

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 18 JANUARY 2023 AT 10:30 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 DECLARATIONS OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

- 3 **APOLOGIES**
- To receive any apologies.
- 5 - 10** 4 **MINUTES - 16 NOVEMBER, 2022**
- To confirm and sign the Minutes of the last meeting.
- 11 - 42** 5 **REVIEW OF LICENSING AND PUBLIC PROTECTION FEES AND CHARGES 2023-24**
- The report of Director of Regulation & Enforcement (Presenting Officer - Mark Croxford)
- 43 - 50** 6 **REVIEW OF STREET TRADING CONSENT FEES AND CHARGES 2023-2024**
- The report of Director of Regulation & Enforcement (Presenting Officer - Sajeela Naseer)
- 51 - 70** 7 **NEW LEGISLATION RESTRICTING PROMOTIONS OF PRODUCTS HIGH IN FAT, SUGAR OR SALT REPORT**
- The report of Director of Regulation & Enforcement (Presenting Officer - Nick Lowe)
- 71 - 78** 8 **COMMUNITY SAFETY TEAM CITY CENTRE PUBLIC SPACE PROTECTION ORDER REPORT**
- Report to the Licensing & Public Protection Committee (Presenting Officer - Pam Powis)
- 79 - 92** 9 **CITY CENTRE NOISE PUBLIC SPACE PROTECTION ORDER REPORT**
- The report of Director of Regulation & Enforcement (Presenting Officer - Mark Croxford)
- 93 - 124** 10 **PROSECUTIONS AND CAUTIONS - SEPTEMBER & OCTOBER 2022**
- The report of Director of Regulation & Enforcement (Presenting Officer - Sajeela Naseer)
- 11 **DATE AND TIME OF NEXT MEETING**
- To note the date and time of the next Meeting on 15 March, 2023.
- 12 **OTHER URGENT BUSINESS**
- To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

13 **AUTHORITY TO CHAIR AND OFFICERS**

Chair to move:-

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

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 16 NOVEMBER, 2022

MINUTES OF A MEETING OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE HELD ON WEDNESDAY, 16 NOVEMBER, 2022 AT 1030 HOURS AT THE COUNCIL HOUSE, BIRMINGHAM B1 1BB

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Diane Donaldson, Sam Forsyth, Adam Higgs, Zafar Iqbal, Ziaul Islam, Narinder Kooner, Mary Locke, Saddak Miah, Julien Pritchard and Penny Wagg

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

DECLARATIONS OF INTEREST

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There were no declarations made.

APOLOGIES

- 1490 Apologies were received from Councillors Barbara Dring, Simon Morrall and Izzy Knowles for non-attendance.
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MINUTES

- 1491 The minutes of the last meeting held on 21 September, 2022, having been previously circulated were confirmed and signed by the Chair.
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REGULATING THE COMMONWEALTH GAMES 2022 REPORT

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

(See document no. 1)

Paul Lankester, Former Interim Director of Regulation and Enforcement presented this report providing a resume of the activities that took place in regulating the Commonwealth Games, which took place in late July and early August 2022. The details were set out in the report.

Members congratulated the team for the event which took place without any major issues. There was an issue with the wristbands which had been resolved. It had been a fantastic event and had received positive feedback. The work on the Commonwealth Games will act as sharing of knowledge for others to hold events and will stand the City in good stead for the European Athletics Championships and have benefits for joint working in the future. The Covid Marshalls had been adapted and used to assist the public. There were benefits from sharing resources, knowledge and data. ^A

In response to a question about lessons learnt and what he would have done differently, Paul Lankester said that he would have put a robust plan in place as BCC could have been better co-ordinated. The stadium could have been designed differently to stop the bottleneck. He would have found out more information about the opening and closing ceremony prior to the event. They had not been aware that wristbands would be issued leading to them having to deal with the issue that arose. There had been a lot of concern about the safety of the public and the operation of the Safety Advisory Group had improved as a result.

Councillor Locke expressed her thanks to all those involved. She noted the impact on all the Wards which was good for business, jobs and the economy. The point about families being separated from each other would be taken back to the SAG. The response time for business continuity was approximately the same owing to extra resources being available.

Sajeela Naseer thanked all the staff who were fantastic before, during and after the event. There had been a lot of challenges and they were proud of the team. Sajeela Naseer added that Paul Lankester was being modest about his contribution to the Commonwealth Games. He had taken the lead working both with the government and with joint regulation across local authorities. as a team with Mark Croxford and Tony Quigley she thanked Paul Lankester for his leadership.

The Chairman said this was an opportunity to celebrate success. It was his pleasure to thank Paul for his contributions and work since 2019 and to present Paul Lankester with a token of gratitude. The Committee gave a round of applause. Paul Lankester accepted the gift and said it had been an honour to work for Birmingham City Council. He had started his career in Environmental Health at Aston University. Birmingham was Innovative then in terms of environmental health. He had always considered being the senior manager in regulation in Birmingham City Council as the top job in the country and he had the pleasure to do that for three years.

1492 **RESOLVED:-**

That the report be noted.

**COMMONWEALTH GAMES LEGIONELLA ASSURANCE REPORT IN
HOTEL ACCOMMODATION PREMISES**

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

(See document no. 2)

Mark Croxford presented the report advising that owing to hotels and businesses being closed owing to the lockdown water taps had not been run in premises leading to the risk of the disease. They had advised Premises what action they needed to take. Full details were in the report.

In response to questions there was nothing to compare the test results against and that is something that could be looked at in the future. The good news was that the risk had been controlled prior to the commonwealth games. The unsatisfactory figures in the report referred to a variety of venues eg some sports facilities or hotels. Some may had remained unused during the pandemic. The disease was not difficult to eradicate if the advice was complied with. It could happen in premises that were up for sale but it was not normally a risk.

1493 **RESOLVED:-**

That the report be noted.

UPDATE ON AIR QUALITY REPORT

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

(See document no. 3)

Mark Walston gave a summary of the report. It was noted that it was the intention to put one air quality sensor in each Ward in the City. He was happy to speak to Ward Councillors about this. In reply to questions there were some barriers to schools engaging. Some schools thought it might show that the air quality in their area was not good. They would need to reassure the schools on how to interpret the data. Another barrier was finding the time to include it in the school curriculum and having the time and resources to it follow up. They would be reaching out to Ward Members for help. The issue of PM's compliance with regard to airport monitoring was discussed. BCC had a legal duty with regard to this.

Members discussed the improvement in air quality in the City owing to the Clean Air Zone. There had been a reduction in vehicles and an increase in compliant vehicles. During the discussion the congestion outside schools was discussed and whether this was being monitored. It was not always obvious that this was being monitored. Mark Wolstencroft responded to the comments made about the areas outside schools. It was stated that there had been a lot of engagement with schools about walking to school schemes and parking etc. The Committee would welcome feedback on school related issues. As a City the air quality needed to be improved.

Sajeela Naseer added that there would be a strategic approach taken and Members would be informed of the pathways they were taking to improve air quality in the City. Councillor Davis was concerned about the Government's proposal for a deadline at the end of 2023 for the legislation and felt that perhaps the full Council may want to address this.

1494 **RESOLVED:-**

That the report be noted.

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

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

(See document no. 4)

Mark Croxford presented the report giving an update on work being undertaken to further manage unauthorised encampments in the City. During the discussion he advised that the site at Aston Brook Street is presently vacant awaiting development however there was no update available. The numbers of sites were manageable at present. It would be helpful if the sites were smaller as they were easier to manage. They were looking at Housing to manage the sites. Following a comment from the Chair he would follow up joint reports with Housing and for a Housing Officer to attend the meeting. Planning were responsible for identifying the sites which were then run by Housing. The site used by one family could hold another 15 pitches. They had tried to mitigate the impact of the sites on the community.

1495 **RESOLVED:-**

That the report be noted and that an officer from Housing attend a future meeting.

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REPORT

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

(See document no. 5)

Sajeela Naseer presented the report requesting comments on the draft policy regarding the conversion of carriages to fully electric. Members were informed that an additional paragraph had been added to section 3.11 of the policy that carriages will be licensed up to a maximum of 18 years from the date of conversion (rather than date of first registration).

In response to questions Sajeela Naseer informed that the first step was for all the policy documents to be in one place to see the impact of the legislation. All drivers needed to understand their obligations with regard to disabled passengers. They would look at the use of all dogs in the review of the policy. Members felt it would be useful to have clarification on this. Drivers who had been the victim of an attack were encouraged to report it to the police. The use of more online bookings and prepayment of fares reduced the risk factors for drivers. Members were encouraged to pass on any comments to Sajeela Naseer.

1496 **RESOLVED:-**

- i) That the comments from Members be noted; and
 - ii) That the report be noted and commended to the Cabinet.
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R&E ACTIVITY REPORT - (QUARTER 2) 2022-23

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

(See document no. 6)

RESOLVED:-

That the content of the report be noted

PROSECUTIONS & CAUTIONS REPORT - AUGUST 2022

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

(See document no. 7)

1497 **RESOLVED:-**

That the report be noted.

DATE AND TIME OF NEXT MEETING

1498 **RESOLVED:-**

It was noted that the next formal meeting of the Licensing and Public Protection Committee was scheduled to take place on Wednesday, 18 January, 2023 with an informal meeting taking place on 14 December 2022.

OTHER URGENT BUSINESS

1499 There was no urgent business.

AUTHORITY TO CHAIRMAN AND OFFICERS

1500 **RESOLVED:-**

That 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 1215 hours.

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CHAIR

BIRMINGHAM CITY COUNCIL

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

18 JANUARY 2023
ALL WARDS

**REVIEW OF LICENSING AND PUBLIC PROTECTION
FEES AND CHARGES 2023/24**

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 for Trading Standards Services, as detailed in **Appendix 1**, are approved to take effect from 1 April 2023.
- 2.2 That the changes to the fees and charges for Environmental Health Services, as detailed in **Appendix 2(a)**, are approved to take effect from 1 April 2023.
- 2.3 That the changes to the fees and charges for Animal Welfare Services, as detailed in **Appendix 2(b)**, are approved to take effect from 1 April 2023.
- 2.4 That the changes to the fees and charges for Environmental Health Fixed Penalty Notices, as detailed in **Appendix 2(c)**, are approved to take effect from 1 April 2023.
- 2.5 That the changes to the fees and charges for Pest Control Services, as detailed in **Appendix 2(d)**, are approved to take effect from 1 April 2023.

- 2.6 That the changes to the non-statutory fees and charges for the Registration Service, as detailed in **Appendix 3**, are approved to take effect from 1 April 2023.
- 2.7 That the statutorily set charges for the Registration Service, as detailed in **Appendix 3(a)** be noted.
- 2.8 That the changes to the fees and charges for Coroner's Services as detailed in **Appendix 4**, are approved to take effect from 1 April 2023.
- 2.9 That the changes to the fees and charges for Statutory Team (Acivico - Building Consultancy) as detailed in **Appendix 5**, are approved to take effect from 1 April 2023.
- 2.10 That the changes to the fees and charges for Highway Services as detailed in **Appendix 6**, are approved to take effect from 1 April 2023.
- 2.11 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

2. Background

2.1 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.

2.2 Tables with greyed out boxes indicates the fee is set in statute and is for noting only.

3. Proposals

3.1 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.

3.2 The areas covered are as follows:

- Appendix 1 – Review of Charges for Trading Standards.
- Appendix 2(a) – Review of Charges for Environmental Health
- Appendix 2(b) – Review of Animal Welfare charges
- Appendix 2(c) – Review of Charges for FPNs issued by Environmental Health
- Appendix 2(c) – Review of Charges for Pest Control
- Appendix 3 – Review of Charges for Register Office.
- Appendix 3(a) – Register Office statutorily set fees.
- Appendix 4 – Review of Charges for the Coroner's Service
- Appendix 5 – Review of charges for Birmingham Account Team (Acivico - Building Consultancy) (formerly Surveying Services)
- Appendix 6 – Review of Highway Services Charges

3.3 Where fees in any service area are not covered by the appendices or a recovery of monies is to be levied then the full recharge will be based on the following table. The hourly rate by grade (includes full overhead recovery and central support costs) is broken down by the seven salary grading bands the Local Authority appoints its officers under.

OFFICER SALARY GRADE	CURRENT CHARGEABLE HOURLY RATE (2022/23)	PROPOSED CHARGEABLE HOURLY RATE (2023/24)
Grade 2	£38	£42
Grade 3	£51	£55
Grade 4	£65	£70
Grade 5	£83	£88
Grade 6	£107	£112
Grade 7	£143	£149

- 3.4 The hourly rate for officers has increased by between £4 and £6 per hour. This is due to the increased cost of employees offset by further improved efficiencies leading to the central support costs being reduced.
- 3.5 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.
- 3.6 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.
- 3.7 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.
- 4. Consultation
- 4.1 This report will be appended to a wider reaching City-wide Fees and Charges report to full Cabinet at the end of February 2023.
- 5. Implications for Resources
- 5.1 The proposals represent an increase to budgeted income for 2023/24, assuming the same level of work being delivered. The proposed increases are in line with the budget strategy for 2023/24 onwards.
- 6. Implications for Policy Priorities
- 6.1 The recommendations are in accordance with Financial Regulations, budget requirements and the Corporate Charging Policy.
- 7. Public Sector Equality Duty
- 7.1 There are no specific implications identified.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Birmingham City Council – Corporate Charging Policy

REVIEW OF TRADING STANDARDS CHARGES 2023/24

- 1.1 In reviewing these fees and charges, officers from the Directorate have considered:
- the budget strategy for 2023/24, which is for a 5% increase in income where it is sustainable.
 - the need to ensure that relevant expenditure and income targets are met, and full cost recovery achieved.

1.2 Measuring Instruments for Measuring Liquid Fuel or Lubricants or Mixtures Thereof

Weights and Measures	2023/24
Un-subdivided container types	£107.00
1 meter tested	£133.00
2 meters tested	£217.00
3 meters tested	£305.00
4 meters tested	£383.00
5 meters tested	£459.00
6 meters tested	£560.00
7 meters tested	£638.00
8 meters tested	£704.00
All other Weights and Measures on site - charge per hour	£88.00
Measuring Instruments off-site within BCC boundary hourly rate + mileage	£88.00
Measuring Instruments on-site outside BCC boundary hourly rate + mileage + 10 % for other overheads	£88.00
Duplicate certificates or duplicate statements of accuracy (each)	£24.00
Work outside of normal Office Hours, hourly rate will be subject to a 50% increase	
Metrology minimum charge for cancelled appointment	£88.00

1.3 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 £92 + VAT per attendee for a day course and £58 +VAT for half day course (minimum of 10 attendees) remains unchanged.

1.4 **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 2023/2024 Grade 5 Officer as per the table in 3.3 of the main report plus expenses.

1.5 **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.

Head Office	2023/24
Primary Authority Partnerships (cost recovery only)	£88.00
Primary Authority Partnership (PAP) - hourly rate	£88.00
Business Advice outside/without PAP Agreement	£88.00
Accredited Financial investigations for partner local authorities or other internal services.	£200 initial assessment. £88 per hour or ½ of any subsequent POCA ARIS incentivisation

1.6 **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 £88.00 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.

1.7 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.

Fixed Penalty Notices	2023/24
Nuisance Parking (s6(1) Clean Neighbourhoods and Environment Act)	£100
Energy Performance Certificates - Duty to Provide to Prospective Buyers (Energy Performance of Buildings (England & Wales) Regulations 2012)	£200
Energy Performance Certificates - Duty to Display (Energy Performance of Buildings (England & Wales) Regulations 2012) - 14(3)(a)	£1,000
Energy Performance Certificates - Duty to Display (Energy Performance of Buildings (England & Wales) Regulations 2012) - 14(3)(b)	£500
Energy Performance Certificates - Duty of Controllers of Air conditioning Systems (Energy Performance of Buildings (England & Wales) Regulations 2012) - 18(1), 20, 21	£300
Redress Schemes (requirement of Estate Agents to belong to scheme)	£1,000
Minimum Efficiency Standards for buildings (from April 2018)	£5,000 to £10,000 or 10%-to-20% of rateable value

**REVIEW OF CHARGES – ENVIRONMENTAL HEALTH
AND PEST CONTROL 2023/2024**

- 2.0 In reviewing these fees and charges, officers from the Directorate have considered:
- the budget strategy for 2023/24, which is for a 5% increase in income where it is sustainable.
 - the need to ensure that relevant expenditure and income targets are met, and full cost recovery achieved.
 - fees and charges levied by neighbouring districts and similar providers.

2.0.1 The non-statutory fees and charges have been set in accordance with the above considerations.

2.0.2 For 2023/2024 Environmental Health have again used the rationale of maximising income, based on market forces, to assist in meeting the corporately set income targets and fees inflation 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 £128 per hour (from £122). 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 £173 (current charge £165) 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. Only LA authorised officer can issue certificates it is therefore a Non-Business activity and VAT exempt (Tax Code A8 applies).

Where no visit is required, it is proposed that the fee increase will be £113 (current charge £108) for the certificate. Only LA authorised officer can issue certificates it is therefore a Non-Business activity and VAT exempt (Tax Code A8 applies).

Where Export Certificates have been produced and are no longer required, there will be a charge of £37 cancellation fee (current charge £35) for each certificate produced.

2.3 Provision of a Veterinary Export Health Certificate

In response to Brexit, to support local business we have employed an Official Veterinary Surgeon/ Food Safety Officer to issue export health certificates for meat products exported from the UK. This was a new service introduced in 2022 and we needed to determine market forces. It is proposed that where an inspection of the premises is required, this will be subject to a minimum of £250 plus vat (total of £300 Private businesses also undertake this work therefore Standard VAT rate applies). This is the same rate as last year, this is slightly higher than the current market rate and any increase could result in the loss of current business and a loss of income.

2.4 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 £250 (currently £206). 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. As this only applies to businesses that are not compliant with legal requirements for hygiene and operation it is proposed to increase the fees significantly, as the current fee is not acting as a disincentive to businesses maintain standards between programmed inspections. (Non-Business activity VAT exempt (Tax Code A8 applies)).

Summary

Food Condemnation / Export / Hygiene matters	2022/23	2023/24
Food Condemnation / Surrender Notes	£122	£128
Provision of Food Export Certificates	£165	£173
Provision of Food Export Certificates where no visit required	£108	£113
Food Export Certificates where produced but no longer required	£35	£37
Provision of a Veterinary Export Health Certificate	£250+VAT	£250+VAT
FHRS Revisit to obtain new Food Hygiene Score	£206	£250

2.5 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 £180 plus the hourly rate per hour or part hour thereafter for the officer compiling the report. (Current charge is £171). VAT will be applied at its appropriate rate, in addition to this cost.

- 2.6 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 £100 per delegate for one day's training [including any refreshments] with a minimum number of ten delegates per course (currently £95). (VAT exempt if only L/A officer's attend. VAT would be payable for external delegates and must be added to their charge).

Summary

Health and Safety	2022/23	2023/24
Section 28 HSWA for legal Accident Reports	£171	£180+VAT
Health and Safety Training - per delegate, per day	£95	£100

2.7 Food and Health and Safety Primary Authority Partnerships.

Environmental Health Food and Health & Safety Teams 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 Government's Office of Product Safety & Standards and enables local authorities to recharge for the time spent on servicing the partnership. By statute costs incurred by Councils participating in Primary Authority Partnerships are recharged 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 2023/2024 Grade 5 Officer hourly rate detailed in the table at 3.3 of the main report plus expenses. (VAT applies but is currently zero rated for this work).

2.8 Environmental Conveyancing Searches

Several 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. It is proposed that the fees increase by 5% this year in line with corporate direction, raising the fees for next year to £90 for a Basic Search and £126 for an Advanced Search. (Tax Code A8 applies no VAT as only LA can give this detail).

2.9 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 £120 (previously £110) 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 £130 (currently £125). 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.

