in 2018.
- 3.32. Environmental Health are of the view that a site / sites to accommodate up to 50 pitches may be required based on recent trends or alternatively a number of smaller sites should be developed with a capacity of around 20 pitches – although this will be determined by the updated needs assessment outlined above. National guidance and learning from other providers is that transit sites should be smaller, accommodating approximately 15 pitches, so this could potentially increase the number of sites required. There is also evidence from the GRT community that smaller sites tend to integrate with neighbourhoods much better than large sites.
- 3.33. The BDP states that the broad location for additional sites should be in the South Western part of the city. The following criteria set out in Policy TP34 of the BDP policy will be used to assess the suitability of potential sites.
- The site is of sufficient size to accommodate pitches/plots of an appropriate size, and, in the case of Travelling Show-people, to accommodate appropriate levels of storage space.
 - There is safe and convenient pedestrian and vehicular access to and from the public highway and adequate space for vehicle parking and manoeuvring within the site.
 - The site is accessible to shops, schools, health facilities and employment opportunities and is capable of being served by services such as mains water, sewerage and power and waste disposal.
 - There is no conflict with other relevant policies such as those relating to the protection of the Green Belt, other greenfield land and industrial land, and those concerned with development within areas at risk of flooding and on contaminated land.
- 3.34. There are other issues to consider in regard to the bringing forward of the proposed new sites and any additional (larger) sites identified:

- The management function to operate sites as a transit site
- Funding and procurement of works required to bring into proper use.

3.35. Recently Telford Council and Sandwell Metropolitan Borough Council have reported significant reductions in unauthorised encampments following the provision of a transit site. Sandwell in particular are being held up as an exemplar in this field by the WM PCC office. Appendix 4 details the site they have provided and headline statistics.

Management function

3.36. The City Council (Housing Management function) does not currently have the capacity, specialist skills and knowledge to effectively manage such sites. Some authorities e.g. Solihull and Sandwell have outsourced this function and BCC Procurement Services have been asked to begin scoping how this can best be achieved in Birmingham. They have also been tasked with developing a potential procurement process for any current and future management requirements. There is however a budgetary issue with regards to how to progress this work, as identified above.

Funding a transit site

3.37. There is currently no capital budget provision to deliver these sites. An initial feasibility carried out by Acivico estimates the capital cost to bring the 2 sites in the BDP forward would be in the region of £250k. In addition it is estimated that costs associated with Tameside Drive would be approximately £100K. In order to progress these sites, capital funding needs to be identified. The work would need to be started without further delays if the City is to meet the spring 2018 deadline which coincides with the start of the travelling season.

3.38. The Homes and Communities Agency (HCA) are welcoming bids within the Affordable Homes programme for match funding new developments for GRT sites but the City Council will be required to meet such costs as procurement, management, delivery fees and any development cost match funding and there is currently no defined budget allowance for such costs.

3.39. There are also Procurement costs associated with identifying a suitable managing agent to operate the transit sites once they have been brought into use. Procurement have been engaged to undertake some market testing for the management function of any new sites and once the results are available they will be fed back to EMT.

3.40. Transit sites are regularised with short term tenancies and to this end basic sanitation and waste functions are provided. Sandwell MBC charges £80 per week with a deposit of £250. Based on this model it is foreseeable that the revenue costs should be covered for any site that is brought forward in Birmingham.

Next Steps

3.41. Submit bid to HCA for funding to develop the two BDP allocated sites. In doing so, match funding needs to be identified.

3.42. On receipt of confirmation of a capital budget submit planning applications for BDP allocated sites

3.43. Update the needs assessment.

3.44. In response to the up dated needs assessment, the council needs to decide if strategically the city wishes to have additional transit sites based on the result of the updated needs assessment.

3.45. If this is the case how many; of what size; and where.

3.46. That funding for their development be made available.

3.47. Identify additional sites based on updated needs assessment and the strategic decision made by EMT.

Appendices

| | |
|------------|---------------------------------------------------------------------------------------------------------------------------|
| Appendix 1 | DCLG, <i>Dealing with illegal and unauthorised encampments, A summary of available powers</i> , March 2015, DCLG, HO, MoJ |
| Appendix 2 | Statement from Police and Crime Commissioner |
| Appendix 3 | Allocated sites for GRT provision within the BDP |
| Appendix 4 | Sandwell MBC Transit Site |

Contact Officer(s)

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Note for LPPC

T

Appendix 1 can be viewed at

<https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments>

Appendix 2 has been shared with LPPC before and can be supplied electronically if requested.

Appendix 3 – Allocated sites for GRT provision within the BDP

Policy TP34 Provision for Gypsies, Travellers and Travelling Showpeople

The following sites are allocated to provide for accommodation for gypsies and travellers:

- Hubert Street/Aston Brook Street East.
- Rupert Street/Proctor Street.