2.10 Attendance at Exhumations

It is proposed to increase the fixed fee from £380 to £400 to be received in advance of an exhumation (Tax Code A8 applies no VAT as only LA can oversee 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, this too requires an exhumation approval, then the charges for this work will be based on an hourly rate (plus VAT) of a GR5 officer.

2.11 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 £290 and it is proposed to increase this to £305. 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 are reinvested in its implementation, operation and enforcement and no charge can be levied for clear-up costs. It is proposed that the charge for replacement consent cards is increased from £50 to £53. (Non-Business activity VAT exempt (Tax Code A8 applies)).

Summary

Conveyancing and Default work / Free Literature Consents	2022/23	2023/24
Primary Authority Partnership's (Statutorily set at cost recovery)	Cost recovery	Cost recovery
Processing Environmental Information for conveyancing – Basic	£85	£90
Processing Environmental Information for conveyancing – Advanced	£120	£126
Statutory Default Work - Admin costs for Invoices / Processing	£110	£120
Statutory Default Work - Seizure of Sound Equipment	£125	£130
Attendance at Exhumations (inc. completion of documentation)	£380	£400
Distribution of free literature consents	£290	£305
Replacement Identity badges	£50	£53

2.12 Animal Welfare – Stray Dog Charges

- 2.12.1 The statutory charge prescribed under the Environmental Protection Act, where dogs are claimed from the Birmingham Dogs Home or where dogs are returned directly to their owners is £25 and cannot be altered. The Act also permits local authorities to charge dog owners for all the costs incurred by the seizure and detention of their dog if seized as a stray. We propose to make an additional £10 charge per dog to cover these costs and continue to charge dog owners any other associated costs, which may include out of hours kennelling charges or veterinary fees, as well as additional officer time, where applicable.
- 2.12.2 We will charge £102.74 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. Non-Business activity VAT exempt (Tax Code A8 applies) for all Public Services, however for private businesses VAT will be applied at relevant rate.
- 2.12.3 Where officers carry out assessments of dogs kept by any person looking to adopt or foster a child, it is proposed to charge the officer's full hourly rate from the start to completion of the assessment, this includes travel time and providing a report on the suitability or otherwise of any dog(s) kept by the potential carers to the adoption/fostering team. (Non-Business activity VAT exempt (Tax Code A8 applies)).
- 2.12.4 Where officers carry out work on behalf of social services involving the removal of animals where their owners have been admitted into hospital or found to be deceased, there will be a charge of £102.74 to attend and remove animals. Officers hourly rate (GR3) or part thereof will be charged for any subsequent visits required. Office activities (GR4) will be charged at the officer's hourly rate or part thereof. (Non-Business activity VAT exempt (Tax Code A8 applies)).
- 2.12.5 Officers provide a stray dog collection service for Solihull Metropolitan Borough Council. It is proposed to charge £82.50 to collect and impound a stray dog or return it to its owner, this is based on a GR 3 officers time at 1.5 hours per attendance. Should there be any additional requirements in terms of time or officers needed, this will be charged in addition at the officer's standard hourly rate. (Non-Business activity VAT exempt (Tax Code A8 applies)).

2.13 Animal Welfare - Licensing

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, allow for licences to run for 1, 2 or 3 years. Licence fees must reflect this and

the need for a separate application and annual fee. The length of a licence is determined by a star rating of premises, which must be applied by the inspecting officers following inspection and in consideration of previous compliance history. There are also provisions to allow licenced premises to apply for a variation to their licence and to request additional inspections.

The tables below identify animal related licensed premises and associated reviewed 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. It is proposed to make a small increase in all the licence fees as follows;

New Licences

Licensable Activity	Proposed Total Licence Fee 1 year licence	Current Fee	Vets Fees	L/A Inspection upon Request	Application to Vary Licence
Selling Animals as Pets	£499.38	£475.60	At Cost	£88.00	£54.50 (plus £88 per inspection as required)
Commercial Animal Boarding	£423.12	£402.98	At Cost	£88.00	£54.50 (plus £88 per inspection as required)
Dog Breeding	£423.12	£402.98	At Cost	£88.00	£54.50 (plus £88 per inspection as required)
Dangerous Wild Animals	£423.12	£402.98	At Cost	£88.00	£54.50 (plus £88 per inspection as required)
Home Dog Boarding	£293.34	£279.38	At Cost	£88.00	£54.50 (plus £88 per inspection as required)
Arranging Animal Boarding (where no animal boarding licence in place)	£226.00 (plus £88.00 per inspection as required)	£215.27 (plus £85.50 per inspection as required)	At Cost	£88.00	£54.50 (plus £88 per inspection as required)
Hiring of Horses	£557.78	£531.22	At Cost	£88.00	£54.50 (plus £88 per inspection as required)
Keeping/Training Animals for Exhibition	£512.89 (3 year mandatory licence)	£488.47 (3 year mandatory licence)	At Cost	£88.00	£54.50 (plus £88 per inspection as required)

Type of Licence	Current Fee	Proposed Fee
Zoos		
- 4 year licence (new)	£2,750	£2,887.50
- 6 year licence (renewal)	£2,750	£2,887.50

Renewal Licence

Licensable Activity	Application Fee	Licence Fee 1 year	Licence Fee 2 year	Licence Fee 3 year	Vets Fees	LA Inspection on request	Application to Vary Licence
Selling animals as pets	£184.11	£88.00	£176	£264	At Cost	£88.00	£54.50 (plus £88.00 for inspection as required)
Commercial Animal Boarding	£198.72	£88.00	£176	£264	At Cost	£88.00	£54.50 (plus £88 per inspection as required)
Dog Breeding	£198.72	£88.00	£176	£264	At Cost	£88.00	£44.00 (plus £88 per inspection as required)
Dangerous Wild Animals	£198.72	£88.00	£176	£264	At Cost	£88.00	£54.50 (plus £88 per inspection as required)
Home Dog Boarding	£91.38	£88.00	£176	£264	At Cost	£88.00	£54.50 (plus £88 per inspection as required)
Arranging Animal Boarding (as stand-alone licence)	£136.26 (plus 88 per inspection as required)	£88.00	£176	£264	At Cost	£88.00	£54.50 (plus £88 per inspection as required)
Hiring out Horses	£243.60	£88.00	£176	£264	At Cost	£88.00	£54.50 (plus £88 per inspection as required)

							as required)
Keeping or Training Animals for Exhibition	£198.72	N/A	N/A	£264	At Cost	£88.00	£54.50 (plus £88 per inspection as required)

Note 1- Cost for the re-issue of an existing licence £10.50 as per the Licensing Act 2003 standard charge, which is included within the costs detailed in the table.

Note 2- Any animal licencing work required outside of the above will be charged at the officer's hourly rate of the relevant officer.

Note 3- Where any veterinary inspection is required then these will be charged at cost.

Note 4 - Zoo Licensing - any inspections carried out by Inspector appointed by the Secretary to State are charged to the applicant as an additional fee.

2.15 Fixed Penalty Notice Tariffs

The Fixed Penalty Notice (FPN) tariffs are tabulated below.

- 2.16 All other FPNs are set at their legal maximum except:
- Domestic Duty of Care FPN
(Tariffs amended by The Environmental Offences (Fixed Penalties) (England) Regulations 2017)
- 2.17 Committee can consider varying the tariff for the FPNs in 2.15 and if so minded, reduce the tariff of any FPN which is not set by statute.
- 2.18 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 officer's recommendation that committee do not reinstate early payment rates.

FIXED PENALTY NOTICE TARIFFS

OFFENCE	LEGISLATION	EXISTING TARIFF 2022/2023 Existing FPN & Early Discount	PENALTY CAN BE SET	FPN TARIFF FOR 2023/2024
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
Public Space Protection Order	s.68(6) 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	£150 No discount for early payment	Between £65 - £150 Minimum discount for early payment £50	£150 No Discount for early payment
Graffiti and Flyposting	s.43 Anti-social Behaviour Act 2003	£150 No discount for early payment	Between £65 - £150 Minimum discount for early payment £65	£150 No Discount for early payment
Litter	s.88(1) Environmental Protection Act 1990	£150 No discount for early payment	Between £65 - £150 Minimum discount for early payment £65	£150 No Discount for early payment
Domestic Duty of Care Fixed Penalty Notice	Section 34(2)(A) Environmental Protection Act 1990	£200 No Discount for early payment	Between £150 to £400 Discount can be set between £120 & £150	£200 No Discount for early payment

OFFENCE	LEGISLATION	EXISTING TARIFF 2022/2023 Existing FPN & Early Discount	PENALTY CAN BE SET	FPN TARIFF FOR 2023/2024
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	£110 No discount for early payment	Between £75 - £110 Minimum discount for early payment £60	£110 No Discount for early payment
Failure to comply with notice for household waste receptacles and presentation	s.46, Environmental Protection Act 1990 as amended	£60 No discount for early payment	Set by statute Indeterminate discount can be offered for early payment (the range is not specified)	£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

APPENDIX 2(d)**2.19 Pest Control**

For 2023/24 Pest Control have used the rationale of maximising their income, having regard to market forces, to assist in meeting the income targets for the section.

Domestic	2022/23 (inc' VAT element)	2023/24	VAT @20%	2023/24 Total
Rats - All domestic treatments	Free of charge	Free of charge	N/A	Free of charge
Cockroaches - all treatments - first visit	£81.60	£71.67	£14.33	£86
Bedbugs - all treatments - first visit	£81.60	£71.67	£14.33	£86
Mice - mouse poison offered at Neighbourhood Office	Free of charge	Free of charge	N/A	Free of charge
Mice - All domestic treatments	£81.60	£71.67	£14.33	£86
Wasps - Minimum call out charge for a treatment	£60.00	£54.17	£10.83	£65.00
Wasps - 2 or more nests, multiple treatments + revisits	£75.00	£66.67	£13.33	£80.00
Fleas - Treatment per property (per visit)	£81.60	£71.67	£14.33	£86
Other insect treatments - first hour	£81.60	£71.67	£14.33	£86

COMMERCIAL

Commercial	2022/23	2023/24	VAT @20%	2023/34 Total
All treatments for commercial / non-domestic and landlords that are responsible for property wide infestations - first visit	£120.00	£108.33	£21.67	£130.00
Bedbugs / Pharaoh Ants - first visit	£120.00	£108.33	£21.67	£130.00
Clearance work (rodent/insect/bird/premises) - first hour	£120.00	£108.33	£21.67	£130.00
Clearance work (rodent/insect/bird/premises) - subsequent hours plus materials plus VAT	£120.00	£108.33	£21.67	£130.00
Additional Charges for jobs involving hazardous waste (clinical/needle/etc.)	£180.00	£166.67	£33.33	£200.00
Land clearance and associated weed control when treating for rodents (Land clearance materials charged plus 10% administration)	£120.00	£108.33	£21.67	£130.00

Commercial jobs that are competitively tendered, at a rate above or below the agreed rate. Any "lower quotes" will be authorised by the Head of Service or Director, plus materials and VAT.

REVIEW OF CHARGES - REGISTER OFFICE 2023/2024

1.0 Relevant Background

- 1.1 In reviewing these fees and charges, officers from the Directorate have considered:
- The budget strategy for 2023/24.
 - The backlog created by the pandemic and the pressure that this has put on the event industry.
 - Fees and charges levied by neighbouring local authorities.
- 1.2 Where applicable, prices for 2024/25 have also been included. This is principally to allow for advanced booking and payment for ceremonies.
- 1.3 Some fees relate to services that are traditionally booked well in advance for which the fee will already have been taken.
- 1.4 During 2020/21 to support the Approved Premises sector (ceremony venues) due to the uncertainties of the Covid 19 pandemic, the fee for any three-year Approved Premises Licence applied in 2020/21 was reduced by one third, and the length of a standard three-year licence period for any new or renewed licence was increased to a period of four years. It is proposed to cease these concessions to help support the Service in delivering this budget.
- 1.5 The non-statutory fees and charges have been set in accordance with the above considerations.
- 1.6 The Registration Service provides a number of non-statutory services; however these are in competition with neighbouring Local Authorities and so market sensitivities are taken into account when setting the fees.
- 1.7 The provision of Registration Services is currently under review nationally by the General Register Office (GRO). The current focus is on charges for marriages including licensing of approved premises. It is highly likely that there will be statutory fees for licensing of approved premises and also for attendance at approved premises which will be considerably lower than fees currently charged by Birmingham City Council. Any changes or recommendations to discretionary prices made could cause financial pressure in the near future for this budget.

- 1.8 The non-statutory fees increase is intended to at least maintain the service's achievement of budgeted inflation on fees of £9.3k. No inflation on statutory fees was made.

2.0 Approved Buildings

- 2.1 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.

TABLE 1 Approved Building Licence Fees

1. Register Office - Approved Buildings	2022/23	2023/24	2024/25	VAT
New Application for approval of premises to include ONE room 3 years	£3,507.00	£3,682.00	£3,866.00	NB
Renewal of existing approved premises to include ONE Room 3 years	£2,450.00	£2,573.00	£2,702.00	NB
Additional rooms included in the application (per room) 3 years	£779.00	£818.00	£859.00	NB
Additional rooms added after the application approved 3 years	£891.00	£936.00	£983.00	NB
Application for approval of religious building for Civil Partnerships 3 years	£689.00	£723.00	£759.00	NB
Renewal of existing approved premises to include ONE Room 6 years	£4,343.00	£4,560.00	£4,788.00	NB
Additional rooms included in the application (per room) 6 years	£1,113.00	£1,169.00	£1,227.00	NB
Additional rooms added after the application approved 6 years	£891.00	£936.00	£983.00	NB
Application for approval of religious building for Civil Partnerships 6 years	£689.00	£723.00	£759.00	NB
New Application for approval of small premises - 3 years		POA	POA	NB
New Application for approval of small premises - 6 years		POA	POA	NB
Registrar acting as a celebrant		POA	POA	NB

NB – (Non-Business activity VAT exempt (Tax Code A8 applies)).

N/A – the service is not available in that year

3.0 Register Office Ceremony Suites

- 3.1 Holding the ceremony in Birmingham is not statutory and the Registration Service faces tough competition from neighbouring Local Authorities and other business premises.
- 3.2 Historically the Service charged varying fees dependent on which room in the ceremony suite was booked and the day of the week the ceremony is to take place. A simpler fee structure was adopted in 2019/20 which included additional fees for various music, reading choices or bespoke ceremony enhancements. Following a benchmarking exercise with other authorities, it is proposed that the Service will return to the historic approach which better reflects both the value of service provided and public demand.
- 3.3 The fees for a ceremony within the Superintendent Registrar's office are statutory by nature.

- 3.4 Statutory fees are set nationally by General Register Office and not by Licensing and Public Protection Committee. They are however provided for information.

TABLE 2 Marriage - Ceremony Suite

2. Register Office - Ceremony Suite	2022/23	2023/24	2024/25	VAT
Ceremony Suite - <u>Statutory</u> Room (excludes 1 x Certificate)	£46.00	£46.00	£46.00	NB
Ceremony Suite - Additional - Separate Interview before ceremony	£35.00	£37.00	£39.00	NB
Ceremony Suite - Fully Enhanced (excludes certificate)	POA	N/A	N/A	NB
Ceremony Suite - Room 1 (excludes certificate and postage) Mon - Fri	£180.00	£190.00	POA	NB
Ceremony Suite - Room 1 (excludes certificate and postage) Sat and Public Holiday	£210.00	£220.00	POA	NB
Ceremony Suite - Room 2 (excludes certificate and postage) Mon - Fri	£265.00	£278.00	£292.00	NB
Ceremony Suite - Room 2 (excludes certificate and postage) Sat and Public Holiday	£350.00	£368.00	£386.00	NB
Ceremony Suite - Room 3 (excludes certificate and postage) Mon - Fri	£325.00	£341.00	£358.00	NB
Ceremony Suite - Room 3 (excludes certificate and postage) Sat and Public Holiday	£425.00	£446.00	£468.00	NB
Web streaming	POA	POA	POA	S
DVD or USB recording of ceremony	POA	POA	POA	S
Tribute screen photo	POA	POA	POA	S
Tribute screen slideshow	POA	POA	POA	S
Tribute screen slideshow and music	POA	POA	POA	S
Portable photo booth photograph	POA	POA	POA	S
Small ceremony		£100.00	£105.00	NB
Photograph of signing celebratory certificate at marriage/civil partnership ceremony		£35.00	£37.00	NB
Naming ceremony additional to marriage/civil partnership ceremony		£100.00	£105.00	NB

NB – (Non-Business activity VAT exempt (Tax Code A8 applies)), S – Standard (liable to tax charged at standard rate of VAT, currently 20%); POA – Price on application; N/A – the service is not available in that year

- 3.5 By setting the fees so far in advance it allows couples, wishing to marry, to plan and budget ahead with confidence, the fee to be paid is the one in force on the day of the ceremony.

- 3.6 All ceremony suite fees are subject to room availability

4.0 Attendance at Approved Premises

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

- 4.2 The fee for attendance on a Public Holiday has been brought in line with the fee for weekend attendance to encourage take up.

TABLE 3 Marriage - Attendance at Approved Premises

3. Register Office – Attendance at Approved Premises	2022/2 3	2023/2 4	2024/2 5	VAT
Monday to Friday	£568.00	£596.00	£626.00	NB
Weekend	£726.00	£762.00	£800.00	NB
Public Holiday	£726.00	£762.00	£800.00	NB

NB – (Non-Business activity VAT exempt (Tax Code A8 applies)).

5.0 Other Fees

- 5.1 Citizenship ceremonies could be requested elsewhere, however the individual would need to apply to the Home Office to request a change of district. The main competition/market sensitivity therefore is the price differential between the statutory ceremony and the private ceremony.

TABLE 4 Other Fees

NB – (Non-Business activity VAT exempt (Tax Code A8 applies)); S – Standard (liable to tax charged at standard rate of VAT, currently 20%); E – Exempt (the supply is exempt from VAT hence no VAT added); POA – Price on application

4. Register Office - Other Fees	2022/2 3	2023/2 4	2024/2 5	VAT
Private Citizenship Ceremony - Monday - Friday	£220.00	£231.00	£243.00	NB
Private Citizenship Ceremony - Saturday	£245.00	£257.00	£270.00	NB
Advanced Booking – Statutory Register Office Ceremony	£58.00	£61.00	£64.00	NB
Advanced Booking – Ceremony Suite	£68.00	£71.00	£75.00	NB
Advanced Booking – Approved Premise	£79.00	£83.00	£87.00	NB
Cancellation fee- Statutory Register Office Ceremony	£58.00	£61.00	£64.00	NB
Cancellation fee- Ceremony Suite	£68.00	£71.00	£75.00	NB
Cancellation fee- Approved Premise	£79.00	£83.00	£87.00	NB
Fee for change of ceremony appointment - Statutory Register Office Ceremony	£58.00	£61.00	£64.00	NB
Fee for change of ceremony appointment- Ceremony Suite	£68.00	£71.00	£75.00	NB
Fee for change of ceremony appointment- Approved Premise	£79.00	£83.00	£87.00	NB
Fee charged for research (per half hour)	£53.00	£56.00	£59.00	S
Fee for international postage via on-line application	£7.50	£8.00	£8.00	S
Additional appointment/ change of appointment	£45.00	£47.00	£49.00	NB
Celebratory Certificates (at time of birth registration)	£11.00	£12.00	£13.00	S
Change of Name deed (includes certificate)	£63.00	£66.00	£69.00	NB
Change of name certificate additional copies	£11.00	£12.00	£13.00	NB
Special Celebratory Certificates (birthday, grandparents, anniversary)	£22.00	£23.00	£24.00	S
Photographs and flowers package (from)	£139.00	£146.00	£153.00	S
Pitch at Wedding Fayre	£53.00	£56.00	£59.00	S

Hire of ceremony rooms 2 or 3 for function/event - half day or full day	POA	POA	POA	E
Hire conference room for function/event - half / full day	POA	POA	POA	E
Training for authorised person to register marriages / quarterly returns	£79.00	£83.00	£87.00	E
Appointment to check completeness / validity of notice for Marriage (non-refundable)	£45.00	£47.00	£49.00	NB
Save the day – approved premise- ceremony > 12 months in advance	£79.00	£83.00	£87.00	NB
Save the day – ceremony suites- ceremony > 12 months in advance	£68.00	£71.00	£75.00	NB
Save the day – ceremony suites- Register Office ceremony > 12 months in advance	£58.00	£61.00	£64.00	NB
Priority service at approved premises – to take place within 12 weeks (additional)	£79.00	£83.00	£87.00	NB
Provision of folder	£1.00	£2.00	£2.00	NB
Provision of envelope	£1.00	£1.00	£1.00	NB
Postage	£4.00	£4.00	£4.00	S
Postage International	£7.50	£8.00	£8.00	S
Priority Correction/ Re-registration Appointment	£45.00	£47.00	£49.00	NB
Production of further documents for notice of marriage/civil partnership	£26.00	£27.00	£28.00	NB
Keepsakes/additional products	POA	POA	POA	S
Administration of post-dated passport forms	£26.00	£27.00	£28.00	NB
Advice in advance of taking notice of marriage per applicant	£6.00	£6.00	£6.00	NB
Processing of a non-priority application for a standard certificate after registration	£7.00	£7.00	£7.00	NB
Purchase of one birth certificate at time of booking, applied to stat cert fee on attending booked appointment		£11.00	£11.00	NB

6.0 Statutory Fees and Charges

6.1 Statutory fees are set externally / nationally and are provided for information.

TABLE 5 Statutory Fees

5. Register Office – Statutory Fees	2022/23	2023/24	VAT
Superintendent Registrar/Registrar's Certificate	£11.00	£11.00	NB
Priority Superintendent Registrar/Registrar's Certificate after registration	£35.00	£35.00	NB
A general search in indexes not exceeding 6 hours	£18.00	£18.00	NB
Certificate of Worship	£29.00	£29.00	NB
Registration of a religious building for marriage	£123.00	£123.00	NB
Registration of a religious building for marriages for same sex couples (That is already registered)	£64.00	£64.00	NB
Notice of Marriage	£35.00	£35.00	NB
Notice of Marriage subject to immigration Act	£47.00	£47.00	NB
Notice of Civil Partnership subject to immigration Act	£47.00	£47.00	NB
Notice of Civil Partnership	£35.00	£35.00	NB
Fee to reduce the legal waiting period of a notice of marriage/civil partnership	£28.00	£28.00	NB
Fee for sharing information under the Digital Economy Act	£50.00	£50.00	NB
Fee payable to Registrar for marriage Ceremony at register Office	£46.00	£46.00	NB
Fee payable to Registrar for marriage Ceremony at registered building	£86.00	£86.00	NB
Attendance of Civil Partnership Registrar at Register Office	£46.00	£46.00	NB

Notice given at Housebound Person's abode SR attendance	£47.00	£47.00	NB
Notice given at Detained Person's abode SR Attendance	£68.00	£68.00	NB
Attendance of Registrar at Housebound Person's Marriage	£81.00	£81.00	NB
Attendance of Registrar at Detained Person's Marriage	£88.00	£88.00	NB
Attendance of Superintendent Registrar at Housebound Person's marriage	£84.00	£84.00	NB
Attendance of Superintendent Registrar at Detained Person's marriage	£94.00	£94.00	NB
Attendance of CP Registrar at Housebound Person's CP	£81.00	£81.00	NB
Attendance of CP Registrar at Detained Person's CP	£88.00	£88.00	NB
Registrar General's Licence for Marriage	£15.00	£15.00	NB
Fee of priority certificate –Next working day	£24.00	£24.00	NB
Standard Conversion Civil partnership to marriage	£45.00	£45.00	NB
Two stage procedure stage 1 conversion civil partnership to marriage	£27.00	£27.00	NB
SR attendance Conversion Civil partnership to marriage according to Jews / Society of Friends	£91.00	£91.00	NB
SR attendance Conversion Civil partnership to marriage Housebound	£99.00	£99.00	NB
SR attendance Conversion Civil partnership to marriage detained	£117.00	£117.00	NB
Registrar General's Licence for Civil Partnership	£15.00	£15.00	NB
CP Registrar's attendance at religious building	£86.00	£86.00	NB
CP certificate issued after registration	£11.00	£11.00	NB
CP certificate issued after registration	£11.00	£11.00	NB
First short birth certificate issued at time of registration	£11.00	£11.00	NB
Consideration by a Superintendent Registrar of a divorce/Civil Partnership dissolution	£50.00	£50.00	NB
Consideration by a Registrar / Superintendent Registrar of a correction application	£75.00	£75.00	NB
Consideration by the Registrar General of a correction application	£90.00	£90.00	NB
Consideration by the Registrar General of divorce/ CP dissolution from outside British Isles	£75.00	£75.00	NB
Consideration of a reduction in the 28-day notice to marry / civil partnership	£60.00	£60.00	NB
Amendment	£40.00	£40.00	NB
Adult attending communal citizenship ceremony	£80.00	£80.00	NB

NB – (Non-Business activity VAT exempt (Tax Code A8 applies)).

REVIEW OF CHARGES – CORONER’S SERVICE 2023/2024

- 4.1 Fees that are chargeable are set out nationally in the Coroners Allowances, Fees and Expenses Regulations 2013.
- 4.2 There are nationally set at:
 - 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 that of a GR3 officer, £55 per hour (from £52).

REVIEW OF CHARGES – STATUTORY TEAM 2023/2024

(Acivico -Building Consultancy)

- 5.1 The, Statutory Team, which is part of Acivico (Building Consultancy) Limited, carry out a range of professional surveying services for both internal and external client groups that are responsible for property portfolios. The scope of services includes the carrying out of technical functions in support of the discharge of the Council's Building Control allied legislative requirements as detailed in The Building Act 1984 and the administration of demolition contracts required to facilitate the Council's regeneration targets. The group also carry out a variety of enforcement duties where full cost recovery is undertaken when the legislation allows.
- 5.2 The work is normally charged on an hourly basis. The current (2022/2023) charge is £95.00 per hour, and it is proposed that this fee will increase to £100.00 per hour. An increase in the rate is required to cover rising costs and ensure the service is not carried out at a loss. The revised rate recognises that the work is carried out by a mix of grade 5, 6 and a small number of grade 7 surveyors and is therefore a composite rate. The rate is still in line with other professional services carried out within the council (see rates proposed on page 3 item 3.3) and is very competitive with regards to the private sector. The increase is necessary to address the increased cost of labour, increases in other on-costs and the necessity to maintain sufficient resources to handle the Council's requirements.
- 5.3 The charge levied in respect of Private Demolition Notices, which is a fixed fee per notification, is currently (2022/2023) set at £290.00. It is proposed to increase this fee in line with the increases proposed in paragraph 5.2. Therefore, the new fee will be £305.00.
- 5.4 The charge in respect of notices for temporary grandstands, which is required under the West Midlands County Council Act 1980 Section 39, is based on cost recovery in line with the hourly rate for the Statutory Team as above and it is proposed to revise this rate to £100.00 per hour as well.
- 5.5 Work carried out indicates that, within the limitations of operating within a competitive market and statutory framework, the fees proposed should maximise income to the City Council through Acivico as well as providing good value for money to Acivico customers.

REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2023/2024

1.0 Summary

- 1.1 This Appendix 6 deals with the annual review of fees and charges for Highway Services within the delegations of the Licensing and Public Protection Committee.

2.0 Background

- 2.1 The City Council's Financial Regulation 1.16 (ii) in Section D of the Birmingham City Council Constitution requires that Chief Officers, at least annually, report to and seek approval from Committee on a review of fees and charges levied for services provided. The last review for Highways Services was approved by the Licensing and Public Protection Committee in April 2021.
- 2.2 Specific licences, under the, are by the Council's Provider Interim Service Provider Kier.
- 2.3 The Interim Service Provider will not be entitled to retain any fee / charge associated with the issue of certain licences.

3.0 Proposals

- 3.1 The fees and charges covered by this report have been reviewed in line with the Corporate Charging Policy. The fees are to be increased by 5% to allow for inflation, the additional costs of superannuation, national insurance and pay award. These fees and charges, which have been rounded for ease of use and consistency, have been provided in Appendix 6 (a) of this Appendix 6.
- 3.2 The fees and charges have been compared to those of neighbouring West Midlands local authorities and other UK cities for similar services. The proposed charges are not significantly disparate to those of other authorities.
- 3.3 Where new objects or structures are to be installed by third parties on the highway under s115E Highways Act 1980, a fee is added to cover the costs of this licence. Due to the wide variety of items that could be installed and the different locations, these are included simply 'at cost' that will be determined on a case by case basis.

4.0 Implications for resources

- 4.1 Based on estimated usage of services, it is envisaged that implementation of the proposed fees and charges will generate sufficient income to meet budgeted income levels for 2023/24.

BIRMINGHAM CITY COUNCIL

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

18 JANUARY 2023
ALL WARDS

REVIEW OF STREET TRADING CONSENT FEES AND CHARGES 2023/2024

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.

2. Recommendations

- 2.1 That the changes to the Street Trading Service fees and charges as detailed in Appendix 1 be approved to take effect from 1st April 2023.

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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. This report also takes account of the legal framework within which certain licence fees must be set.
- 3.2 The Street Trading service receives no corporate budget allocation and as such must meet any and all expenditure from within its own income. The level of income is entirely dependent upon the number of consents applied for, issued or renewed in a particular year.
- 3.3 In order to ensure the fees accurately reflect the true cost of administering and processing consents the fee calculations are based on the finalised accounts from 2020/21. This is more reliable than trusting in projections and estimates and is accepted as best practice in fee calculations of this kind.
- 3.4 Members will note a blanket percentage change has not been applied, but that each fee has been reviewed to take into account the use of carry forward balances (where applicable), changes in overhead costs and processing times.
- 3.7 The fees proposed in this report are calculated to recover the full cost of carrying out the service. This includes all administrative costs, any recharge of officers' time in appropriate cases when carrying out inspections of premises and other compliance duties (where applicable).
- 3.8 The fees proposed fulfil the main requirement of assuring that full costs are recovered from the income generated wherever possible.
- 3.9 The legal requirement for a Licensing Service to recover only "reasonable costs" takes precedence over the City Council's Corporate Charging Policy and the requirement to maximise income. License fees prescribed by statute also take precedence over the Corporate Charging Policy.
- 3.10 In setting the fees we have also taken account of the various precedents set by case law in the various areas of licensing. A summary of these cases is provided at Appendix 2

4. The Proposed Fees:

- 4.1 In order to ensure the fees reflect the cost of administering the consent scheme and processing the consents, as well as compliance with those consents (and a proportion for enforcement against illegal street traders), the fee calculations are based on the finalised accounts for the street trading service for 2021/22.
- 4.2 Members will note that the fees are split into a non-refundable application fee and a consent fee. This split is required further to case law set by R

(Hemming and Others) vs Westminster City Council. Each fee takes account of salary costs, overhead costs, and processing and activity times.

- 4.3 The time taken to process and administer (including compliance) each consent type has been calculated using actual costs. Costs for peripheral items such as the installation of electrical supplies for trading units, legal costs and mileage costs are added in after the time is calculated, as has any restitution of carry forward balances.
- 4.4 The reason for the higher cost for annual consents in the city centre is that street traders in this area will be visited weekly to ensure compliance and to resolve any logistical or other issues. Outer city traders and occasional traders over 12 days will be visited at least monthly.
- 4.5 The reason for the higher cost of an Occasional Sports Stadia Consent is because compliance visits at these venues will need to be done in pairs to ensure health and safety both due to the crowded environment and also the time of day (some evening work)
- 4.8 It should be noted that there has been an increase in all fees compared to last year. There are a number of reasons for this, further updating the timings for the process, a need to recover overspend from last year and there was a reduction in the number of traders last year.

5. Consultation

- 5.1 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA 82), a district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent. There is no requirement to consult.

6. Implications for Resources

- 6.1 The proposals are consistent with the proposed budget for 2023/24 for the Licensing and Public Protection Committee that will be reported to you in March, subject to prior approval by City Council. This will ensure that the services continue to be managed within the approved cash limits and in line with the financial regulations relating to these services.
- 6.2 The fees and charges proposed within this report are calculated based on historic income and expenditure for 2021/22 and include the direct costs of the delivery of services and a proportion of indirect central business support costs e.g. Human Resources, Legal, IT, Finance, Procurement and Democratic costs.
- 6.3 It should be noted that fees and charges are reviewed annually and that they may increase or decrease depending on the cost of delivering the service in the previous year and any carry forward balances.

- 6.4 There are three possible ways in which the fees could be challenged:
- Judicial review of the Council decision based on the decision being Ultra Vires or considered to be unreasonable or irrational (known as Wednesbury Principles).
 - Through the District Auditor – if a Birmingham resident objects to the Local Authority accounts on the grounds that an item is contrary to law or
 - If the Council proposes to set an unlawful fee. This must be reported to and considered by the Monitoring Officer.
- 6.5 The proposed fees have been calculated having regard to finalised accounts in accordance with best practice advice and also with regard to significant case law. There is no statutory method in which to calculate the fees.
- 6.6 Any decision to set fees otherwise than in accordance with the proposals within this report without appropriate justification is likely to increase the risk of challenge.
7. Implications for Policy Priorities
- 7.1 The recommendations are in accordance with Financial Regulations and budget requirements.
- 7.2 The legal requirement for a Licensing Service to recover only “reasonable costs” takes precedence over the City Council’s Corporate Charging Policy and the requirement to maximise income.
8. Public Sector Equality Duty
- 8.1 The fees that are proposed in this report will relate to all consent holders and applicants for consents regardless of their protected characteristics. The fees are calculated on the cost of delivering the service and consequently an Equalities Assessment has not been undertaken.

Background Papers:
Birmingham City Council – Corporate Charging Policy

APPENDIX 1

The Proposed Fees

Transaction Type	Current Fee	Proposed fee 23-24	Difference	% Change
Application Fee for any type of Consent	£ 528	£ 687	£ 159	30
Renewal Application Fee for any type of Consent	£ 271	£ 352	£ 81	30
Annual City Centre Licence fee	£ 5,501	£ 7,489	£ 1,988	36
Annual out of city Licence fee	£ 2,357	£ 3,066	£ 708	30
Occasional 21-30 Licence fee	£ 1,146	£ 1,491	£ 345	30
Occasional 11-20 Licence fee	£ 618	£ 804	£ 186	30
Occasional up to 10 Licence fee	£ 348	£ 452	£ 105	30
STADIA Annual Licence fee	£ 3,027	£ 3,937	£ 910	30
STADIA Occasional 21-30 Licence fee	£ 2,525	£ 3,284	£ 759	30
STADIA Occasional 11-20 Licence fee	£ 1,237	£ 1,608	£ 372	30
STADIA Occasional up to 10 Licence fee	£ 696	£ 905	£ 209	30

APPENDIX 2

Summary of Relevant Case Law

R (on the application of Carl Cummings and others) v The County Council of the City of Cardiff [2014] EWHC 2544 (Admin)

The Claimants challenged successfully the lawfulness of the taxi and private hire fees set by Cardiff City Council, resulting in the refund of some £1.2 million to the taxi trade in respect of overpaid fees. This case was a Judicial Review of a Cardiff City Council decision. The court found that the Council had not been properly accounting and keeping record of any surplus or deficit dating back to 01 May 2009, and that the fees that had been set over the subsequent years had therefore been set without taking into account any such surplus or deficit. These surpluses and deficits can only be accounted for and taken into account within the specific regime that they cover (either hackney carriage or private hire), and surpluses from one regime cannot be used to offset deficits in the other regime. In other words, Councils are required to keep separate accounts for both the hackney carriage regime and the private hire regime, and must ensure that one is not supporting the other financially. Councils ought to separate out the five streams of taxi licensing (comprising vehicles, drivers and operators) when collecting their licence fees, to ensure no

cross-subsidy within these streams. Moreover, Councils must not use the licensing fees as an income generating scheme.

R (on the application of Abdul Rehman on behalf of the Wakefield District Hackney Carriage and Private Hire Association) v Wakefield District Council and the Local Government Association (intervener) [2019] EWCA Civ 2166

This case, known as Rehman v Wakefield Council, was a Court of Appeal matter which clarified the law on taxi and private hire enforcement costs. Wakefield Council had imposed the cost of enforcement activity in relation to drivers onto the vehicle licence fees. Wakefield's Taxi and Private Hire Association challenged this, on the basis that Wakefield's calculations were unlawful because it was a form of cross-subsidising fees. The case clarified the correct procedure that councils must apply when setting taxi and private hire fees – namely that costs associated with monitoring and enforcing driver conduct must be factored into to driver licensing fees under s53 LG(MP)A 1976, and not vehicle licence fees under s70 (as had been the practice in Wakefield). The case therefore reaffirmed the principle that cross-subsidisation of taxi and private hire fees is not permitted in law.

R v Manchester City Council ex parte King (89 LGR 696 [1991]; The Times, 3 April 1991)

This was a street trading case that established that local authorities may only charge reasonable fees for licences and cover the Council's costs in the administration of those application types and issue costs - but not use them to raise revenue. The Council had set licence fees at a commercial rate, considering that the calculation of a 'reasonable fee' was a matter for their own discretion. But the court held that the fees must be related to the street trading scheme, and the costs of operating that scheme. The Council could therefore charge such fees as it reasonably considered would cover the total cost of operating the street trading scheme (or such lesser part of the cost of operating the street trading scheme as they considered reasonable). NB – this does not mean that any surplus revenue makes the fee structure invalid. The original position will remain valid provided that it can be said that the Council reasonably considered such fees would be required to meet the total cost of operating the scheme, even if the fees levied turn out to exceed the cost of operating the scheme.

R v Westminster City Council ex parte Hutton (1985) 83 LGR 516

This case was tried and reported with R v Birmingham City Council, Ex p Quietlynn Ltd (1985) 83 LGR 461, 517 and confirmed the principle that licensing fees may lawfully include amounts calculated to cover the cost to the licensing authority of regulation and enforcement. Hutton challenged the fee set for applying for a licence to operate a sex shop, on the basis that the administrative costs on which the fee was based included a sum representing the supposed shortfall in fee income against

administrative costs in the previous year. The court held that the fee could reflect not only the processing of applications, but also ‘inspecting premises after the grant of licences and for what might be called vigilant policing ... in order to detect and prosecute those who operated sex establishments without licences’. The Council was free to fix fees reflecting those necessary elements on a rolling basis, without adjusting surpluses and deficits in each year. This was on the basis that the statutory accounts of local authorities are structured such that shortfalls in one year must be carried into the next year’s accounts. The court accepted Westminster’s contention that when a charge is based on an annual budget, which must be concerned with situations which themselves will not be verifiable until after the end of the year in question, the only sensible way to fix the level of the charge is to take one year with another.

R (on the application of Hemming (t/a Simply Pleasure Ltd) and others) v Westminster City Council [2015] - 29th April 2015; [2015] UKSC 25, [2015] BLGR 753, [2015] PTSR 643, [2015] WLR(D) 193, [2015] AC 1600, [2015] 3 CMLR 9, [2015] LLR 564, [2015] 2 WLR 1271, UKSC 2013/0146

The Hemming case was a Supreme Court decision which overturned a Court of Appeal decision which had in turn upheld the decision of the lower court. Many commentators feel that the Supreme Court decision “restored common sense to the question of what licensing and other regulatory fees can lawfully include”. The Supreme Court affirmed the principle in *ex p. Hutton* – namely that licensing fees may lawfully include amounts calculated to cover the cost to the licensing authority of regulation and enforcement.