Hubert Street



Proctor Street



Appendix 4 – Sandwell MBC Transit Site

Location – Foundry Lane – capacity for 34 pitches



Entry gate with movable security concrete blocks and removable posts (in yellow)



Entry drive with sanitary provision block, with waste facilities



Sanitary block entry point



Sanitary facilities



Site extent



| Calendar year | 2013 | 2014 | 2015 | 2016 | 2017 |
|---------------|------|------|------|------|------|
| # UE | 20 | 30 | 40 | 83 | 32* |

* The # UE for 2017 can be further explained as follows:

There were 20 UE up to March. The transit site went live in July and since then they have had only 7 UE of which only two of these were on Council land – n.b SMBC now take UE from private sites, these being directed to the transit site / SMBC team by WMP.

BIRMINGHAM CITY COUNCIL

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

14 FEBRUARY 2018
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE
DECISIONS TAKEN DURING DECEMBER 2017**

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

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

3. Summary of Appeal Hearings for December 2017

| | Magistrates' | Crown |
|------------------------|--------------|-------|
| Total | 3 | |
| | | |
| Allowed | | |
| Dismissed | 1 | |
| Appeal lodged at Crown | | n/a |
| Upheld in part | | |
| Withdrawn pre-Court | | |
| Consent order | 2 | |

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 December 2017 costs have been requested to the sum of £225 with reimbursement of £225 (100%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2017 to December 2017, costs associated to appeal hearings have been requested to the sum of £27,253.05 with reimbursement of £20,884.30 (76.6%) ordered by the Courts.

5. Implications for Policy Priorities

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

6. Public Sector Equality Duty

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

7. Consultation

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

| | Name | Date Case Heard | Result | Costs Requested | Costs Ordered | Comments |
|---|----------------------|-----------------|-----------|-----------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Mohammed Dhyal Uddin | 11.12.2017 | Dismissed | £225 | £225 | On 19 September 2017, as the result of a complaint submitted by a hackney carriage driver alleging plying for hire on the part of Mr Uddin, Committee considered and also gave consideration to two previous, similar complaints, and resolved to suspend the licence for a period of three months. Mr Uddin's legal representative has indicated an appeal to Crown Court. |

MAGISTRATES' COURT – LICENSING ACT 2003

| | Name | Date Case Heard | Result | Costs Requested | Costs Ordered | Comments |
|---|----------------------------------------------------------------------------------------------------------|-----------------|------------------|-----------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | TMR 2016 Ltd in respect of Soirée Lounge, Unit 2, 5-11 Fleet Street, Birmingham B3 1JP | 04.12.2017 | Consent order | Nil | Nil | Representation was received from West Midlands Police expressing concern that the applicant for a premises licence was closely related to a previous premises licence holder whose licence in respect of premises at the same location was revoked following the discharge of a firearm outside the premises, that conditions suggested by the applicant were vague and unenforceable, and that conditions had been suggested, not all of which had been agreed by the applicant. On 22 August 2017 Committee was mindful of the promotion of the licensing objectives in the Act, particularly the prevention of crime and disorder, public safety and the prevention of public nuisance, and refused the application. The appeal was dealt with by way of a consent order signed on 4 December 2017 by the Head of Licensing and Counsel for the Appellant, the premises licence to contain conditions agreed with West Midlands Police. |

| | | | | | | |
|---|------------------------------------------------------------------------------|------------|------------------|-----|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2 | Costcutter Unit 2, 492 Sheldon Heath Road, Birmingham B26 2RU | 04.12.2017 | Consent Order | Nil | Nil | <p>Representation was received from Cllr Sue Anderson (Sheldon Ward) objecting to the application and expressing concerns that late opening and the selling of alcohol would adversely affect local elderly residents. A 16-page petition from local traders expressing concern that the opening hours would cause problems in the area and would result in an increase of crime in the area. On 2 October 2017 Committee was mindful of the prevention of public nuisance and the protection of children from harm objectives in the Act and granted the premises licence, subject to certain conditions to promote the said objectives in the Act.</p> <p>The appellant was aggrieved by the imposition of these conditions; the appeal was dealt with by way of a consent order signed on 4 December 2017 by the Head of Licensing and a representative of Costcutter, which required the deletion or amendment of conditions imposed by the Sub Committee.</p> |
|---|------------------------------------------------------------------------------|------------|------------------|-----|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

BIRMINGHAM CITY COUNCIL

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

14 FEBRUARY 2018
ALL WARDS

FIXED PENALTY NOTICES ISSUED DECEMBER 2017

1. Summary
 - 1.1 The report sets out a breakdown, on a Constituency/Ward basis, of fixed penalty notices issued in the City during the period of December 2017.
2. Recommendation
 - 2.1 That the report be noted.

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E-mail: mark.croxford@birmingham.gov.uk

3. Background

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

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

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

4. Enforcement Considerations and Rationale

4.1 The attached appendix shows the wards where FPNs were issued during the month of December 2017.

4.2 By identifying both the area where the FPN is issued and the ward/area that the litterer lives this demonstrates that the anti-litter message is being spread right across the city. By and large litter patrols are targeted to the primary and secondary retail areas of the city because there is a high level of footfall and they engage with a full cross section of the population. Targeted areas include locations where there are excessive levels of littering, smoking areas with high levels of cigarette waste that cause blight in the city and areas where there are known problems associated with groups gathering to eat outdoors.