Hemming’s argument was that the approach approved 30 years before in *ex p. Hutton* was no longer lawful due to the effect of an EU Directive which had been implemented into domestic law under Regulations. Hemmings asserted that the Directive and Regulations precluded Westminster from including costs of enforcement activities against unlicensed operators in determining the licence fees payable by licensed operators; he felt that these costs should be covered by revenue from Council Tax and business rates. The huge importance of the case, not only to all other Council licensing departments but also to other (entirely unrelated) regulatory bodies, was such that when the case came before the Supreme Court there were nine Interveners before the Court - including the Architects Regulation Board, the Solicitors Regulation Authority, the Bar Standards Board, the Local Government Association and HM Treasury.

The decision was that the Directive and Regulations were solely concerned with ensuring that the costs charged for authorisation procedures (ie the clerical and administrative aspects of authorisation) were reasonable and proportionate to the actual costs of those procedures; they in no sense precluded licensing authorities from also including the costs of regulatory and enforcement activities in the total licence fees payable by licensed operators. The court saw no reason why the fee should not be set at a level enabling the authority to recover from licensed operators “the full cost of running and enforcing the licensing scheme, including the costs of

enforcement and proceedings against those operating sex establishments without licences." Likewise, with regard to other areas of licensable activity (where licensing authorities are empowered by domestic legislation to recover the costs of enforcement activity through licence fees) and regulated activity (e.g. practising as an architect, barrister or solicitor) - the decision of the Supreme Court has made clear that the Directive and Regulations do not preclude licensing authorities, or other regulatory bodies, from continuing to recoup their enforcement costs through fees charged to licensed operators or certified practitioners.

There is a related point - the Supreme Court said that one aspect should be referred to the European Court of Justice, namely Westminster's chosen method of exercising its right to recover the costs of enforcement. Westminster charged all applicants for sex establishment licences a fee that included both a sum to cover the cost of administering the application and a sum representing a contribution towards Westminster's costs of enforcement. The latter sum was refunded to unsuccessful applicants, whilst the former sum was not.

The Supreme Court asked the ECJ to determine whether that particular method of charging, which effectively deprives unsuccessful applicants of the use of the latter sum whilst their application is being considered, fell foul of the Directive (as opposed to an alternative method of charging only the successful applicants with the contribution towards the costs of enforcement).

In its judgment the ECJ concluded that the Directive must be interpreted as precluding a requirement for the payment of a fee, at the time of submitting an application for the grant or renewal of authorisation, part of which corresponds to the costs relating to the management and enforcement of the authorisation scheme concerned, even if that part is refundable if that application is refused. The citation of this ECJ decision is: *Hemming (Judgment)* [2016] EUECJ C-316/15 (16 November 2016): [2017] 3 WLR 317, [2017] LLR 189, [2016] WLR(D) 608, [2017] PTSR 325, ECLI:EU:C:2016:879, [2018] AC 650, [2017] CEC 920, EU:C:2016:879, [2016] EUECJ C-316/15

BIRMINGHAM CITY COUNCIL

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

18 JANUARY 2023
ALL WARDS

**NEW LEGISLATION RESTRICTING PROMOTIONS OF PRODUCTS HIGH IN FAT,
SUGAR OR SALT**

1. Summary

- 1.1 A new series of restrictions on the promotion of foods that are high in fat, sugar and salt (HFSS) came into force, in part, in England and Wales in October 2022, with further implementation dates in October 2023 and January 2024.
- 1.2 To encourage food and drink businesses to produce and promote healthier foods and lifestyles, the legislation now restricts the placement and in-store promotions, of certain HFSS products.
- 1.3 The new rules banning multibuy deals on foods and drinks and restrictions on free refills for soft drinks will now be delayed for a year. The planned restrictions for banning HFSS being advertised on TV before 9pm and paid-for adverts online have also been pushed back and will come into force January 2024.

2. Recommendations

- 2.1 That the report be noted.

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3. Background

- 3.1 The Government consulted in 2019 on restricting the promotion of HFSS products by volume price (for example, multibuy offers such as 'buy one get one free') and location, both online and in store. Evidence shows that food retail price promotions are widespread and effective at influencing food preferences and purchases (particularly for children). Previous reports recommended that reducing and rebalancing promotions towards healthier food and drink is essential to help reduce children's sugar and calorie intake, and help tackle obesity.
- 3.2 Furthermore, the shopping environment plays an important part in the way products are marketed to us, with simple factors such as the location of products within stores significantly affecting what we buy. The current retail promotional environment:
- does not always align with government healthy eating guidelines
 - makes it harder for families to make healthier choices when shopping
- 3.3 Compliance by industry with the promotion and placement regulations could significantly improve our food environment by ensuring healthier food is more easily accessible and more visible in shops, ultimately supporting people to lead healthier lives.

4. What is an HFSS Product and what businesses are in scope

- 4.1 Impacted food and drink categories are listed in [The Food \(Promotion and Placement\) \(England\) Regulations 2021](#) (referred to as a Schedule 1 food) and include soft drinks, savoury snacks, confectionery and pizza. However, this does not mean every product within each category is impacted. Each is rated on an individual product level by a 'Nutrient Profile Score' with negative points for calorie density, saturated fat, sugar and sodium, and positive points for protein, fibre, fruit, vegetables and nuts. Foods that score four or more and drinks that score one or more are classed as HFSS products.
- 4.2 As part of the 2019 consultation on restricting promotions, the government decided that the volume price and location restrictions should apply to product categories that:
- have been identified as being the biggest contributors to children's sugar and calorie intakes
 - are heavily promoted
 - are therefore the categories of most concern for childhood obesity
- 4.3 Within these categories, the restrictions will only apply to prepacked food that is determined to be HFSS or 'less healthy' as defined by the nutrient profiling model (NPM) 2004 to 2005. The nutrient profiling technical guidance 2011 provides instructions on how to calculate the NPM score for different products. The restrictions will apply to products, not brands, meaning that a brand's product range may have products in and out of scope of the restrictions. It should also be noted that there may be products that, when sold as a single item, are out of scope of the promotion restrictions, but when they are included within a ready meal or whole product, they are in scope of the restrictions (for example, sausages are out of scope of the promotions restrictions, but a sausages and mash ready meal is in scope).

- 4.4 In applying the legislation officers will first need to determine whether they are a qualifying business as described in the regulations. Businesses in scope of the restrictions are referred to as 'qualifying businesses' and are defined in regulation 4. The restrictions will apply to medium and large retailers (with 50 or more employees) offering prepacked food for sale in store and online, including franchises and symbol group stores.
- 4.5 There are a number of exemptions, including small business (less than 50 employees), schools, care homes, military establishments, and charity organisations.
- 4.6 In addition businesses with a floor space of less than 185.2 m² (2000sq ft) are exempt from the location requirements but will still be subject to volume price promotion restrictions when they come into force. Also, specialist retailers that only or mainly sell food from a single category in schedule 1, or a specific type of 'less healthy' product (for example, chocolatiers, confectioners or cake stores) are exempt from location restrictions but must comply with volume price promotion restrictions.
- 4.6 Manufacturers are not considered as a qualifying business unless they sell directly to the final consumer. Where non-compliance is found at any intervention, local authorities should take appropriate action to secure compliance including formal enforcement action as necessary.

5. Location Restrictions

5.1 Businesses in scope must not place specified food in store at:

- any area within 2m of the checkout facility – this being the point in the store intended to be used by consumers to pay for products. This includes any point 2m away from a counter at which a cash register is used (including the area behind the counter) and any point 2m away from the external surface of a till point, electronic point of sale or self-service checkout machine. Specified food is permitted to be placed in an aisle (but not at the end of an aisle) even if it is within 2m of the checkout. Specified food is not permitted to be placed in kiosk gantries behind a checkout if it is within 2m of the checkout
- any area within 2m of a designated queuing area or a queue management system – this being an area, structure or demarcation built or outlined with the intention for consumers to queue when waiting to complete a purchase. For example, it could be formed or marked by signs, floor markings, barriers, units or shelving designed to guide customers in a queue to the point of purchase. This does not prevent food in scope of the regulations being placed in (but not at the end of) a shopping aisle within 2m of the designated queuing area
- the ends of aisles – these are defined as a display at the end of (but not in) an aisle, where the aisle end is adjacent to a main customer route through the store, or a separate structure (for example, an island bin, free-standing unit such as fridge or freezer, side stack or clip strip) connected to, adjacent to or within 50cm of such an aisle end. The end-of-aisle display includes all end-of-aisle displays including those facing the checkout, into the store or the store perimeter. This differs from island-type structures that can be dotted around the store, which are not in scope of the restrictions as they are not aisles. An 'end-of-aisle display' is not the last section of an aisle but instead the perpendicular end of the aisle
- store entrances – meaning at any point within the prohibited distance of the midpoint of any public entrance to the store's main shopping area (generally within 15m. Specified food should not be placed at any point within the prohibited store entrance area. This is irrespective of whether it can be seen from the store entrance. If there are multiple entrances this applies to all such entrances

- a covered external area – meaning a covered area outside and connected to a store's main shopping area, through which the public passes to enter the main shopping area (for example, the foyer, lobby or vestibule). Individual cases will of course be considered and assessed individually by officers to determine whether the aisle in question is in scope of the restrictions

6. Volume Price Promotions

6.1 Businesses in scope of the regulations must not offer volume price promotions on food in scope of the regulations.

6.2 'Volume price promotion' means:

- a multibuy promotion, being the express offer of a financial incentive for buying multiple items compared with buying each item separately (including '3 for the price of 2', '3 for £10' or 'buy 6 and save 25%')
- a promotion that indicates that an item – or any part of an item – is free (including '50% extra free' or 'buy one get one free'). Other examples include 'buy 300g and save 10%' and '50% extra free when you buy 500g'
- Financial incentives can also include offers, such as if a volume price promotion offered 'buy 3 products and get 1,000 loyalty points' – this would be in scope as the customer is being incentivised to buy more to get the deal.

6.3 A multipack sold as a single item is not necessarily the same as a multibuy promotion. However, a multipack sold as a single outer pack containing 6 separate packs of crisps would be in scope of the volume price promotion restrictions if its packaging promoted its price of a single multipack in comparison with separate individual packs as '6 for the price of 4' or '50% extra free'. It would also be subject to the restrictions if a volume price promotion was offered on multiple purchases of the multipacks themselves – for example, 'buy 2 multipacks and get one multipack free' or '20% extra for the same price'.

7. IMPLICATIONS FOR RESOURCES

7.1 This activity is not accounted for in the resources allocated to Environmental Health, but authorities are asked to be pragmatic in applying the regulations, focussing on compliance rather than penalising non-compliance. However, there are enforcement provisions by way of improvement notices and then fixed penalty notices. Even with a pragmatic approach this is another duty that falls to Councils with no additional resource.

8. IMPLICATIONS FOR POLICY PRIORITIES

8.1 Supporting citizens to choose a healthy lifestyle, with emphasis on food choices as an integral part of that strategy. It supports the existing priority of Birmingham is an aspirational city to grow up in as well as being a key part of the draft City Council Corporate Plan (2022-2026) priority 'A bold healthy Birmingham'.

9. PUBLIC SECTOR EQUALITY DUTY

9.1 Equality issues are accounted for during activities carried out by officers.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil



The Food (Promotion and Placement) (England) Regulations 2021

UK Draft Explanatory Memorandum

- There has been growing concern about the impact of promotional offers on influencing and shaping food preferences toward less healthy products
- Evidence shows promotions are effective at influencing purchases and tend to be heavily skewed towards less healthy options.
- Volume price promotions lead us to buy almost 20% more than we otherwise would, and
- location promotions often lead to 'pester power' from children

Volume Promotions

The latest data shows that we buy almost 20% more as a direct result of promotions

Consumers typically do not stockpile these extra purchases to take advantage of the lower price, instead they increase their consumption.

Evidence also shows that volume promotions (multi-buys) cause a greater sales uplift compared to other types of price promotions such as simple price reductions.

Shopping Environment

simple factors such as the location of products within stores significantly affecting what we buy.

end of aisle displays can increase sales of soft drinks by over 50%

Children are uniquely vulnerable to the techniques used to promote sales. These effects can then be transmitted into the purchasing behaviours of parents through 'pester power', with evidence showing 70% of parents purchased at least one food item requested during a shopping trip

Purpose of the legislation

- The regulations provide for restrictions on the promotions and placement in retail stores and their online equivalents of certain foods and drinks that are high in fat, salt or sugar (HFSS) or 'less healthy'
- to restrict the promotion of HFSS products by volume price (for example, 'buy one get one free')
- To restrict advertising of less healthy foods

Restrictions

- Volume price restrictions will prohibit retailers from offering promotions such as "buy-one-get-one-free" or "3 for 2" offers on HFSS products (Reg 5)*.
- Prohibit the offering of free refills for less healthy drinks (Reg 6)*
- Locations restrictions will apply to store entrances, aisle ends and checkouts (Reg 7)** and
- their online equivalents (that is, entry pages, landing pages for other food categories, and shopping basket or payment pages). (Reg 8)**
- * [Implemented Oct 2023](#)
- ** Implemented 1 Oct 2022

Specified Food (Reg 3)

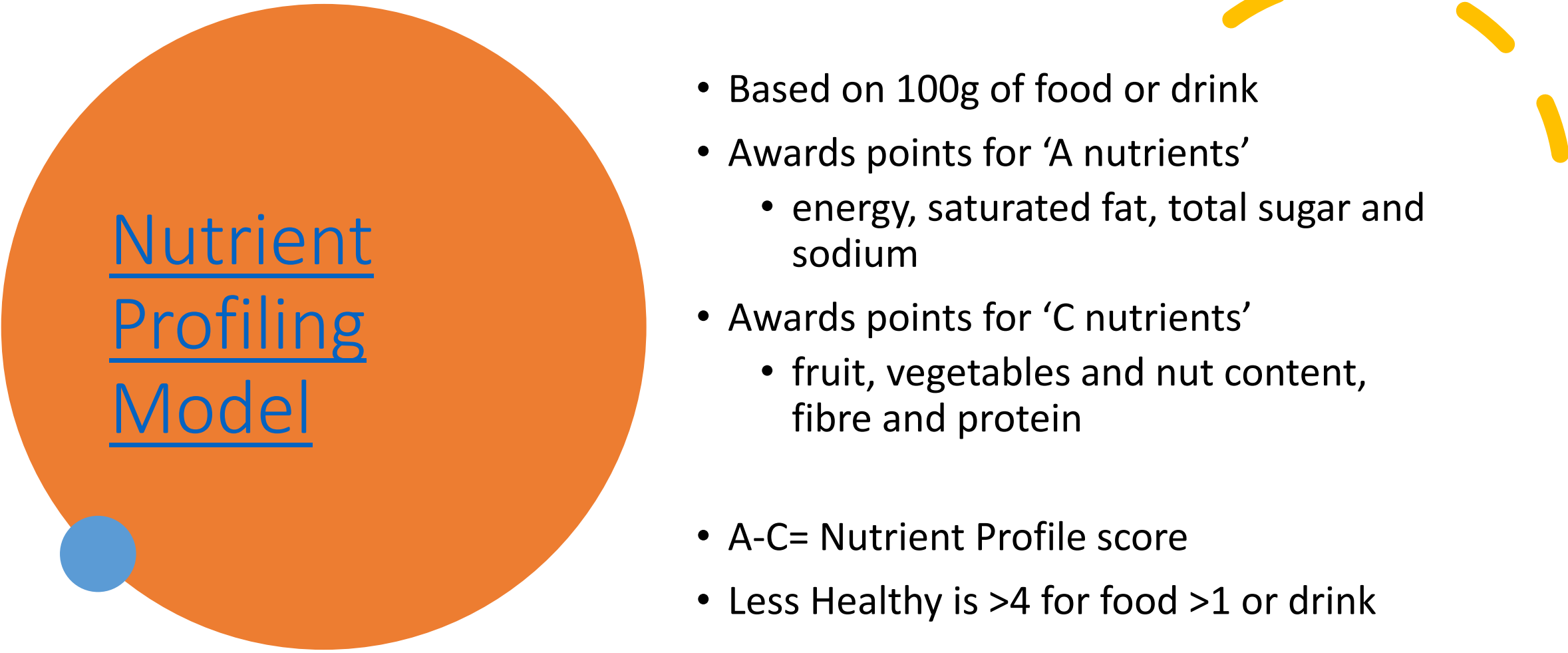
is food contained in a
prepacked food item
which

is Schedule 1 food,
is less healthy, and
is not charity food sales




Is Less Healthy – (Reg 3 para 4)

- food that is not a drink is less healthy if it scores 4 or more points in accordance with the Nutrient Profiling Technical Guidance;
- a drink is less healthy if it scores 1 or more points in accordance with the Nutrient Profiling Technical Guidance.
- “the Nutrient Profiling Technical Guidance” means the guidelines published by the Secretary of State on 14th January 2011 about the application of the 2004-2005 Nutrient Profiling Model



Nutrient Profiling Model

- Based on 100g of food or drink
- Awards points for 'A nutrients'
 - energy, saturated fat, total sugar and sodium
- Awards points for 'C nutrients'
 - fruit, vegetables and nut content, fibre and protein
- A-C= Nutrient Profile score
- Less Healthy is >4 for food >1 or drink



“qualifying business” (regulation 4)

- Offers for sale any prepacked foods
- 50 or more employees
- Not a care home, educational institution or restaurant.
- Different for drinks refills

Location Restrictions Reg 7

- Applies to businesses with a floor area of 2,000 sq ft (185.8m²)
- Excluding
 - Areas not used for displaying goods or serving customers e.g. back of store, storage areas, offices, toilets
 - Areas used mainly for preparation and service of food for immediate consumption e.g. cafes and their seating area
 - Concessions
- But including areas behind the counter
- Doesn't apply to stores selling only/mainly food from a single category.



Reg 7

- a qualifying person must not place specified food inside a store—
- within **two metres of a checkout facility**, unless the specified food is placed in (but not at the end of) an aisle;
- within **two metres of a designated queuing area**, unless the specified food is placed in (but not at the end of) an aisle;
- in a display—
 - **at the end of (but not in) an aisle**, where the aisle end is adjacent to a main customer route through the store, or
 - **on a separate structure** (such as an island bin, free-standing unit, side stack or clip strip) connected or adjacent to, or **within 50cm of, such an aisle end**;
- at any point within the prohibited distance of the midpoint of any **public entrance** to the store's main shopping area;
- in a **covered external area**.

Volume Price Promotion Restrictions Reg 5

- a qualifying person must not offer specified food for sale as part of a volume price promotion whether in store or on an online marketplace
- “Volume price promotion” means—
- a multibuy promotion, being the express offer of a financial incentive for buying multiple items compared with buying each item separately (including “3 for the price of 2”, “3 for £10”, or “buy 6 and save 25%”);
- a promotion that indicates that an item, or any part of an item, is free (including “50% extra free”, or “buy one get one free”).