4.3 The number of incidences of Fixed Penalty Notices being issued reflects the fact that there is still a problem with littering on our streets. Since the Health Act came into force there has been a decline in street cleanliness associated with cigarette waste. This is reflected not only in these statistics but also in the environmental quality surveys undertaken by Fleet and Waste Management that record cigarette waste being the most prevalent waste upon our streets and identify it in 98% of all samples of street cleanliness.

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

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

5. Consultation

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

6. Implications for Resources

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

7. Implications for Policy Priorities

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

8. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: FPN records

APPENDIX 1
Wards where FPN's are issued

| Constituency | Ward | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Total |
|------------------|-----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|----------|----------|----------|--------------|
| Edgbaston | Bartley Green | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | | | | 1 |
| | Edgbaston | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 1 | | | | 4 |
| | Harborne | 0 | 0 | 0 | 0 | 3 | 1 | 0 | 0 | 0 | | | | 4 |
| | Quinton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | | | | 1 |
| Erdington | Erdington | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | | | | 4 |
| | Kingstanding | 0 | 1 | 0 | 0 | 2 | 0 | 1 | 0 | 0 | | | | 4 |
| | Stockland Green | 0 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | | | | 3 |
| | Tyburn | 0 | 1 | 1 | 1 | 0 | 2 | 0 | 0 | 0 | | | | 5 |
| Hall Green | Hall Green | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | 1 |
| | Moseley And Kings Heath | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | 2 |
| | Sparkbrook | 0 | 1 | 1 | 0 | 6 | 0 | 0 | 0 | 0 | | | | 8 |
| | Springfield | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 1 | | | | 4 |
| Hodge Hill | Bordesley Green | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 2 | | | | 5 |
| | Hodge Hill | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | | | | 2 |
| | Shard End | 1 | 4 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | | | | 6 |
| | Washwood Heath | 1 | 0 | 0 | 1 | 7 | 15 | 5 | 2 | 0 | | | | 31 |
| Ladywood | Aston | 0 | 2 | 0 | 1 | 1 | 0 | 4 | 0 | 0 | | | | 8 |
| | Ladywood | 459 | 436 | 264 | 358 | 399 | 386 | 580 | 709 | 290 | | | | 3,881 |
| | Nechells | 5 | 3 | 0 | 0 | 6 | 1 | 1 | 2 | 1 | | | | 19 |
| | Soho | 5 | 1 | 2 | 13 | 28 | 3 | 3 | 2 | 3 | | | | 60 |
| Northfield | Kings Norton | 0 | 0 | 4 | 3 | 0 | 0 | 0 | 0 | 0 | | | | 7 |
| | Longbridge | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | | | | 4 |
| | Northfield | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 3 | | | | 6 |
| | Weoley | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | 2 |
| Perry Barr | Handsworth Wood | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | | | | 1 |
| | Lozells And East Handsworth | 0 | 2 | 2 | 0 | 1 | 1 | 0 | 4 | 0 | | | | 10 |
| | Oscott | 0 | 1 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | | | | 4 |
| | Perry Barr | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | | | | 3 |
| Selly Oak | Billesley | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | | | | 3 |
| | Bournville | 0 | 0 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | | | | 3 |
| | Brandwood | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | 0 |
| | Selly Oak | 0 | 0 | 1 | 2 | 2 | 0 | 0 | 0 | 0 | | | | 5 |
| Sutton Coldfield | Sutton Four Oaks | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 6 | 0 | | | | 8 |
| | Sutton New Hall | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | 0 |
| | Sutton Trinity | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | | | | 2 |
| | Sutton Vesey | 0 | 0 | 0 | 0 | 3 | 0 | 1 | 0 | 1 | | | | 5 |
| Yardley | Acocks Green | 6 | 6 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | | | | 15 |
| | Sheldon | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 2 | | | | 4 |
| | South Yardley | 1 | 1 | 3 | 0 | 2 | 0 | 2 | 9 | 7 | | | | 25 |
| | Stechford And Yardley North | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | | | | 2 |
| Total | | 487 | 465 | 288 | 383 | 470 | 411 | 604 | 740 | 314 | 0 | 0 | 0 | 4,162 |

BIRMINGHAM CITY COUNCIL

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

14 FEBRUARY 2018
ALL WARDS

PROSECUTIONS AND CAUTIONS – DECEMBER 2017

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of December 2017.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Chris Neville, Acting Director of Regulation and Enforcement
Telephone: 0121 303 6111
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3. Results

3.1 During the month of December 2017 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- Two Licensing cases were finalised resulting fines of £450 and prosecution costs of £400 together with a six month driving disqualification. One simple caution was administered as set out in Appendix 1.
- 20 Environmental Health cases resulted in fines of £25,610, a 6 month conditional discharge, 200 hours of unpaid work and a 12 month driving disqualification. Prosecution costs of £21,329 were awarded together with clean-up costs in the sum of £160.50. No simple cautions were administered as set out in Appendix 2.
- Two Trading Standards cases resulted in fines of £400 and a 12 month conditional discharge. Prosecution costs of £3,686 were awarded together with compensation in the sum of £1,600. One simple caution was administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in December 2017 and cases finalised by district April - December 2017.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team from April to November 2017.

4. Consultation

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

5. Implications for Resources

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

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

Licensing

£14,297 has been requested with £8,542 being awarded (60%).

Environmental Health

£259,755 has been requested with £211,358 being awarded (81%).

Trading Standards

£76,937 has been requested with £68,722 being awarded (89%).

- 5.3 For the month of December 2017 the following costs have been requested and awarded:

Licensing

£1,095 has been requested with £400 being awarded (37%).

Environmental Health

£27,752 has been requested with £21,329 being awarded (77%).

Trading Standards

£3,686 has been requested with £3,686 being awarded (100%).

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

LICENSING CASES**APPENDIX 1**

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|--------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------------------|
| 1 | 4/12/17 | Ghulam Shaber 35 Willows Crescent Balsall Heath Birmingham B12 9NS | Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Broad Street, Birmingham and one of consequently having invalid insurance. | £250 – plying for hire No separate financial penalty for no insurance Disqualified from driving for 6 months. £200 costs (£491 requested) | Sparkbrook | Ladywood |
| 2 | 7/12/17 | Mohammed Abdul Ojud 6 Jersey Road Saltley Birmingham B8 1PL | Equalities Act 2010 Pleaded guilty to one offence of failing to carry out a booking accepted by the operator because the disabled customer was accompanied by an assistance dog. | £200 £200 costs (£604 requested) | Washwood Heath | Ladywood |

LICENSING SIMPLE CAUTIONS

During the period of December 2017, one simple caution has been administered.

Local Government (Miscellaneous Provisions) Act 1976

Section 56(3) One caution was issued for failing to produce records

ENVIRONMENTAL HEALTH CASES

WASTE OFFENCES

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|--------------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------------------|
| 1 | 1/12/17 | SBA Mobiles Ltd 741 Bristol Road South Birmingham B31 2NG | Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a statutory demand requiring written information to be provided within 7 days as to how the company disposes of its waste. | £500 £635 costs (£635 requested) | Weoley | Weoley |
| 2 | 1/12/17 | Woodgate PO Ltd 45 Woodgate Lane Birmingham B32 3QU | Environmental Protection Act 1990 Pleaded guilty to three offences; one offence of knowingly causing or permitting controlled waste, namely five black bags of waste from One Stop Post Office and Store, 45 Woodgate Lane, Birmingham, to be deposited on the grass verge opposite 45 Woodgate Lane and two offences of failing to comply with a statutory demand requiring written information to be provided within 7 days as to how the business disposes of its waste. | £1,500 – offence 1 No separate penalty for remaining offences £1,528 costs (£1,528 requested) | Bartley Green | Bartley Green |
| 3 | 14/12/17 | Jonathan Caines 63a Heybarnes Road Hay Mills Birmingham B10 9HR | Environmental Protection Act 1990 Scrap Metal Dealers Act 2013 Bail Act Pleaded guilty to four offences; two of knowingly causing controlled waste, namely paint pots, bulky waste, furniture, soil and garden waste, to be deposited from a Mercedes vehicle on land in Baker Street, Small Heath, Birmingham; one offence of operating as a scrap metal dealer without being licensed to do so and one offence of failing to surrender to bail. | 200 hours unpaid Community Work A Rehabilitation Requirement Activity of 20 days £50 fine – Bail Act Offence Disqualified from driving for 12 | Bordesley Green | Nechells |

| | | | | | | |
|---|----------|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|----------------|---------|
| | | | | months. Order made for the Forfeiture of the vehicle £400 costs (£6,633 requested) | | |
| 4 | 15/12/17 | Phone Giant Ltd 1 Washwood Heath Road Washwood Heath Birmingham B8 1SH | Environmental Protection Act 1990 Found guilty in absence of five offences; two of failing to prevent controlled waste from the business at Phone Giant, 2198 Coventry Road, Sheldon, Birmingham from being deposited on the pavement at 2202-2204 Coventry Road and three of failing to comply with notices requiring written information to be provided as to how the business disposes of its waste from Phone Giant, 2198 Coventry Road and Phone Giant, 1 Washwood Heath Road. | £2,500 £1,985 costs (£1,985 requested) £160.50 clean-up costs. | Washwood Heath | Sheldon |

FOOD HYGIENE OFFENCES

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|-----------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------------|--------------------------|
| 1 | 1/12/17 | Mohammed Sadhir Ali 81 Brookfield Road Aldridge Walsall WS9 8JE | Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions at Baguette Box, 332 Witton Road, Aston, Birmingham. There was evidence of mouse activity throughout the premises. Accumulations of dirt and grease were found on the cooker and the floor cover behind a drink fridge was in a poor | £320 – offence 1 No separate penalty for remaining offences £1,204 costs (£1,204 requested) | Out of area | Aston |