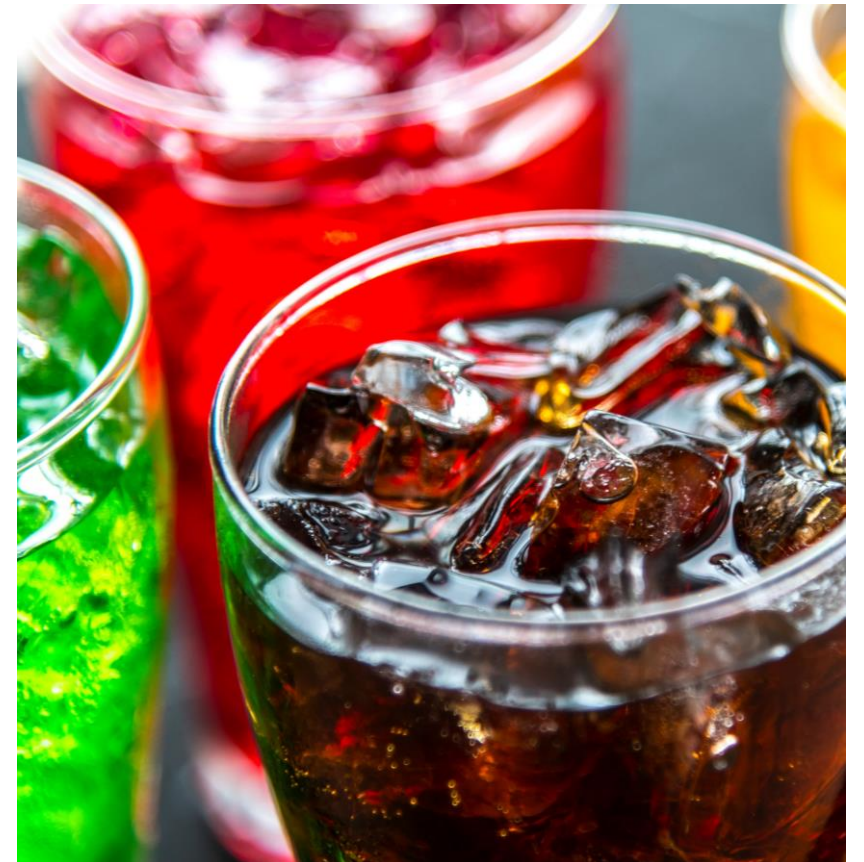
Price Promotions



- Bogof prohibited
- “relevant special offer” for example “meal deal” or “dine in for two” offers –not prohibited
- Price Promotions/Reductions –not prohibited

Free Refills Reg 6

- Applies to restaurants
- A qualifying person must not offer a free refill promotion on a drink to which this regulation applies
 - Not prepacked
 - falls within category 1 of Schedule 1 – soft drinks
 - is less healthy by virtue of scoring 1 or more points in accordance with the Nutrient Profiling Technical Guidance, and
 - is not charity food sales



Enforcement

- Formal enforcement via Improvement Notice stating
 - the authority's grounds for believing failing to comply
 - specify the matters which constitute the person's failure so to comply;
 - specify the measures which the person must take in order to secure compliance; and
 - within such period as may be specified in the notice.
- Failure to comply is an offence
 - Can prosecute
 - Or fixed monetary penalty of £2500

BIRMINGHAM CITY COUNCIL

REPORT TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE

18 JANUARY 2023
ALL WARDS

COMMUNITY SAFETY TEAM CITY CENTRE PUBLIC SPACE PROTECTION
ORDER REPORT

1 Summary

- 1.1 The purpose of this report is to provide the Committee with information related to the City Centre Public Space Protection Order (CCPSPO) introduced by Birmingham Community Safety Team.
- 1.2 The CCPSPO was brought into force on 25th January 2022, since this date we have had 61 breaches.

2 Recommendation

- 2.1 That the content of the report be noted.

Contact Officer: Pamela Powis Head of Community Safety Team
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3 **Background**

- 3.1 The Anti-social Behaviour, Crime and Policing Act 2014 introduced tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas. These tools are to be used for tackling ASB, focussing on the impact such behaviour can have on both communities and individuals.
- 3.2 Public Space Protection Orders (PSPO) are one of the tools available under the Anti-social Behaviour Crime and Policing Act 2014. PSPOs are wide-ranging and flexible powers for local authorities, which recognise that councils are often best placed to identify the type of activities which are having a detrimental effect upon the quality of life for those who live in, work in or visit the local authority area. A PSPO identifies these activities, sets out conditions which aim to prevent or reduce their detrimental effects and defines the public space to which these conditions apply by way of a map identifying 'the restricted area'. This proposed PSPO orders anyone entering any public space in the restricted area to comply with the conditions set within.
- 3.3 On 03/02/2021 a discussion was tabled by West Midlands Police at the City Centre Local Partnership Delivery Group (LPDG), requesting that consideration be given to submitting a PSPO application for the City Centre.
- 3.4 Partners concluded that there was enough verbal evidence provided to move forward with producing an evidence pack to consider a PSPO for the City Centre. A profile was requested from West Midlands Police regarding Crime and ASB incidents
- 3.5 On the 07/04/2021 WM Police produced a profile that showed the criminal and ASB issues within the City Centre. Based on this, and further conversation at the LPDG, a draft set of conditions and map of the proposed area was produced on 14/04/2021.
- 3.6 Following the LPDG meeting on 07/04/2021 a consultation process started, involving the police community representatives, owners and occupiers of land. This included the PSPO being discussed at every City Centre LPDG meeting between March 2021 and September 2021 and updates and actions added to the LPDG action tracker. Partners included WM Police, WM Fire, BCC Regulation & Enforcement, Trident Reach, Residents living within the City Centre, Business Improvement Districts (BID) managers, Change Grow Live (CGL) the Council's commissioned drug and alcohol service, Aston University, Network Rail, Network Four - Birmingham Pastors, Big Issue, National Express/Safer Travel, Birmingham Children Trust, St Basils, British Transport Police and Councillors Hartley and Bore.

- 3.7 On 16/06/2021 a tabletop discussion took place at Lloyd House which included partners from the Office of the Police and Crime Commissioner (OPCC), Change Grow Live (CGL) Trident Reach, rough sleeper outreach services, West Midlands Police, British Transport Police, City Centre Residents and Councillor Hartley. On 23/06/2021 a consultation meeting took place with Public Health. On 02/08/2021 an email was sent to the chairs of the Homelessness Partnership Board, Adult Safeguarding Board, Children Safeguarding Board and the Domestic Abuse Partnership Board providing a copy of the draft conditions and asking for comments.
- 3.8 Following requests from local Councillors the map was amended and a further profile was requested from WM Police to share any evidence in relation to the extended area.
- 3.9 Throughout this timeline the Birmingham City Council Community Safety Team continued to gather evidence in the form of witness statements, reports to both BCC and West Midlands Police and recorded all interactions.
- 3.10 Birmingham City Council Legal department was engaged, and the evidence pack was presented to them on 16/08/2021.
- 3.11 Cabinet Member approval to commence public consultation was given on 3rd November 2021.
- 3.12 On 05/11/2021 a public consultation was launched on Birmingham City Council's BeHeard platform. Details were shared with all six of our Local Partnership Delivery Groups, the Councillors representing the four wards covered by the PSPO proposal, and with the Homelessness Partnership, Adult Safeguarding, Children's Safeguarding and the Birmingham Community Safety Partnership Boards.
- 3.11 Birmingham City Council's Communication team posted details of the consultation on various social media outlets. Birmingham City Council Community Safety Team posted on the CSP Twitter account.
- 3.12 Throughout the consultation period Community Safety, British Transport Police, Business Improvement District staff and West Midlands Police officers undertook a number of "pop- up" consultation events in different locations in the PSPO map area.

4. Consultation Outcome

- 4.1 The consultation finished on 17/12/2021 with 751 responses. Of the 751 people who took part in the consultation 619 (82.42%) agreed with all the conditions, 25 (3.33%) did not agree with any of the conditions. 107 agreed with some but not all conditions.

- 4.2 The Community Safety Team have put in place a fortnightly partnership tasking group, together with West Midlands Police and Trident Reach to ensure that the needs and interests of vulnerable people, including those who may be sleeping rough or part of the wider street community, are properly addressed and supported. This partnership has been in place since October 2020 and the focus is to ensure that any person begging in Birmingham is offered access to support services. Under the PSPO breach process any person who is at risk or has breached the PSPO and is begging, a rough sleeper or has some form of addiction will be referred into this partnership. If a person has vulnerabilities and/or addictions breaches will only be escalated to enforcement action on approval from support services.
- 4.2 Having reviewed the outcomes of consultation which demonstrated broad support for the proposed order the with the partnership mechanisms put into place to address the concerns raised by respondents in respect of people with vulnerabilities already in place and referenced in 4.2 above, approval from full cabinet was given and the PSPO was brought into force on 25th January 2022 for three years.

5. Public Space Protection Order – Conditions

1. Groups

- a) An Authorised Person may require an individual, or a group, within the Restricted Area to leave the Restricted Area, where he reasonably suspects that that individual or any person within that group is causing or likely to cause nuisance or disorder, or harassment, alarm or distress to any other person.
- b) An individual or group required to leave the Restricted Area by an Authorised Person is:
 - (i) prohibited from remaining within the Restricted Area, and
 - (ii) required to leave that area immediately, and
 - (iii) prohibited from returning to the Restricted Area within 24 hours of being required to leave.
- c) An individual will not breach paragraph 1(b)(ii), if he attends a railway station, bus-stop or tram-stop within the Restricted Area for the purpose of taking public transport out of the Restricted Area, so long as he is not accompanied by any other person who has also been required to leave the Restricted Area (except for a dependent person).

2. Intoxicating Substances

- a) It is prohibited for any person to possess or consume in any manner an Intoxicating Substance within the Restricted Area, except a prescription drug which has been prescribed for his use.

- b) It is prohibited for any person to be under the influence of an Intoxicating Substance within the Restricted Area, except a prescription drug which has been prescribed for his use.
- c) It is prohibited for any person to sell or supply any Intoxicating Substance within the Restricted Area, except a pharmacist who does so in fulfilment of a medical prescription

3. Alcohol

- a) If an Authorised Officer reasonably suspects that a person who is or has been drinking alcohol in the open air within the Restricted Area is causing or likely to cause a nuisance or disorder, he may request the person to:
 - (i) stop drinking alcohol within the Restricted Area; and/or
 - (ii) hand to the Authorised Person any container of alcohol in his possession, whether or not it has been opened, and even if it is empty.
- b) A person who has been requested to do either or both of the things referred to at paragraph 3(a) above, is required to comply with such a request immediately.
- c) For the purposes of this paragraph, the Restricted Area does not include frontages covered by a current authority to sell or supply alcohol under the Licensing Act 2003, or an area covered by a pavement licence.

4. Graffiti

- a) A person is prohibited from marking any surface within the Restricted Area with any form of unauthorised graffiti.
- b) Where an Authorised Person reasonably suspects that a person is using or is likely to use any item to mark any surface with unauthorised graffiti, he may require the person to surrender that item to him.
- c) A person required by an Authorised Person to surrender any item must do so immediately.

The final order for the PSPO can be seen within (See Appendix One.)

6. Partnership working and breaches

- 6.1 The enforcement of the PSPO is done in partnership with West Midlands Police. WM Police neighbourhood officers received training from the Community Safety Manager with regards to the agreed breach process. (See Appendix Two)
- 6.2 Within the BCC Community Safety Team we have four Intervention Officers working within the city centre who enforce the PSPO.
- 6.3 Since the introduction of the PSPO we have received 61 breach notifications. The most breached condition is related to alcohol followed by intoxicating substances. 18 have received verbal warnings with no further action, the remainder have all had warning letters.

7. Public Sector Equality Duty

- 7.1 A full Equality Impact Assessment was undertaken at the time of the consultation and the Council continues to be mindful of the concerns reflected in the responses to the public consultation. Therefore, the management of the PSPO is based upon an approach of support and enforcement by partners to ensure vulnerable individuals are not impacted or treated unfairly. This support includes working with homeless and outreach services as well as drug and alcohol support services. The Community Safety Team have put in place a fortnightly partnership tasking group together with West Midlands Police and Trident Reach to ensure that the needs and interests of vulnerable people, including those who may be sleeping rough or part of the wider street community, are properly addressed and supported. We are committed to ensuring a compassionate and understanding approach to enforcement, closely allied to support from appropriate services.
- 7.2 No further equality issues have been identified, as all enforcement activities are carried in accordance with the adopted enforcement policy, which was the subject of an equalities impact assessment.

Appendix

One – Public Space Protection Order



10012953 - FINAL
VERSION City Centre

Two – The Community Safety breach process



CST PSPO breach
process.pdf

BIRMINGHAM CITY COUNCIL

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

18 JANUARY 2023
LADYWOOD

City Centre Noise Public Space Protection Order

1. **Summary**

- 1.1 This report provides Committee with an update on work being undertaken to address noise problems within two areas of the City Centre: New Street in the vicinity of Tesco's, and the junction of New Street and High Street by the Rotunda.

2. **Recommendations**

- 2.1. That the report is noted.

Originating Officer: Russell Davey Acting Operations Manager Environmental Protection
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3. Background

- 3.1 City Centre's are heavily used for commerce and entertainment and more recently for residential purposes. These are not always needs that can sit comfortably together. By and large the planning process is aimed at ensuring conforming uses are next to each other (industrial areas separate from residential areas). However, the newer mixed-use developments do lead to problems of noise (and other pollution) affecting residential properties.
- 3.2 The Councils Environmental Health Officers have a suite of powers to resolve or mitigate these issues mainly under the Environmental Protection Act 1990, but also under the control of Pollution Act 1974 and the Anti-social Behaviour, Crime and Policing Act 2014.
- 3.3 This report advises committee of the actions taken by its officers to protect residents within the Rotunda and 2 residential blocks on New Street around the New Street/Temple Street junction.

4. History

- 4.1 New Street (Around Tesco's and at the New Street/High Street junction) have become increasingly popular for people using amplification equipment and playing musical instruments on the street. Over the last decade there has been a noticeable increase in such activities on the street. Until recently it was common to find at least one if not more buskers and religious speakers operating in these areas which are situated outside residential properties.
- 4.2 These activities are legal and cannot, outside of London, be lawfully subject to licensing, permit schemes or other simple means of local government control - those engaged in them are exercising their rights to make a living, and their freedoms of conscience and expression.
- 4.3 Nationally over the last 20 years or so, there has been changes in national planning guidance, which actively supports more mixed use and in particular city centre living. From an Environmental Health (noise nuisance perspective) this is counter intuitive however we are now seeing more and more of this in Birmingham (both city centre and town centres). It is also true of other cities.
- 4.4 In 2015 in response to an increasing number of complaints about buskers the City Council considered using then-new powers under the Anti-Social Behaviour Crime and Policing Act 2014 to introduce a Public Space Protection Order banning the use of amplification in Birmingham City Centre. This was put to public consultation and 60% of respondents were **not** in favour of the order. Groups such as Liberty, Keep Streets Live and the Musicians' Union, advocated for a scheme of voluntary regulation of busking in place of the proposed more prescriptive order.

4.5 At that time, the majority of the complaints were solely around musical busking, so in due course a system of voluntary busking guidance, backed by the possibility of enforcement for problematic individuals (using Community Protection Notices) was produced, consulted upon and implemented. This approach has received considerable praise and has been used a benchmark by a variety of other local authorities. It certainly tackled inappropriate busking such as full bands that had set up and totally dominated the street scene (affecting people passing by and shops who could not hear customers). Several CPNs were served (<10).

4.6 Shortly after this guide, there was an escalation of noise on the street due to significant increases in numbers of buskers as well as street preaching. The commonality between the groups being amplification equipment. Officers, shops, the public began to complain about the “noise environment” and our officers noted groups competing to be heard using their amplification systems to drown one another out. In addition, we started to see excessive use of quite small amplifiers meaning some buskers and preachers were excessively loud at 50 to 75m from where they were operating. Police and our officers also reported altercations between some groups and amplification being increased to drown out others.

5.0 Actions Taken

5.1 Between August and December 2018 a survey was undertaken of businesses, residents and residents’ groups within the City Centre, 66% considered the noise levels on the streets from amplifiers to be unacceptable, 60% said amplified noise had affected their customers and had caused their customers to complain.

5.2 Several respondents subsequently provided BCC with victim impact statements:

- High St retailer: *“there have been Saturdays where I have not been able to hear and speak to customers or talk on the telephone. In fact I generally have to come downstairs to take important work phone calls”*
- Worker in a large office building: *“I also hear noise coming from New Street and High Street, This noise affects me personally because sometimes I have resorted to moving office”*
- Resident living on New St: *“There has been an unbelievable increase in buskers and street performers using “high calibre” amplification systems, the likes which are to be found in venues and festivals, not high streets.”*

5.3 Following this survey through the summer of 2019, we then began to receive more complaints from residents of noise affecting them both during the day and at night. Businesses by this stage had mostly given up complaining as we had engaged with them for over 4 years.

5.4 These Complaints from residential premises are a significant change.

- Under the Environmental Protection Act 1990 the Local Authority is under a duty to investigate complaints of statutory nuisance **and**
- Where it is satisfied a nuisance exists it has to serve notices and take measures to abate the nuisance.

In addition

1. Only residents can suffer a nuisance (you can't pass a chip shop and complain of the smell but you can complain about the same smell if you live next door)
2. Although businesses have been determined to "reside" in an area because they are there for long periods, they often can't reach the threshold of use and enjoyment. They don't have the same right to enjoy their property as you and I have and as far as use goes, we want noisy businesses together otherwise car repair places and heavy industry would be in isolated areas from neighbours.
3. To suffer a nuisance, you must show a detriment to the use or enjoyment of your property (it is more complicated as there is lots of case law but this is the basic level). Determining nuisance is likely to be intrusive for residents, requiring Officers to attend residents' properties on a number of occasions both to witness the nuisance for an abatement notice to be served and then subsequently to witness any alleged breaches of the notice. In addition, through the process it may be necessary for the individual who brought about the complaint to be made known.
4. The statutory nuisance process looks at individuals rather than the activity itself. As such each new busker, street preacher, or street entertainer would need to be treated as a separate case and if that individual moved to another location (for example from outside Tesco's to the Rotunda) then the investigation would need to be started again. It is simply too intrusive for the residents as you daily will have officers in your property to witness the noise levels. We have tried this it does not work.
- 5.5 From this you can see that the game changer is that residential premises are now being affected. Once our officers determined the residents were suffering a Statutory Nuisance due to noise, the Council must take steps to abate the nuisance. To not do so is ultra vires (acting or done beyond one's legal power or authority i.e. it's not in the council's power to ignore the nuisance).
- 5.6 There is no caveat on how many people are affected. Legally it would not matter if it was one person or 100 people, but there are numerous people in both the residential premises above Tesco's, another block on the corner of New Street and Corporation Street as well as the Rotunda.
- 5.7 Initially Environmental Health responded by advising people they were using speakers outside residential property, then asking people to move and or turn down their speakers and this worked for a short period.
- 5.8 There was no longevity to these interventions. Often the volume was reduced until the officer left and was then turned up again. People who were displaced were replaced by a new person or indeed people returned the same day or the next day causing the same problem. From the resident's viewpoint there was no improvement and in their opinion the Council are failing to abate the nuisance.
- 5.9 As a result, Environmental Health started to issue CPN warning letters as well as serving Abatement Notices on people on the street. Any action undertaken was bound by the agreement set out during the consultation in 2014 with the Musicians Union,

Equity and Keep Streets Live meaning that enforcement was a last resort and that there were a number of stages that need to be completed before any formal action was taken. Again, the process was intrusive for residents and required assessments to be made from residents properties and potentially made them identifiable to noise the sources that they were complaining about. The CPN warning is the precursor to a Community Protection Notice – these lead to an FPN or a prosecution. However, by this stage we had little co-operation on the street and were faced with officers being unable to get names and addresses.

- 5.10 The abatement notices are a stronger power in that there is no FPN but a prosecution can be brought and the noise generating equipment can be seized. Again, we were faced with the difficulty of not being able to get names and addresses but there is an alternative way of serving on the actual equipment. (Normally where nuisance arises on a property we serve on “the owner” or “the occupier” of the address. However, because individuals are on the street, we can’t use this option. Additionally in law you can only be required to give your name and address if you have committed a criminal offence.
- 5.11 By this stage officers were finding their interventions were leading to many amplification users abusing them and turning up the volume.
- 5.12 Having taken advice from Barrister’s the only solution left to us is to consider the declaration of a PSPO and or Injunctions. Injunctions are the ultimate tool, and we were advised to only use these where all lesser options have failed. Accordingly, we entered a process of consultation on a PSPO. We were clear to those that we engaged with that behind this was the fact the Council must take action to abate the nuisance. Therefore, unless someone could control the noise levels on the street, we were more than likely going to have to declare the PSPO. Bearing in mind the amplification users come from many groups, both talented buskers, singers, to people who use amplification to attract a crowd for a display (juggling, hanging on a bar etc.), car cruisers and multiple faith groups I was not hopeful of a solution.
- 5.13 By the completion of the consultation, we had seized two sets of amplification equipment from the street, we had served 12 abatement notices, at least 3 people had been arrested for behaviours towards our officers and accompanying Police officers.
- 5.14 PSPOs were declared for the 2 areas each contain an area where amplification equipment, musical instruments and items being used as musical instruments cannot be used day and night and a larger area that restricts night-time use.
- 5.15 A consequence of the PSPO is anyone playing in contravention of the PSPO is committing a criminal offence. As a result, we can now with the assistance of WM Police obtain their details. This in turn has reduced the same person breaching the PSPO but has not stopped the problem.