| | | | | | | |
|---|----------|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| | | | condition. There was a lack of pest proofing and no procedures were in place based on HACCP. | | | |
| 2 | 7/12/17 | Mohammed Najeeb 18 Leasowe Road Dudley DY4 8PW | <p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Pleaded guilty to 14 offences relating to conditions at Hajee Talibs, 509 Stratford Road, Birmingham on two separate dates, 27th September 2016 and 21st February 2017. On the first date, there were cockroaches throughout the premises and mouse droppings in rusty kitchen equipment. The premises was not kept clean, shelving, equipment and flooring were dirty. Surfaces where food was handled or came into contact with food were not maintained or easy to clean, chest freezer seals were dirty, damaged and rusty, the display chiller surface was mouldy and shelving in the drinks cabinet was dirty and rusty. A kitchen knife was mouldy. Rotten lettuces were found and raw meat was stored with cheese. During the next visit mouse droppings were found throughout the premises and the premises were dirty. There was a gap to the rear door large enough to allow access to pests. Raw meat was again stored with ready to eat food. A dish rack storing food equipment was damaged and rusty. There were no materials for cleaning or drying of hands at the washbasin.</p> | <p>£600 (£300 - offences 1 & 6)</p> <p>No separate penalty for remaining offences.</p> <p>£1,649 costs (£1,649 requested)</p> | Out of area | Springfield |
| 3 | 19/12/17 | Maharani Food and Drink Ltd 730 Pershore Road Birmingham B29 7NJ | <p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Pleaded guilty to 13 offences relating to conditions at Maharani Food and Drink, 209-211 Herbert Road, Small Heath, Birmingham on 14th March 2016, 6th May 2016 and 27th</p> | <p>Total fine £17,500</p> <p>£7,500 – 14.03.16 offences</p> <p>£2,500 – 06.05.16 offences</p> | Selly Oak | Nechells |

| | | | | | |
|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--|--|
| | | <p>July 2016.</p> <p>On 14.03.16 there was evidence of rat activity in the warehouse. There was a gap under the fire exit door which could allow access to pests, the warehouse floor was dirty. There was no wash hand basin for use on the first floor and cracked food containers were being used. There were no procedures based on HACCP and labels bore the wrong identification number.</p> <p>On 06.05.16 there was evidence of rat activity in the warehouse.</p> <p>On 26.07.16 the premises was not clean, plaster was crumbling off the store room wall, the ground floor warehouse wall could not be effectively cleaned. Shelving was dirty and showed mould growth. Cheese packaging was stored on a dirty floor. There was no evidence of HACCP and a food product in the chiller bore an incorrect identification number.</p> | <p>£7,500 – 26.07.16 offences</p> <p>£11,638 costs (£11,638 requested)</p> | | |
|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--|--|

ANIMAL WELFARE OFFENCES

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------|---------------------------------|
| 1 | 7/12/17 | Viktoria Tatrai 16 St Heliers Road Weoley Birmingham B31 1QT | <p>Microchipping of Dogs (England) Regulations 2015</p> <p>Pleaded guilty to one offence of being the keeper of a German Shepherd dog and failing to comply with a notice requiring the dog to be microchipped and the correct keeper details to be recorded on a database.</p> | <p>6 month Conditional Discharge</p> <p>£190 costs (£380 requested)</p> | Weoley | Weoley |

LITTERING OFFENCES

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|--------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------------------------|-------------------------------------|
| 1 | 1/12/17 | Carolina Blythe 22 Hay Leaze Bristol BS37 7YJ | Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham. | £220 £175 costs (£175 requested) | Out of area | Ladywood |
| 2 | 1/12/17 | Scott Dunn 24 South Road Hockley Birmingham B18 5NB | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham. | £220 £175 costs (£175 requested) | Soho | Ladywood |
| 3 | 1/12/17 | Sasher Zaffron Farrar Flat 1 17 Woodhurst Road Birmingham B13 9AY | Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Bennetts Hill, Birmingham. | £220 £175 costs (£175 requested) | Moseley & Kings Heath | Ladywood |
| 4 | 1/12/17 | Stuart Homer 38 Nursery Road Walsall WS3 2BY | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham. | £220 £175 costs (£175 requested) | Out of area | Ladywood |
| 5 | 1/12/17 | Kirsty Jones 60 Wood Street Ilkeston Derby DE7 8GE | Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham. | £220 £175 costs (£175 requested) | Out of area | Ladywood |
| 6 | 1/12/17 | Mithun Kelly 39 Westover Road Handsworth Birmingham, B20 1JD | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham. | £220 £175 costs (£175 requested) | Handsworth Wood | Ladywood |

| | | | | | | |
|----|---------|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------|----------|
| 7 | 1/12/17 | Madalina Alexandra Lache 7 Lancelot Close Birmingham B8 1EJ | Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham. | £220 £175 costs (£175 requested) | Washwood Heath | Ladywood |
| 8 | 1/12/17 | Peter McCormack Flat 6 179 Churchill Road Handsworth Birmingham B20 3PX | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham. | £220 £175 costs (£175 requested) | Lozells & East Handsworth | Ladywood |
| 9 | 1/12/17 | Dan Ovid 7 Lancelot Close Birmingham B8 1EJ | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham. | £220 £175 costs (£175 requested) | Washwood Heath | Ladywood |
| 10 | 1/12/17 | Mohammed Hasan Rahman 56 Slaney Road Walsall WS2 9AF | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham. | £220 £175 costs (£175 requested) | Out of area | Ladywood |
| 11 | 1/12/17 | Kelly Richmond Flat 245 Cleveland Tower Holloway Head Birmingham B1 1UF | Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham. | £220 £175 costs (£175 requested) | Ladywood | Ladywood |
| 12 | 1/12/17 | Maria Lulia Vladu 4 Highcroft Villas Highcroft Road Erdington Birmingham B23 6GQ | Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Bennetts Hill, Birmingham. | £220 £175 costs (£175 requested) | Stockland Green | Ladywood |

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

No simple cautions were administered during December 2017

TRADING STANDARDS CASES

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward Offence committed |
|---|--------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------------|
| 1 | 7/12/17 | Naga Foodstore Ltd 563 Stratford Road Sparkhill Birmingham B11 4LP | Children and Young Persons Act 1933 Pleaded guilty to one offence of selling 20 Benson & Hedges cigarettes from Naga Food Store, 563 Stratford Road, Birmingham to a person under the age of 18. | £400 £1,606 costs (£1,606 requested) | Springfield | Springfield |
| 2 | 7/12/17 | Jahangir Alam 14 Pugh Road Aston Birmingham B6 5LL | Road Traffic Act 1988 Pleaded guilty to one offence of supplying a Ford Mondeo motor vehicle from 14 Pugh Road, Aston, Birmingham in an unroadworthy condition. | 12 month conditional discharge £2,080 costs (£2,080 requested) Compensation £1,600 | Nechells | Nechells |

TRADING STANDARDS SIMPLE CAUTIONS

One simple caution was administered during December 2017

Licensing Act 2003

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

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – DECEMBER 2017

| <u>WARDS & CONSTITUENCIES FINALIZED BY OFFENCE</u> | | | | |
|-------------------------------------------------------------------|-------------------------|---------------------------------------------------|-----------------------------------------------|---------------------------------|
| | <u>Licensing</u> | <u>Environmental Health - Non FPNs</u> | <u>Environmental Health - FPNs</u> | <u>Trading Standards</u> |
| EDGBASTON | | | | |
| Bartley Green | | 1 | | |
| Edgbaston | | | | |
| Harborne | | | | |
| Quinton | | | | |
| ERDINGTON | | | | |
| Erdington | | | | |
| Kingstanding | | | | |
| Stockland Green | | | | |
| Tyburn | | | | |
| HALL GREEN | | | | |
| Hall Green | | | | |
| Moseley & Kings Heath | | | | |
| Sparkbrook | | | | |
| Springfield | | 1 | | 1 |
| HODGE HILL | | | | |
| Hodge Hill | | | | |
| Washwood Heath | | | | |
| Bordseley Green | | | | |
| Shard End | | | | |
| LADYWOOD | | | | |
| Aston | | 1 | | |
| Ladywood | 2 | | 12 | |
| Nechells | | 2 | | 1 |
| Soho | | | | |
| | | | | |

| | | | | |
|---------------------------|---|---|----|---|
| NORTHFIELD | | | | |
| Kings Norton | | | | |
| Longbridge | | | | |
| Northfield | | | | |
| Weoley | | 2 | | |
| | | | | |
| PERRY BARR | | | | |
| Lozells & East Handsworth | | | | |
| Handsworth Wood | | | | |
| Oscott | | | | |
| Perry Barr | | | | |
| | | | | |
| SELLY OAK | | | | |
| Billesley | | | | |
| Bournville | | | | |
| Brandwood | | | | |
| Selly Oak | | | | |
| | | | | |
| SUTTON COLDFIELD | | | | |
| Sutton Four Oaks | | | | |
| Sutton New Hall | | | | |
| Sutton Trinity | | | | |
| Sutton Vesey | | | | |
| | | | | |
| YARDLEY | | | | |
| Acocks Green | | | | |
| Sheldon | | 1 | | |
| South Yardley | | | | |
| Stechford & North Yardley | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | 2 | 8 | 12 | 2 |
| | | | | |

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – DECEMBER 2017

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

| | | | | |
|---------------------------|---|---|----|---|
| NORTHFIELD | | | | |
| Kings Norton | | | | |
| Longbridge | | | | |
| Northfield | | | | |
| Weoley | | 2 | | |
| | | | | |
| PERRY BARR | | | | |
| Lozells & East Handsworth | | | 1 | |
| Handsworth Wood | | | 1 | |
| Oscott | | | | |
| Perry Barr | | | | |
| | | | | |
| SELLY OAK | | | | |
| Billesley | | | | |
| Bournville | | | | |
| Brandwood | | | | |
| Selly Oak | | 1 | | |
| | | | | |
| SUTTON COLDFIELD | | | | |
| Sutton Four Oaks | | | | |
| Sutton New Hall | | | | |
| Sutton Trinity | | | | |
| Sutton Vesey | | | | |
| | | | | |
| YARDLEY | | | | |
| Acocks Green | | | | |
| Sheldon | | | | |
| South Yardley | | | | |
| Stechford & North Yardley | | | | |
| | | | | |
| OUT OF AREA | | 2 | 4 | |
| | | | | |
| TOTAL | 2 | 8 | 12 | 2 |
| | | | | |