5.16 Many of the residents have contacted us following the declaration of the PSPO and initially were very pleased however there has not been a good level of compliance and often our officers are responding to complaints both day and evenings. This is costing the city a lot in resources. Below is the table of non-compliance. Although we have empathy for the street users, ultimately the legal duty is to protect those suffering a nuisance.

5.17 Since October 2022 Officers have moved from an education-based approach to serving FPN's after initial warnings have been given. PSPO's must be reviewed every 3 years and re-declared only where they are required. At this stage we would say we are moving more into enforcement and if this fails we would review looking for a greater exclusion or injunctive action (i.e. the PSPO failed).

6.0 On-Going action

6.1 Unfortunately, Officers have experienced hostility both from individuals who they have found breaching the PSPO and members of the public who have become embroiled in encounters. As a result, we are actively considering an application for an injunction to restrain one person who has repeatedly breached the PSPO and on 2 occasions threatened serious harm to our officers (the Police are processing these offences). The injunction could in part restrict behaviours towards officers but also prohibit that person entering the city centre. This as it gives an indication of the difficulties that Officers are encountering when trying to enforce the PSPOs. This is not an isolated incident as there have been other incidents where Officers have been verbally threatened or pushed. To protect our Officers safety, evening patrols are now undertaken with Police support at an additional cost to the City Council. Despite this, it has resulted in 4 individuals being arrested during encounters.

6.2 In another incident, a Police officer was dealing with a busker on Bennetts Hill and our Enforcement Officer had to remove a drinks bottle from the second person who picked it up and approached the Police officer from behind.

Residents have been targeted in social media and mainstream press which has led to them:

- refusing to give evidence,
- moving homes,
- affecting their health and employment.
- Landlords unable to let properties

- 6.3 In nuisance law we are not considering businesses but in ASB legislation we can
- There are hotels on New Street who cannot let rooms and conference facilities
 - Shops who cannot hear their customers
 - Office blocks who cannot use their office space
 - The BID has led in referring business complaints particularly customers saying they do not like the city centre
 - In the consultation, visitors reported they do not like the street noise and it makes them not want to visit the city centre.
 - Since the introduction of the PSPOs, Environmental Health have started to received complaints about noise levels in the street outside of the two PSPO areas. Complaints have come from both business and residents where noise levels are reported to be having a significant impact on the use of residential properties and running of a businesses. Similar complaints have also been reported to the BID. An example of this was on 03.11.22 – we had a steel drum with backing amplification who was outside the PSPO and requested numerous times to reduce his volume and officers reported he could be heard at around 0.5miles away. Such activity would actually lead to extension of the area rather than revocation of the existing PSPOs.

Interactions

Date	Location	POI	Name	Warning	FPN
15 August 2022	High Street	Opposite Primark	Preachers	15 August 2022	
15 August 2022	New Street	Opposite Watches of Switzland	Busker	15 August 2022	
15 August 2022	High Street	Outside Waterstones	Preacher	15 August 2022	
15 August 2022	High Street	Opposite Primark	Preachers	15 August 2022	
15 August 2022	New Street	Opposite Watches of Switzland	Busker	15 August 2022	
15 August 2022	High Street	Outside Waterstones	Preacher	15 August 2022	
17 August 2022	High Street	Opposite Barclays	Preacher	17 August 2022	
17 August 2022	High Street	Opposite Barclays	Preacher	17 August 2022	
18 August 2022	New Street	o/s Rotunda	Preacher	18 August 2022	
18 August 2022	New Street	o/s Rotunda	Preacher	18 August 2022	
19 August 2022	New Street	Opposite Rotunda	Busker	19 August 2022	
19 August 2022	High Street	Outside Metro Bank	Busker	19 August 2022	
19 August 2022	New Street	JD Sports Opposite Lush	Street entertainer	19 August 2022	
19 August 2022	New Street	Opposite Rotunda	Busker	19 August 2022	
19 August 2022	High Street	Outside Metro Bank	Busker	19 August 2022	
19 August 2022	New Street	JD Sports Opposite Lush	Street entertainer	19 August 2022	
20 August 2022	New Street	Outside Tesco	Protestor	20 August 2022	
20 August 2022	New Street	Outside Lloyds Bank	Preacher	20 August 2022	
20 August 2022	Rotunda	Opposite Metro bank	Street entertainer	20 August 2022	
20 August 2022	Lower Temple Street	Outside Tim Hortons	Busker	20 August 2022	
20 August 2022	New Street	Outisde Tescos	Preachers	20 August 2022	
20 August 2022	New Street	Outside Tesco	Protestor	20 August 2022	
21 August 2022	New Street	o/s JD Sports	Busker	21 August 2022	
21 August 2022	New Street	Outside Lloyds Bank	Preacher	21 August 2022	
21 August 2022	New Street	o/s JD Sports	Busker	21 August 2022	
22 August 2022	Rotunda	Opposite Metro bank	Street entertainer	22 August 2022	

23 August 2022	New Street	Outside Lloyds Bank	Busker	23 August 2022	
23 August 2022	New Street	Next to Pret	Busker	23 August 2022	
23 August 2022	New Street	Outside Lush	Busker	23 August 2022	
23 August 2022	Lower Temple Street	Outside Tim Hortons	Busker	23 August 2022	
23 August 2022	New Street	Outside Lloyds Bank	Busker	23 August 2022	
23 August 2022	New Street	Next to Pret	Busker	23 August 2022	
23 August 2022	New Street	Outside Lush	Busker	23 August 2022	
24 August 2022	New Street	Outside Tesco	Preachers	24 August 2022	
26 August 2022	New street	Outside Tesco	Preacher	26 August 2022	
26 August 2022	New street	Outside Tesco	Preacher	26 August 2022	
03 September 2022	High Street	opposite The Gym Group	Preacher	03 September 2022	
03 September 2022	High Street	opposite The Gym Group	Preacher	03 September 2022	
04 September 2022	Rotunda Square	Opposite Waterstones	Preacher	04 September 2022	
04 September 2022	New Street	outside Virgin Money	Preacher	04 September 2022	
04 September 2022	Rotunda Square	Opposite Waterstones	Preacher	04 September 2022	
05 September 2022	High street	Opposite Metro bank	Street entertainer	05 September 2022	
05 September 2022	New Street	Opposite TSB bank	Busker	05 September 2022	
05 September 2022	High street	Opposite Metro bank	Street entertainer	05 September 2022	
06 September 2022	High Street	Opposite Three Shop	Preacher	06 September 2022	
06 September 2022	New Street	Infront of Lloyds Bank	Preacher	06 September 2022	
06 September 2022	High Street	Opposite Three Shop	Preacher	06 September 2022	
07 September 2022	New Street	Opposite Lush	Busker	07 September 2022	
28 September 2022	High Street	Outside Waterstones	preacher	28 September 2022	
29 October 2022	New street	Near Lush	Preacher	29 October 2022	Yes
30 October 2022	New Stret	Rotunda square	Street entertainer	30 October 2022	Yes
04 November 2022	New street	Outside Watches of Switzland	Busker	04 November 2022	
04 November 2022	New street	Near Lush	Busker	04 November 2022	
04 November 2022	New Street	by Pret	Busker	04 November 2022	
10 November 2022	New Street		Busker	10 November 2022	Yes
10 November 2022	High Street	Opposite Waterstones	Preacher	10 November 2022	

11 November 2022	New Street	Outside Watches of Switzland	Busker	11 November 2022	
12 November 2022	New Street	Rotunda square	Street entertainer	12 November 2022	5 x to be served
12 November 2022	High street	outside monki	Preacher	12 November 2022	
18 November 2022	New Street	Near Wagamama	Buskers	18 November 2022	
26 November 2022	New Street	Outside Tesco	Buskers	26 November 2022	
28 November 2022	High Street	Outside Waterstones	Preacher	28 November 2022	
30 November 2022	New Street	Opposite Lush	Busker	30 November 2022	
01 December 2022	New Street	Outside Tesco	Busker	01 December 2022	
01 December 2022	New Street	outside Starbucks	Busker	01 December 2022	
01 December 2022	High Street	Near Rotunda	Busker	01 December 2022	
01 December 2022	New Street	outside Muji	Busker	01 December 2022	
03 December 2022	New Street	Outside Lloyds Bank	Busker	03 December 2022	
03 December 2022	Lower Temple Street	Opposite Size	Preacher	03 December 2022	
03 December 2022	New street	opposite Wok Walk	Busker	03 December 2022	

7.0 Consultation

- 7.1 The report is for information and, therefore, no wider consultation has been undertaken other than that specified below.

8.0 Implications for Resources

- 8.1 The cost of enforcement of the PSPO is proving to be costly. Currently we are using a mixture of patrols by your officers and enforcement patrols with off-duty Police officers purchased on their over-time to ensure Police resources are not depleted. The necessity for joint patrols is around obtaining identities and the level of aggression on the street.

9.0 Implications for Policy Priorities

- 9.1 This work is statutory work and supports the council's priority for Making the city safer (by tackling anti-social behaviour) and a great place to live.
- 9.2 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'.

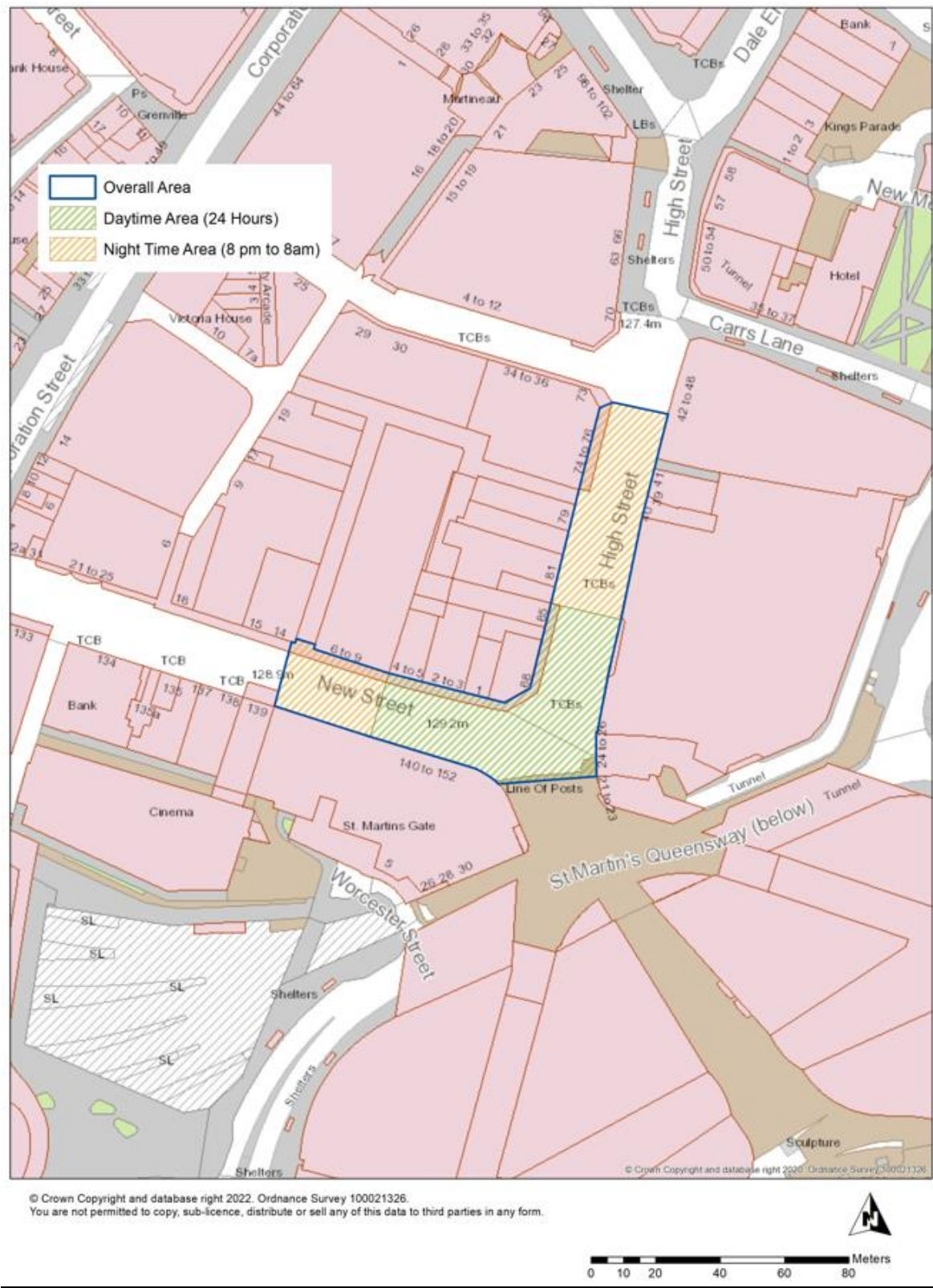
10.0 Public Sector Equality Duty

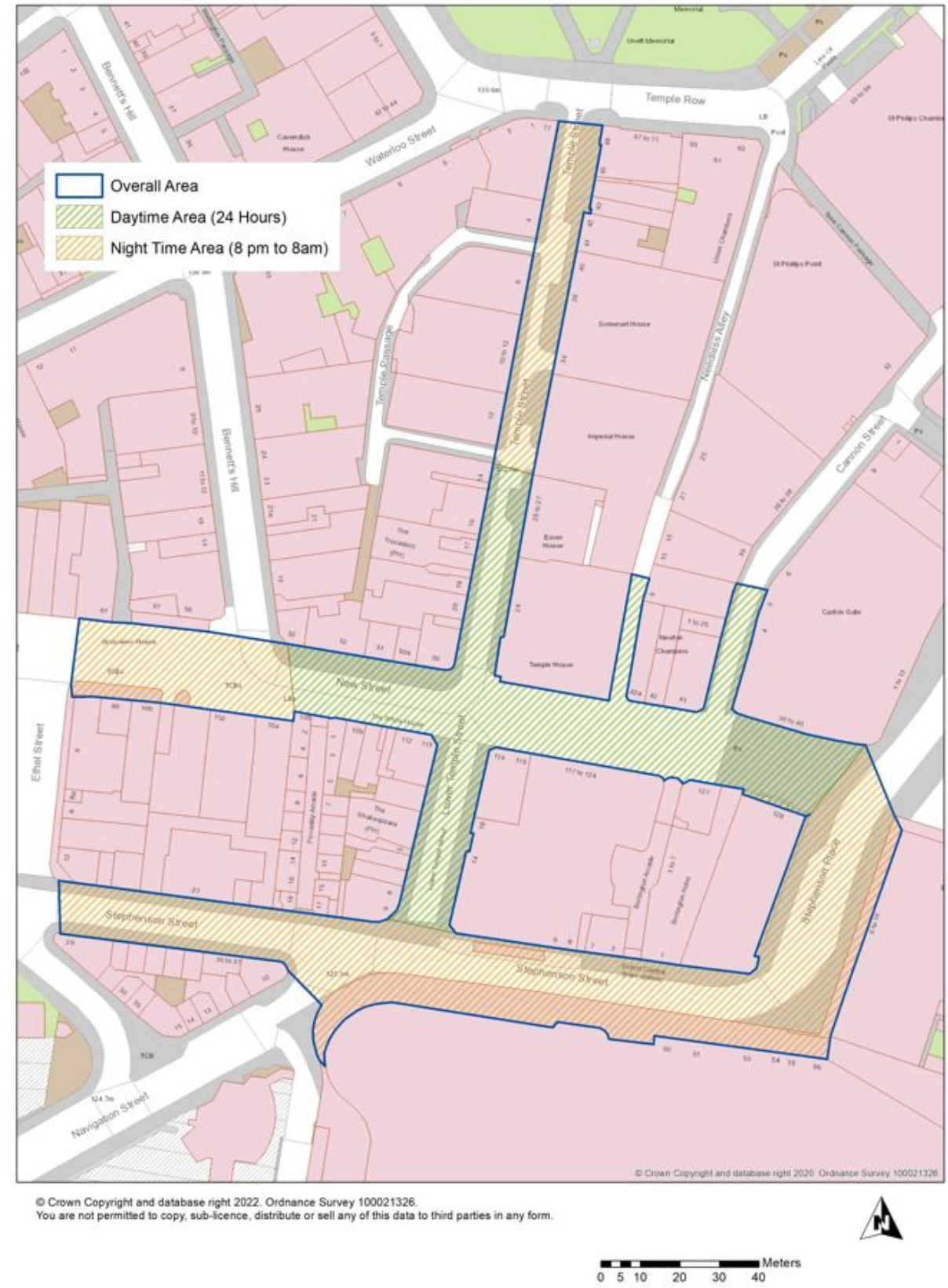
- 10.1 The regulation of statutory nuisances is a legal duty on the council. An equality impact Assessment was undertaken at the time of declaring the PSPO and this also assessed the human rights of "right to family life" and how it conflicted with "freedom of expression". In addition, the enforcement of the PSPO is governed by the Regulation and Enforcement policy and the necessity for proportionality principles to be used in all enforcement.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

New Street and High Street PSPO area





BIRMINGHAM CITY COUNCIL

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

18 JANUARY 2023
ALL WARDS

PROSECUTIONS & CAUTIONS – SEPTEMBER AND OCTOBER 2022

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

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City Operations Directorate
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3. Results

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

- 256 Environmental Health cases were finalised resulting in fines of £135,459. Prosecution costs of £58,956 were awarded.
- One Licensing case was finalised resulting in a fine of £660. Prosecution costs of £2,861 were awarded were finalised during September 2022.
- Two Trading Standards cases were finalised resulting in a fine of £2,500 and a 14 week prison sentence. Prosecution costs of £2,468 were awarded.
- One Waste Enforcement case was finalised resulting in a fine of £320 and 6 penalty points. Prosecution costs of £1,065 were awarded.
- Appendix 1 details all prosecutions finalised during September 2022 by ward.
- Appendix 2 details all prosecutions finalised during October 2022 by ward.
- Appendix 3 details all cautions administered during September and October 2022
- Appendix 4 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2022 to March 2023.
- Appendix 5 lists Penalty Charge Notices issued by Parking Enforcement specifically for individuals parking on Taxi Ranks across the City from April 2022 to March 2023. Please note this does not include other parking tickets issued anywhere else in the City.

4. Consultation

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

5. Implications for Resources

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

- 5.2 For the year April 2022 to March 2023 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£160,689 has been requested with £118,029 awarded (73%)

Licensing

£7,801 has been requested with £5,468 being awarded (70%)

Trading Standards

£6,418 has been requested with £2,468 awarded (38%)

- 5.3 For the months of September and October 2022 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£75,735 has been requested with £60,021 awarded (79%)

Licensing

£2,861 has been requested with £2,861 awarded (100%).

Trading Standards

£6,418 has been requested with £2,468 awarded (38%)

- 5.4 The following income has been received so far from the courts in 2022/23.

Licensing

£7,910 has been received.

Environmental Health

No income has been received including Waste Enforcement cases.

Trading Standards

No income has been received.

(Total £7,910).

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

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

	September 2022										
	Department	Date Case Heard	Name & Address	Ward of defendant	Offence details (including Legislation)	Fine issued	Costs awarded	Costs requested	Penalty Total	penalty details	Ward - Offence committed
1	Environmental Health	22/09/2022	349 DDR Ltd 349 Dudley Road Birmingham B18 4HB	North Edgbaston	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to nine offences relating to conditions at Dixy Chicken, 349 Dudley Road, Birmingham. There was cockroach activity in the preparation area. There were missing ceiling tiles in the storeroom which could allow access to pests and a gap in the food preparation area wall where cockroaches were emerging. The premises was not kept clean, hand contact points, shelving, flooring, a wooden plank, the walk-in freezer, internal and external walls, skirting boards, the boiler cupboard, pipework, the burger chiller and the microwave were dirty. The corridor flooring was in disrepair and there were holes burnt into the toilet seat. The grease trap was full and grease was discharging onto the ground. Containers storing food were dirty and damaged and chopping boards were heavily scored. There were no materials for hygienic hand drying. Food was uncovered in the walk in chiller and marinades were covered with cardboard on the charcoal grill. There were no procedures based on HACCP.	£3,000	£2,423	£2,423	£5,423		North Edgbaston
2	Environmental Health	23/09/2022	Incarace Ltd Spedeworth House Hollybush Industrial Park Hollybush Lane Aldershot GU11 2PX	Out of area	Management of Health and Safety at Work Regulations 1999 Health & Safety at Work Etc Act 1974 Pleaded guilty to two offences following a fatality at Birmingham Wheels, Adderley Road South, Birmingham. The Company failed to make suitable and sufficient assessments of the risks arising from the movement of persons onto and around the racetrack and the movement of vehicles, including recovery vehicles. They also failed to ensure that persons not in the company's employment were not exposed to risks to their health and safety arising out of the operation of a stock car race track.	£50,000	£20,000	£23,654	£70,000		Bordesley & Highgate

3	Environmental Health	13/09/2022	Dilash Abdir Birmingham	Stockland Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
4	Environmental Health	13/09/2022	Hamzah Abdullah Birmingham	Balsall Heath West	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
5	Environmental Health	13/09/2022	Shoaib Ahmed Rowley Regis	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moor Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
6	Environmental Health	13/09/2022	Juie Armour Birmingham	Handsworth	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Colmore Row, Birmingham	£220	£85	£175	£305		Ladywood
7	Environmental Health	13/09/2022	Robert Beattie Birmingham	Castle Vale	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in New Street, Birmingham	£58	£85	£175	£143		Ladywood
8	Environmental Health	13/09/2022	Sean Singh Bhalroo High Wycombe	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moor Street Queensway, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
9	Environmental Health	13/09/2022	Abbie Blanche Telford	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Navigation Street, Birmingham	£220	£85	£175	£305		Ladywood
10	Environmental Health	13/09/2022	Marian Braicu Birmingham	Alum Rock	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
11	Environmental Health	13/09/2022	Hanna Bulinova Rhyl	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
12	Environmental Health	13/09/2022	Luminta Bumba Birmingham	Nechells	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Ladywood
13	Environmental Health	13/09/2022	Sam Burn Birmingham	Moseley	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence	£220	£85	£175	£305		Ladywood

					of dropping a cigarette in High Street, Birmingham						
14	Environmental Health	13/09/2022	Jill Kay Burton Bristol	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
15	Environmental Health	13/09/2022	Stefan Razvan Calin Derby	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
16	Environmental Health	13/09/2022	Luu Cao Birmingham	Holyhead	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
17	Environmental Health	13/09/2022	Peter Carter Birmingham	Quinton	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Ladywood
18	Environmental Health	13/09/2022	Ana Cetu Birmingham	Weoley & Selly Oak	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in St Martins Walk, Birmingham	£220	£85	£175	£305		Ladywood
19	Environmental Health	13/09/2022	Wong Cheew West Bromwich	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
20	Environmental Health	13/09/2022	Bob Chen Birmingham	Moseley	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Inge Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
21	Environmental Health	13/09/2022	Wong Chen Birmingham	Moseley	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Smallbrook Queensway, Birmingham	£220	£85	£175	£305		Ladywood
22	Environmental Health	13/09/2022	Marian Cipcal Birmingham	Holyhead	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in Soho Road, Birmingham	£166	£85	£175	£251		Handsworth
23	Environmental Health	13/09/2022	Claire Davis Chelmsley Wood	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in St Martins Walk, Birmingham	£220	£85	£175	£305		Ladywood

24	Environmental Health	13/09/2022	Meh Den Birmingham	Billesley	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
25	Environmental Health	13/09/2022	Karen Dooley Birmingham	Ward End	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
26	Environmental Health	13/09/2002	Kelly Edgcumbe Birmingham	Hall Green North	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Digbeth, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
27	Environmental Health	13/09/2022	Shaun Ellis Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
28	Environmental Health	13/09/2022	Ben Elmer Swaffham	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
29	Environmental Health	13/09/2022	Garry Farrell St Albans	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220	£85	£175	£305		Ladywood
30	Environmental Health	13/09/2022	Leigh Flint Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
31	Environmental Health	13/09/2022	Natalie Ford Birmingham	Stockland Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
32	Environmental Health	13/09/2022	Simon Ford Stourbridge	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Colmore Row, Birmingham	£220	£85	£175	£305		Ladywood
33	Environmental Health	13/09/2022	John Michael Galvin Birmingham	Bartley Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
34	Environmental Health	13/09/2022	Lee Galvin Birmingham	Bartley Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence	£220	£85	£175	£305		Ladywood

					of dropping a cigarette in High Street, Birmingham						
35	Environmental Health	13/09/2022	Andreea Nicoleta Gaman Birmingham	Handsworth	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in Edgbaston Street, Birmingham	£40	£85	£175	£125		Ladywood
36	Environmental Health	13/09/2022	Terry Gardner Chelmsley Wood	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moor Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
37	Environmental Health	13/09/2022	Samia Hassan Birmingham	Hay Mills	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Bull Street, Birmingham	£220	£85	£175	£305		Ladywood
38	Environmental Health	13/09/2022	Klandi Haxhija Oldbury	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Smallbrook Queensway, Birmingham	£220	£85	£175	£305		Ladywood
39	Environmental Health	13/09/2022	Ming He Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Pershore Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
40	Environmental Health	13/09/2022	Hung Hoang Dagenham	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
41	Environmental Health	13/09/2022	Jiahao Huang Birmingham	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
42	Environmental Health	13/09/2022	Hoang Hung Birmingham	Heartlands	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
43	Environmental Health	13/09/2022	Mubasher Hussain Birmingham	Bromford & Hodge Hill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Coventry Road, Birmingham	£220	£85	£175	£305		Bordesley Green
44	Environmental Health	13/09/2022	Jonathan Charles James Telford	Out of area	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in New Street, Birmingham	£146	£85	£175	£231		Ladywood

45	Environmental Health	13/09/2022	Lee Overton Jenkins Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
46	Environmental Health	13/09/2022	Paula Johnson- Porter Birmingham	Acocks Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Warwick Road, Birmingham	£220	£85	£175	£305		Acocks Green
47	Environmental Health	13/09/2022	Jack Jones Solihull	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Newhall Street, Birmingham	£220	£85	£175	£305		Ladywood
48	Environmental Health	13/09/2022	Marti Jones Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
49	Environmental Health	13/09/2022	Mohammed Khan Birmingham	Acocks Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Warwick Road, Birmingham	£220	£85	£175	£305		Acocks Green
50	Environmental Health	13/09/2022	Yudong Li Liverpool	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
51	Environmental Health	13/09/2022	Luigi Daniel Matei Birmingham	Sparkbrook & Balsall Heath	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Union Street, Birmingham	£220	£85	£175	£305		Ladywood
52	Environmental Health	13/09/2022	Edward McDermott Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Priory Queensway, Birmingham	£220	£85	£175	£305		Ladywood
53	Environmental Health	13/09/2022	Neil Meany Birmingham	Pype Hayes	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Church Road, Birmingham	£220	£85	£175	£305		South Yardley
54	Environmental Health	13/09/2022	Sarfraz Mohammed Birmingham	North Edgbaston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
55	Environmental Health	13/09/2022	Miah Mukith Birmingham	Aston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence	£220	£85	£175	£305		Bordesley & Highgate

					of dropping a cigarette in Hurst Street, Birmingham						
56	Environmental Health	13/09/2022	Lee Murrell Birmingham	Hall Green South	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Stephenson Place, Birmingham	£220	£85	£175	£305		Ladywood
57	Environmental Health	13/09/2022	Razvan Muti Birmingham	North Edgbaston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Ladywood
58	Environmental Health	13/09/2022	Rachel Nellis Birmingham	Shard End	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Union Street, Birmingham	£220	£85	£175	£305		Ladywood
59	Environmental Health	13/09/2022	Duc Nguyen Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Ladywood
60	Environmental Health	13/09/2022	Hung Huu Nguyen Birmingham	Balsall Heath West	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Ladywood
61	Environmental Health	13/09/2022	Van Nguyen Cradley Heath	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
62	Environmental Health	13/09/2022	Nguyen Binh Nguyena Sheffield	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
63	Environmental Health	13/09/2022	Chloe May O'Connor Birmingham	Shard End	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
64	Environmental Health	13/09/2022	Henry Obasa Walsall	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
65	Environmental Health	13/09/2022	Marina Olivia London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood

66	Environmental Health	13/09/2022	Samantha Osbourne Birmingham	Bartley Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Union Street, Birmingham	£220	£85	£175	£305		Ladywood
67	Environmental Health	13/09/2022	Linya Pa Birmingham	Nechells	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
68	Environmental Health	13/09/2022	Bogden Popescu Willenhall	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Smallbrook Queensway, Birmingham	£220	£85	£175	£305		Ladywood
69	Environmental Health	13/09/2022	Emil Postolache Birmingham	Holyhead	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Soho Road, Birmingham	£220	£85	£175	£305		Handsworth
70	Environmental Health	13/09/2022	Guo Qian Birmingham	Bournbrook & Selly Park	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£85	£175	£305		Ladywood
71	Environmental Health	13/09/2022	Yichen Qu Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
72	Environmental Health	13/09/2022	Berth Quinn Birmingham	Shard End	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Colmore Row, Birmingham	£220	£85	£175	£305		Ladywood
73	Environmental Health	13/09/2022	Harry Ragja Birmingham	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
74	Environmental Health	13/09/2022	Joey Ramananskas Willenhall	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
75	Environmental Health	13/09/2022	Harjinder Rana Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
76	Environmental Health	13/09/2022	Annie Ray Leeds	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence	£220	£85	£175	£305		Ladywood

					of dropping a cigarette in High Street, Birmingham						
77	Environmental Health	13/09/2022	Zhou Ruihan Southampton	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
78	Environmental Health	13/09/2022	Mark Shaw Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Soho Road, Birmingham	£220	£85	£175	£305		Handsworth
79	Environmental Health	13/09/2022	Helen Sin Birmingham	Yardley East	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
80	Environmental Health	13/09/2022	Anon Singka Bolton	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Ladywood
81	Environmental Health	13/09/2022	Mark Smith Birmingham	Bournbrook & Selly Park	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in New Street, Birmingham	£40	£85	£175	£305		Ladywood
82	Environmental Health	13/09/2022	Lisa Marie Stevens Birmingham	Bournbrook & Selly Park	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Ladywood
83	Environmental Health	13/09/2022	Andrew Sutton Chelmsley Wood	Out of area	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in New Street, Birmingham	£216	£85	£175	£305		Ladywood
84	Environmental Health	13/09/2022	Charlotte Timmins Birmingham	Edgbaston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
85	Environmental Health	13/09/2022	Sindou Toure Birmingham	North Edgbaston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
86	Environmental Health	13/09/2022	Robyn Tovey Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220	£85	£175	£305		Ladywood

87	Environmental Health	13/09/2022	Paisid Trakulsuk Northampton	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in St Martins Queensway, Birmingham	£220	£85	£175	£305		Ladywood
88	Environmental Health	13/09/2022	Alina Vioriea Birmingham	Stockland Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Bull Street, Birmingham	£220	£85	£175	£305		Ladywood
89	Environmental Health	13/09/2022	Kirsty Walsh Birmingham	Quinton	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
90	Environmental Health	13/09/2022	Su Wan Birmingham	Newtown	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
91	Environmental Health	13/09/2022	Martin Williams Birmingham	Glebe Farm & Tile Cross	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Washwood Heath Road, Birmingham	£220	£85	£175	£305		Ward End
92	Environmental Health	13/09/2022	Ton Win London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
93	Environmental Health	13/09/2022	Julie Woods Birmingham	Weoley & Selly Oak	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
94	Environmental Health	13/09/2022	Du Yuchen Southampton	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
95	Environmental Health	13/09/2022	Zhang Zhang Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
96	Environmental Health	13/09/2022	Zhongmian Zhang Birmingham	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
97	Environmental Health	13/09/2022	Han Zhong Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence	£220	£85	£175	£305		Ladywood

					of dropping a cigarette in St Martins Walk, Birmingham						
98	Environmental Health	13/09/2022	Chen Zong London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Bromsgrove Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
99	Environmental Health	28/09/2022	Robert Adams Birmingham	Perry Common	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£395		Ladywood
100	Environmental Health	28/09/2022	Madalina Adria Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£175	£175	£395		Ladywood
101	Environmental Health	28/09/2022	Birz Ameen Birmingham	Handsworth	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Grove Lane, Birmingham	£220	£175	£175	£395		Handsworth
102	Environmental Health	28/09/2022	Hoang An Birmingham	Heartlands	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£175	£175	£395		Bordesley & Highgate
103	Environmental Health	28/09/2022	Florika Angle Birmingham	Ward End	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220	£175	£175	£395		Ladywood
104	Environmental Health	28/09/2022	Paul Badger Castle Bromwich	Out of area	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in Corporation Street, Birmingham	£200	£175	£175	£285		Ladywood
105	Environmental Health	28/09/2022	Leroy Beckford Lichfield	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£395		Ladywood
106	Environmental Health	28/09/2022	Vasilica Boca Birmingham	Handsworth	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£395		Ladywood
107	Environmental Health	28/09/2022	Kerry Jean Bradley Shipston on Stour	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£395		Ladywood

108	Environmental Health	28/09/2022	Nicola Burton-Holt Kidderminster	Out of area	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in Lancaster Place, Birmingham	£121	£175	£175	£296		Newtown
109	Environmental Health	28/09/2022	Joanne Calvey Birmingham	Kings Norton North	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Bristol Road South, Longbridge, Birmingham	£220	£175	£175	£395		Northfield
110	Environmental Health	28/09/2022	Tammy Carr Birmingham	Quinton	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Cherry Street, Birmingham	£220	£175	£175	£395		Ladywood
111	Environmental Health	28/09/2022	Rudolf Chimal Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220	£175	£175	£395		Ladywood
112	Environmental Health	28/09/2022	Viorel Cociu Birmingham	Aston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Grove Lane, Birmingham	£220	£175	£175	£395		Handsworth
113	Environmental Health	28/09/2022	Ryan Coleman Birmingham	Yardley East	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220	£175	£175	£395		Ladywood
114	Environmental Health	28/09/2022	Luke Cooper Birmingham	Bournville & Cotteridge	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in Edgbaston Street, Birmingham	£140	£175	£175	£315		
115	Environmental Health	28/09/2022	Mihal Dano Oldbury	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Soho Road, Birmingham	£220	£175	£175	£395		Soho & Jewellery Quarter
116	Environmental Health	28/09/2022	Jane Deeprise Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£395		Ladywood
117	Environmental Health	28/09/2022	Steven Degville Walsall	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Priory Queensway, Birmingham	£220	£175	£175	£395		Ladywood
118	Environmental Health	28/09/2022	Heyi Di Nottingham	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence	£220	£175	£175	£395		Bordesley & Highgate

					of dropping a cigarette in Pershore Street, Birmingham						
119	Environmental Health	28/09/2022	Geanina Elena Birmingham	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£175	£175	£395		Ladywood
120	Environmental Health	28/09/2022	Lita Elena Birmingham	Edgbaston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£175	£175	£395		Ladywood
121	Environmental Health	28/09/2022	Han Faming Birmingham	Northfield	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in St Martins Walk, Birmingham	£220	£175	£175	£395		Ladywood
122	Environmental Health	28/09/2022	Janine Geeves Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220	£175	£175	£395		Ladywood
123	Environmental Health	28/09/2022	Rodica Grosu Birmingham	Glebe Farm & Tile Cross	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£395		Ladywood
124	Environmental Health	28/09/2022	Paul Hamill Edinburgh	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£395		Ladywood
125	Environmental Health	28/09/2022	Gavin Hart London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£395		Ladywood
126	Environmental Health	28/09/2022	Biao Jiang Birmingham	Erdington	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£175	£175	£395		Ladywood
127	Environmental Health	28/09/2022	Kevinn Joiner Redditch	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£395		Ladywood
128	Environmental Health	28/09/2022	Naomi Lee Chelmsley Wood	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Digbeth, Birmingham	£220	£175	£175	£395		Bordesley & Highgate

129	Environmental Health	28/09/2022	Wonli Li Birmingham	Newtown	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£175	£175	£395		Bordesley & Highgate
130	Environmental Health	28/09/2022	Hui Lin Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£175	£175	£395		Bordesley & Highgate
131	Environmental Health	28/09/2022	Hoa Luong Birmingham	Bournville & Cotteridge	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£395		Ladywood
132	Environmental Health	28/09/2022	Costel Lupasteanu London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Priory Queensway, Birmingham	£220	£175	£175	£395		Ladywood
133	Environmental Health	28/09/2022	Paul Magennis Birmingham	Perry Common	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£395		Ladywood
134	Environmental Health	28/09/2022	Georgiana Militaru Sandwell	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£395		Ladywood
135	Environmental Health	28/09/2022	Amina Nawaz Birmingham	Bartley Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Priory Queensway, Birmingham	£220	£175	£175	£395		Ladywood
136	Environmental Health	28/09/2022	Kylie Neade Bromsgrove	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Lower Temple Street, Birmingham	£220	£175	£175	£395		Ladywood
137	Environmental Health	28/09/2022	Ngoc Minh Ngugen Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in Wrottesley Street, Birmingham	£146	£175	£175	£321		Bordesley & Highgate
138	Environmental Health	28/09/2022	Gnandt Nicoleta Birmingham	Hall Green South	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£395		Ladywood
139	Environmental Health	28/09/2022	Nina Orlov Birmingham	Handsworth Wood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence	£220	£175	£175	£395		Ladywood

					of dropping a cigarette in New Street, Birmingham						
140	Environmental Health	28/09/2022	Melissa Parkes Birmingham	Lozells	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220	£175	£175	£395		Ladywood
141	Environmental Health	28/09/2022	David Paun Birmignham	Bordesley Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Dale End Street, Birmingham	£220	£175	£175	£395		Ladywood
142	Environmental Health	28/09/2022	Nieto Perez Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Colmore Row, Birmingham	£220	£175	£175	£395		Ladywood
143	Environmental Health	28/09/2022	Vincent Porter Birmingham	South Yardley	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£395		Ladywood
144	Environmental Health	28/09/2022	Jessica Roberts Birmingham	Moseley	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£175	£175	£395		Bordesley & Highgate
145	Environmental Health	28/09/2022	Vanessa Rostas Birmingham	Alum Rock	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Carrs Lane, Birmingham	£220	£175	£175	£395		Ladywood
146	Environmental Health	28/09/2022	Sohail Saiyad Hayes	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hill Street, Birmingham	£220	£175	£175	£395		Ladywood
147	Environmental Health	28/09/2022	Ardit Sallaku Birmingham	Gravelly Hill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Navigation Street, Birmingham	£220	£175	£175	£395		Ladywood
148	Environmental Health	28/09/2022	David Sinclair Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£395		Ladywood
149	Environmental Health	28/09/2022	Kamila Magalena Sobieraj Croydon	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Temple Row, Birmingham	£220	£175	£175	£395		Ladywood