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – DECEMBER 2017

| | Edgbaston | Erdington | Hall Green | Hodge Hill | Ladywood | Northfield | Perry Barr | Selly Oak | Sutton Coldfield | Yardley | Out of Area | Total |
|-----------------------------------------------------|-----------|-----------|------------|------------|----------|------------|------------|-----------|------------------|---------|-------------|-----------|
| Licensing | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Environmental Health (FPNs) Not paid and prosecuted | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 12 |
| Environmental Health (non FPNs) | 1 | 0 | 1 | 0 | 3 | 2 | 0 | 0 | 0 | 1 | 0 | 8 |
| Trading Standards | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – DECEMBER 2017

| | Edgbaston | Erdington | Hall Green | Hodge Hill | Ladywood | Northfield | Perry Barr | Selly Oak | Sutton Coldfield | Yardley | Out of Area | Total |
|-----------------------------------------------------|-----------|-----------|------------|------------|----------|------------|------------|-----------|------------------|---------|-------------|-----------|
| Licensing | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Environmental Health (FPNs) Not paid and prosecuted | 0 | 1 | 1 | 2 | 2 | 0 | 2 | 0 | 0 | 0 | 4 | 12 |
| Environmental Health (non FPNs) | 1 | 0 | 0 | 2 | 0 | 2 | 0 | 1 | 0 | 0 | 2 | 8 |
| Trading Standards | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL - DECEMBER 2017

| | Edgbaston | Erdington | Hall Green | Hodge Hill | Ladywood | Northfield | Perry Barr | Selly Oak | Sutton Coldfield | Yardley | Out of Area | Total |
|-----------------------------------------------------|-----------|-----------|------------|------------|----------|------------|------------|-----------|------------------|---------|-------------|------------|
| Licensing | 1 | 0 | 3 | 0 | 14 | 2 | 0 | 1 | 1 | 2 | 0 | 24 |
| Environmental Health (FPNs) Not paid and prosecuted | 3 | 1 | 2 | 0 | 435 | 1 | 0 | 5 | 0 | 0 | 0 | 447 |
| Environmental Health (non FPNs) | 3 | 9 | 11 | 8 | 43 | 7 | 14 | 3 | 1 | 12 | 0 | 111 |
| Trading Standards | 1 | 0 | 3 | 1 | 6 | 0 | 0 | 0 | 0 | 2 | 0 | 13 |

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL – DECEMBER 2017

| | Edgbaston | Erdington | Hall Green | Hodge Hill | Ladywood | Northfield | Perry Barr | Selly Oak | Sutton Coldfield | Yardley | Out of Area | Total |
|-----------------------------------------------------|-----------|-----------|------------|------------|----------|------------|------------|-----------|------------------|---------|-------------|------------|
| Licensing | 1 | 0 | 6 | 7 | 2 | 1 | 2 | 0 | 0 | 0 | 5 | 24 |
| Environmental Health (FPNs) Not paid and prosecuted | 18 | 17 | 25 | 28 | 51 | 14 | 31 | 25 | 6 | 13 | 219 | 447 |
| Environmental Health (non FPNs) | 5 | 8 | 10 | 13 | 25 | 4 | 12 | 5 | 3 | 12 | 14 | 111 |
| Trading Standards | 1 | 0 | 3 | 0 | 6 | 0 | 0 | 0 | 0 | 1 | 2 | 13 |

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2017 – MARCH 2018

| | Apr-17 | May-17 | Jun-17 | Jul-17 | Aug-17 | Sep-17 | Oct-17 | Nov-17 | Total 2017/2018 |
|--------------------------------------------------------------------------------------------------------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------------------|
| Waste Investigation Outcomes | | | | | | | | | |
| Investigations into commercial waste disposal suspected offences and offences | 23 | 35 | 83 | 101 | 88 | 43 | 90 | 111 | 574 |
| <i>Section 34 Environmental Protection Act</i> demand notices issued: (trade waste statutory information demands) | 20 | 32 | 75 | 85 | 75 | 37 | 56 | 76 | 456 |
| <i>Section 34 Environmental Protection Act</i> fixed penalty notices issued to businesses (£300) | 11 | 13 | 25 | 29 | 89 | 28 | 37 | 35 | 267 |
| <i>Section 87 Environmental Protection Act.</i> Fixed Penalty notices issued for commercial and residential litter offences (£80) | 5 | 0 | 5 | 0 | 3 | 0 | 2 | 3 | 18 |
| <i>Section 33 Environmental Protection Act</i> fixed penalty notices issued for fly tipping (£400) | 4 | 9 | 7 | 1 | 6 | 2 | 4 | 5 | 38 |
| Prosecutions | | | | | | | | | |
| Number of prosecution files submitted to legal services (number produced quarterly) | | | 15 | | | 19 | | | 34 |