150	Environmental Health	28/09/2022	Yuan Song Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£175	£175	£395		Bordesley & Highgate
151	Environmental Health	28/09/2022	Hatim Jalal Sulayyih Birmingham	Handsworth	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in St Martins Walk, Birmingham	£220	£175	£175	£395		Ladywood
152	Environmental Health	28/09/2022	Tian Tian Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£175	£175	£395		Bordesley & Highgate
153	Environmental Health	28/09/2022	Xia Tian Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£175	£175	£395		Bordesley & Highgate
154	Environmental Health	28/09/2022	Emma Jane Williams Birmingham	Alum Rock	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Cherry Street, Birmingham	£220	£175	£175	£395		Ladywood
155	Environmental Health	28/09/2022	Darren Winterbottom Taunton	Out of area	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in Carrs Lane, Birmingham	£126	£175	£175	£301		Ladywood
156	Environmental Health	28/09/2022	Katie Witham London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Smallbrook Queensway, Birmingham	£220	£175	£175	£395		Ladywood
157	Environmental Health	28/09/2022	Caiyu Xia Birmingham	Erdington	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£175	£175	£395		Ladywood
158	Environmental Health	28/09/2022	Adrian Petronel Zahaira Leamington Spa	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£395		Ladywood
159	Environmental Health	28/09/2022	Muhammed Zain Birmingham	Acoks Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in St Martins Walk, Birmingham	£220	£175	£175	£395		Ladywood

160	Trading Standards	23/09/2022	Abdul Rehman Armani Birmingham	Alum Rock	<p>Tobacco and Related Products Regulations 2016 Trade Marks Act 1994 Pleaded not guilty to seven offences; two of having in possession 323 packets of cigarettes and tobacco of various brands and 25 packets of snuff tobacco at Mini Market, 646 Washwood Heath Road, Birmingham, B8 2HQ which failed to carry the required health warning on the packaging and five offences of having in possession 92 packs of hand rolling tobacco and cigarettes which bore signs identical to or likely to be mistaken for registered trade marks, namely Amber Leaf, Golden Virginia, Richmond blue, Superkings and Rothmans blue with a view to the sale or distribution of the said goods.</p> <p>Found guilty following trial.</p>	£2,500	£2,468	£2,468	£4,968	£500 x 2 - health warnings £300 x 5 - TMA	Ward End
161	Trading Standards	28/09/2022	Robert Taylor Birmingham	Bromford & Hodge Hill	<p>Consumer Protection from Unfair Trading Regulations 2008 Malicious Communications Act 1988 (prosecuted by CPS) Pleaded guilty to three offences; one of knowingly or recklessly engaging in an unfair commercial practice, by failing to trade in good faith in transactions with customers, and two of providing misleading information, namely the date that work would begin and the amount the complainants would receive as a refund for cancelling the contract.</p> <p>Previously pleaded guilty to two malicious communications offences arising out of harassing messages and voice notes sent to the two complainants following cancellation of building works.</p>	14 week imprisonment	No costs awarded due to custodial sentence	£3,950	£0	<p>14 weeks imprisonment - 1st malicious communications offence</p> <p>£500 compensation (1st complainant)</p> <p>9 weeks imprisonment – 2nd malicious communications offence (to run concurrently)</p> <p>£250 compensation (2nd complainant)</p> <p>No separate penalty for remaining offences</p>	Bromford & Hodge Hill

162	Waste Enforcement	01/09/2022	Mohammed Rizwan Khan	Sparkhill	<p>Environmental Protection Act 1990. Vehicle Excise and Registration Act 1994. Road Traffic Act 1988.</p> <p>Pleaded guilty to four offences: one offence of depositing controlled waste, namely cardboard boxes and packaging, plastic packaging, polystyrene and paper waste, from a vehicle onto land on Crawford Street, Saltley, Birmingham, one of failing to comply with a demand requiring written information as to how the business at RS Clearance, 623–625 Washwood Heath Road, Birmingham disposes of its waste and two offences of driving with false plates and consequently having invalid insurance.</p>	£320	£1,065	£1,065	£1,385	<p>£320 - depositing waste No separate penalty on remaining offences 6 penalty points - no insurance offence</p>	Alum Rock
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October 2022

	Department	Date Case Heard	Name & Address	Ward of defendant	Offence details (including Legislation)	Fine issued	Costs awarded	Costs requested	Penalty Total	penalty details	Ward - Offence committed
1	Environmental Health	25/10/2022	Charles Mack Ltd 63 Rectory Park Road Birmingham B26 3LJ	Sheldon	Food Safety and Hygiene (England) Regulations 2013. The Company was found guilty in their absence of seven offences relating to conditions found at African Legacy, Stall 122 Indoor Market, 50 Edgbaston Street, Birmingham. There were no permanent procedures implemented based on HACCP principles. The premises was not kept clean, walls, skirting, metal boards (beneath a prep table), the frames of the wash hand basin and sink were dirty. The wash hand basin in the ready-to-eat food area did not have a supply of hot running water, soap or hand drying materials and the wash hand basin in the raw food area did not have hand drying materials. The waste pipe of the wash hand basin in the ready-to-eat food area was discharging onto the floor. The vacuum packer was being used for raw and ready to eat foods, posing a risk of contamination.	£28,000	£4,318	£4,318	£32,318		Bordesley & Highgate
2	Environmental Health	11/10/2022	Mohammed Abbas Birmingham	Newtown	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a can of pop in Soho Road, Handsworth, Birmingham	£220	£175	£175	£375		Handsworth
3	Environmental Health	11/10/2022	Ben Adams Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£375		Ladywood
4	Environmental Health	11/10/2022	Ahmed Ahmadi Oldbury	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in St Martins Queensway, Birmingham	£220	£175	£175	£375		Ladywood
5	Environmental Health	11/10/2022	Tavir Ahmed Birmingham	Lozells	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hill Street, Birmingham	£220	£175	£175	£375		Ladywood
6	Environmental Health	11/10/2022	Alan Barlow Birmingham	Erdington	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220	£175	£175	£375		Ladywood
7	Environmental Health	11/10/2022	Benjamin Coli Beghean Wolverhampton	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Warwick Road, Acocks Green, Birmingham	£220	£175	£175	£375		Acocks Green
8	Environmental Health	11/10/2022	Darryl Brooks Birmingham	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£375		Ladywood
9	Environmental Health	11/10/2022	Harvery Brushett Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Smallbrook Queensway, Birmingham	£220	£175	£175	£375		Ladywood
10	Environmental Health	11/10/2022	Jacqueline Carpenter Birmingham	Kings Norton South	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette on the pavement in High Street, Kings Heath, Birmingham	£220	£175	£175	£375		Brandwood & Kings Heath
11	Environmental Health	11/10/2022	Xia Chank Manchester	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Dudley Street, Birmingham	£220	£175	£175	£375		Ladywood

12	Environmental Health	11/10/2022	Yui Chank Manchester	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Dudley Street, Birmingham	£220	£175	£175	£375		Ladywood
13	Environmental Health	11/10/2022	Chi Chen Sheffield	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Kent Street, Birmingham	£220	£175	£175	£375		Bordesley & Highgate
14	Environmental Health	11/10/2022	James Dixon Watford	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Temple Street, Birmingham	£220	£175	£175	£375		Ladywood
15	Environmental Health	11/10/2022	Hua Ding Gloucester	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Pershore Street, Birmingham	£220	£175	£175	£375		Bordesley & Highgate
16	Environmental Health	11/10/2022	Julie Driscoll 18 Brockhurst Road Birmingham B36 8JB	Bromford & Hodge Hill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£375		Ladywood
17	Environmental Health	11/10/2022	Mark Fullwood Birmingham	Hall Green North	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Drayton Road, Kings Heath, Birmingham	£220	£175	£175	£375		Brandwood & Kings Heath
18	Environmental Health	11/10/2022	Ben Funi Burton on Trent	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£375		Ladywood
19	Environmental Health	11/10/2022	Adrian Gheorghe Walsall	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette on the pavement in Alison Street, Birmingham	£220	£175	£175	£375		Bordesley & Highgate
20	Environmental Health	11/10/2022	Stephen Gillion Birmingham	Lozells	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£375		Ladywood
21	Environmental Health	11/10/2022	Nathanial Hani Birmingham	Bromford & Hodge Hill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£375		Ladywood
22	Environmental Health	11/10/2022	Nguyen Hung Birmingham	Birchfield	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£175	£175	£375		Bordesley & Highgate
23	Environmental Health	11/10/2022	Hussain Isac Dudley	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£375		Ladywood
24	Environmental Health	11/10/2022	Anthony Jarvins Walsall	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Digbeth, Birmingham	£220	£175	£175	£375		Bordesley & Highgate
25	Environmental Health	11/10/2022	Gabriela Jianu Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Navigation Street, Birmingham	£220	£175	£175	£375		Ladywood
26	Environmental Health	11/10/2022	Maran Joya Birmingham	Kingstanding	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Warwick Road, Acocks Green, Birmingham	£220	£175	£175	£375		Acocks Green
27	Environmental Health	11/10/2022	Jan Karala Birmingham	Nechells	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£175	£175	£375		Bordesley & Highgate
28	Environmental Health	11/10/2022	Umir Khan Birmingham	Newtown	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a	£220	£175	£175	£375		Northfield

					cigarette in Bristol Road South, Northfield, Birmingham						
29	Environmental Health	11/10/2022	Mark Kinzett Birmingham	Bordesley & Highgate	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Pershore Street, Birmingham	£220	£175	£175	£375		Bordesley & Highgate
30	Environmental Health	11/10/2022	Igor Kosoric London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Pershore Street, Birmingham	£220	£175	£175	£375		Ladywood
31	Environmental Health	11/10/2022	Lukas Krichas Tillicoultry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£375		Ladywood
32	Environmental Health	11/10/2022	Goron Leto Wednesbury	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette on the pavement in Digbeth, Birmingham	£220	£175	£175	£375		Bordesley & Highgate
33	Environmental Health	11/10/2022	Rong Liu Solihull	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladypool Walk, Birmingham	£220	£175	£175	£375		Bordesley & Highgate
34	Environmental Health	11/10/2022	Jack Lu Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£175	£175	£375		Bordesley & Highgate
35	Environmental Health	11/10/2022	Samantha McCarl London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£375		Ladywood
36	Environmental Health	11/10/2022	Gemma McManus Solihull	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Warwick Road, Acocks Green, Birmingham	£220	£175	£175	£375		Acocks Green
37	Environmental Health	11/10/2022	Charlie Morbey Birmingham	Yardley East	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Church Road, South Yardley, Birmingham	£220	£175	£175	£375		South Yardley
38	Environmental Health	11/10/2022	Nasir Muhammed Smethwick	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette at the junction of Bull Street and Dale End, Birmingham	£220	£175	£175	£375		Ladywood
39	Environmental Health	11/10/2022	Petricia Nistor Smethwick	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Dale End, Birmingham	£220	£175	£175	£375		Ladywood
40	Environmental Health	11/10/2022	Liam Northall Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£375		Ladywood
41	Environmental Health	11/10/2022	Rachel Anne O'Sullivan Stratford upon Avon	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£375		Ladywood
42	Environmental Health	11/10/2022	Lindsay Paris Birmingham	Erdington	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Carrs Lane, Birmingham	£220	£175	£175	£375		Ladywood
43	Environmental Health	11/10/2022	Ahmad Ramazan Manchester	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Temple Row, Birmingham	£220	£175	£175	£375		Ladywood
44	Environmental Health	11/10/2022	Sipan Rashid Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Bull Street, Birmingham	£220	£175	£175	£375		Ladywood

45	Environmental Health	11/10/2022	Lee Raw Solihull	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Ladywell Walk, Birmingham	£220	£175	£175	£375		Bordesley & Highgate
46	Environmental Health	11/10/2022	Daud Reaze Leeds	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Priory Queensway, Birmingham	£220	£175	£175	£375		Ladywood
47	Environmental Health	11/10/2022	Michelle Smith Birmingham	Bartley Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in St Martins Queensway, Birmingham	£220	£175	£175	£375		Ladywood
48	Environmental Health	11/10/2022	Stacey Streeter Castle Bromwich	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Cannon Street, Birmingham	£220	£175	£175	£375		Ladywood
49	Environmental Health	11/10/2022	Jan Tolog Birmingham	Holyhead	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£175	£175	£375		Ladywood
50	Environmental Health	11/10/2022	Beghean Vasile Birmingham	Tyseley & Hay Mills	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Kings Heath, Birmingham	£220	£175	£175	£375		Brandwood & Kings Heath
51	Environmental Health	11/10/2022	Brian White Solihull	Out of area	Environmental Health Act 1990 Section 87 Pleaded guilty to one offence of dropping a cigarette in Livery Street, Birmingham	£40	£175	£175	£215		Ladywood
52	Environmental Health	11/10/2022	Carol Whitehouse Birmingham	Bartley Green	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Bristol Road South, Northfield, Birmingham	£220	£175	£175	£375		Northfield
53	Environmental Health	11/10/2022	Emma Wickland Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Soho Road, Handsworth, Birmingham	£220	£175	£175	£375		Soho & Jewellery Quarter
54	Environmental Health	11/10/2022	Stacey Williams Chelmsley Wood	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Cannon Street, Birmingham	£220	£175	£175	£375		Ladywood
55	Environmental Health	11/10/2022	Filip Wolciech Nottingham	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£175	£175	£375		Bordesley & Highgate
56	Environmental Health	11/10/2022	Fei Wong Birmingham	Soho & Jewellery Quarter	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Lower Temple Street, Birmingham	£220	£175	£175	£375		Ladywood
57	Environmental Health	11/10/2022	Karolina Zak Dudley	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£175	£175	£375		Ladywood
58	Environmental Health	11/10/2022	Chuanqi Zou Burnley	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£175	£175	£375		Bordesley & Highgate
59	Environmental Health	11/10/2022	Li Zouhan Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Theatre Approach, Birmingham	£220	£175	£175	£375		Ladywood
60	Environmental Health	25/10/2022	Ali Ahmed Birmingham	Sparkbrook & Balsall Heath East	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Union Street, Birmingham	£220	£85	£175	£305		Ladywood
61	Environmental Health	25/10/2022	Ifigeneia Aileni Birmingham	Balsall Heath West	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood

62	Environmental Health	25/10/2022	Amar Ali Birmingham	Billesley	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
63	Environmental Health	25/10/2022	Katy Ann Marie Brooks Ashbourne	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Digbeth, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
64	Environmental Health	25/10/2022	Cynthia Burns London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moor Street Queensway, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
65	Environmental Health	25/10/2022	Patricia Burns London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moor Street Queensway, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
66	Environmental Health	25/10/2022	Matthew Cash Birmingham	Allens Cross	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
67	Environmental Health	25/10/2022	Yu Chun Chao Swansea	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
68	Environmental Health	25/10/2022	Manfa Chung Birmingham	Balsall Heath West	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Pershore Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
69	Environmental Health	25/10/2022	Apulet Daniel Birmingham	Bromford & Hodge Hill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220	£85	£175	£305		Ladywood
70	Environmental Health	25/10/2022	Peter Davies Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
71	Environmental Health	25/10/2022	Tanya Evans Walsall	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
72	Environmental Health	25/10/2022	Karen Farrell Thatcham	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
73	Environmental Health	25/10/2022	Deloris Gorrae Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
74	Environmental Health	25/10/2022	Walaid Haber Birmingham	Bromford & Hodge Hill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in St Martins Walk, Birmingham	£220	£85	£175	£305		Ladywood
75	Environmental Health	25/10/2022	James Healy Birmingham	Hall Green North	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
76	Environmental Health	25/10/2022	Robert Hollis Birmingham	Lozells	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Colmore Row, Birmingham	£220	£85	£175	£305		Ladywood
77	Environmental Health	25/10/2022	Michael Hyland Birmingham	Highters Heath	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moor Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
78	Environmental Health	25/10/2022	Mohammed Javaid Birmingham	Smallbrook & Balsall Heath East	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood

79	Environmental Health	25/10/2022	Wayne Kelly Birmingham	Yardley West & Stechford	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
80	Environmental Health	25/10/2022	Landi Li Birmingham	Nechells	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Hurst Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
81	Environmental Health	25/10/2022	Robert Michael Birmingham	Ladywood	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
82	Environmental Health	25/10/2022	Robert Mikel Chelmsley Wood	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
83	Environmental Health	25/10/2022	Andrew Mullen Birmingham	Gravelly Hill	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Cherry Street, Birmingham	£220	£85	£175	£305		Ladywood
84	Environmental Health	25/10/2022	Trung Nguyen Birmingham	Kingstanding	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
85	Environmental Health	25/10/2022	Chelsea Parks Birmingham	Kingstanding	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
86	Environmental Health	25/10/2022	Russell Pennant Birmingham	Aston	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220	£85	£175	£305		Ladywood
87	Environmental Health	25/10/2022	Rosemary Preston Birmingham	Bournbrook & Selly Park	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in High Street, Birmingham	£220	£85	£175	£305		Ladywood
88	Environmental Health	25/10/2022	Vitor Ramgi Wembley	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
89	Environmental Health	25/10/2022	Ali Rasehar London	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
90	Environmental Health	25/10/2022	John Stephen Nottingham	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in New Street, Birmingham	£220	£85	£175	£305		Ladywood
91	Environmental Health	25/10/2022	David Stratford Birmingham	Glebe Farm & Tile Cross	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220	£85	£175	£305		Ladywood
92	Environmental Health	25/10/2022	Sriruvan Thirunavukarasu Birmingham	Brandwood & Kings Heath	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
93	Environmental Health	25/10/2022	Maxine Thomas Birmingham	Nechells	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Corporation Street, Birmingham	£220	£85	£175	£305		Ladywood
94	Environmental Health	25/10/2022	Charlie Urbani Birmingham	Quinton	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Moor Street Queensway, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
95	Environmental Health	25/10/2022	Lee Walker-McCarley Bromyard	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in St Martins Walk, Birmingham	£220	£85	£175	£305		Ladywood

96	Environmental Health	25/10/2022	Annette Williams Birmingham	Sutton Walmley & Minworth	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette at the junction of Union Street and Corporation Street, Birmingham	£220	£85	£175	£305		Ladywood
97	Environmental Health	25/10/2022	Maheyod Yasmine Coventry	Out of area	Environmental Health Act 1990 Section 87 Found guilty in absence of one offence of dropping a cigarette in Edgbaston Street, Birmingham	£220	£85	£175	£305		Bordesley & Highgate
98	Licensing	10/10/2022	Kabir Hussain Birmingham	Bromford & Hodge Hill	Licensing Act 2003 Found guilty in his absence of five offences of advertising alcohol for sale at 885 Washwood Heath Road without a licence. Forfeiture and destruction of alcohol seized granted.	£660	£2,861	£2,861	£3,521		Ward End

SIMPLE CAUTIONS ADMINISTERED DURING SEPTEMBER AND OCTOBER 2022

ENVIRONMENTAL HEALTH

No simple cautions were administered during September 2022.

Two simple cautions were administered during October 2022.

Food Safety and Hygiene (England) Regulations 2013

Two cautions were issued for failing to comply with Food Hygiene Regulations

LICENSING

Six simple cautions were administered during September and October 2022.

Local Government (Miscellaneous Provisions) Act 1976

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

Local Government (Miscellaneous Provisions) Act 1976

Section 48(6) & 64(3) One caution was issued for failing to display a private hire vehicle licence plate and

TRADING STANDARDS

No simple cautions were administered during September and October 2022.

WASTE ENFORCEMENT

No simple cautions were administered during September and October 2022.

APPENDIX 4**WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY**

Waste Investigation Outcomes													
	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Total
Duty of care inspections into the waste disposal arrangements of commercial premises	192	47	56	39	30	48	29						441
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	147	43	35	31	24	39	25						344
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	6	17	11	11	17	16	20						98
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences (£80)		0	0	0	0	0	0						This section of the Act is enforced by EH. 0
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	14	12	7	11	9	2	6						61
Prosecutions													
Number of prosecution files submitted to legal services, (number produced quarterly.	2	2	0	4	3	2	3						16

APPENDIX 5

Monthly Parking Pcms Issued in Taxi Ranks	Processing
April 2022	198
May 2022	243
June 2022	264
July 2022	330
August 2022	249
September 2022	307
October 2022	364
November 2022	
December 2022	
January 2023	
February 2023	
March 2023	
TOTAL	1955