BIRMINGHAM CITY COUNCIL

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

14 FEBRUARY 2018
ALL WARDS

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

1. Summary

- 1.1 This report advises the Committee of action(s) taken by 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, Acting Director of Regulation and Enforcement
Telephone: 0121 303 6111
E-mail: chris.neville@birmingham.gov.uk

3. Background Information

- 3.1 On 16 March 2007 Section 52 of the Road Safety Act 2006 came into force. This has had the effect of enabling a licensing authority to suspend or revoke a hackney carriage or private hire driver's licence with immediate effect – 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 January 2018

- 4.1 On 8 January 2018 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 99015. On 3 January 2018 an allegation was received from Staffordshire Police: driver 99015 had been arrested for conspiracy to commit burglary. Further information was received from Staffordshire Police: driver 99015 was allegedly involved in large-scale burglary of a dwelling involving car-key and subsequently vehicle theft.
- 4.2 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 8 January 2018 notice was delivered to driver 99015's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. Driver 99015's private hire badge and vehicle identification plates were retrieved.
- 4.3 On 8 January 2018 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 19884. On 6 January 2018 an allegation was received from the West Midlands Police: driver 19884 had allegedly raped a female passenger in his vehicle.
- 4.4 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 8 January 2018 notice was delivered to driver 19884's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.5 On 9 January 2018 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 1200. On 9 January 2018 information was received from the West Midlands Police: driver 1200 had been charged for an offence of driving a motor vehicle with alcohol level above the legal limit. Driver 1200 had lost control of his vehicle and collided with a traffic island. The lowest reading obtained from three specimens of breath was 63µg alcohol per 100ml breath, nearly twice the legal limit.

- 4.6 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 9 January 2018 notice was delivered to driver 1200's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.7 On 22 January 2018 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 21296. On 22 January 2018 information was received from West Midlands Police: driver 21296 had been arrested and bailed on suspicion of having raped a passenger who was being carried in his private hire vehicle.
- 4.8 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 23 January 2018 notice was delivered to driver 21296's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.9 On 30 January 2018 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 16283. On 30 January 2018 information was received from West Midlands Police: driver 16283 had been arrested and bailed on suspicion of having raped a passenger who had been carried in his private hire vehicle.
- 4.10 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 30 January 2018 notice was delivered to driver 16283's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. His private hire driver badge and vehicle identification plates were retrieved.

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.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

14 FEBRUARY 2018

SCHEDULE OF OUTSTANDING MINUTES

| MINUTE NO./DATE | SUBJECT MATTER | COMMENTS |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| | | |
| 916 (iii) 23/10/2017 | <u>Emissions Policy beyond 31 December 2019</u> The Acting Service Director of Regulation and Enforcement be requested to prepare a report for this committee to consider a medium to long-term emissions policy in respect of hackney carriage and private hire vehicles beyond 31st December 2019. | Report due in March 2018 |
| | | |
| 916 (iv) 23/10/2017 | <u>Absolute Age Policy in respect of Hackney Carriage and Private Hire Vehicles.</u> The Acting Service Director of Regulation and Enforcement be requested to prepare a report for this Committee at the earliest opportunity to consider an absolute age policy in respect of hackney carriage and private hire vehicles. | Report due in March 2018 |
| | | |
| 920 23/10/2017 | <u>Card Payments in Hackney Carriage Vehicles</u> The Acting Service Director of Regulation and Enforcement be requested to instruct officers to consult with the wider trade to establish the level of support for all Birmingham Licensed hackney carriages to be equipped to take credit card payments; amongst other drivers and trade organisations and report back to this Committee | Report due in June 2018 |
| | | |
| 934 (ii) 15/11/2017 | <u>Update Report on Proposed Strategy for Venues Operating as Shisha premises in Birmingham</u> The Acting Service Director of Regulation and Enforcement be requested to instruct officers to undertake a wider consultation with key stakeholders on the adoption of the proposed strategy. Officers to present the outcome of the consultation at a future meeting of Committee, with their recommendations on a finalised Strategy for the Committee's approval. | Report due in June 2018 |
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| 935 (ii) 15/11/2017 | <u>Update Report On Unauthorised Encampments –</u> The Acting Service Director of Regulation and Enforcement be requested to report further in three months' time to update on the various work items contained within this report. | Report on this agenda. To be discharged |
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| 942 (ii) 15/11/2017 | <u>Revision of Birmingham City Council Act 1990 Establishments for Massage and/or Special Treatments</u> The Acting Service Director of Regulation and Enforcement be requested to provide a report for Committee reviewing the need for the Birmingham City Council Act 1990 and options including delegation of hearings to Licensing Sub-Committees. | Report due in April 2018 |
| 942 (iii) 15/11/2017 | <u>References from Councillors and MPs for Taxi Drivers</u> The Acting Service Director of Regulation and Enforcement be requested to provide a report for Committee with a recommendation that no references for driver applicants would be accepted from Members of Parliament. | Report due in March 2018 |
| 968 17/01/2018 | <u>Vehicle Engine Sizes</u> The Acting Service Director of Regulation and Enforcement be requested to report outlining proposals for a new draft policy on vehicle engine sizes and to facilitate the licensing of electrically powered private hire and taxi vehicles within Birmingham. | Report due in March 2018 |